

## A RESOLUTION

No. \_\_\_\_\_

### **AUTHORIZING THE WATER DEPARTMENT TO INCREASE THE AMOUNT OF COMPENSATION TO BE PAID TO THE LAW FIRMS OF MARTEN LAW LLP AND LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C.**

**WHEREAS**, per- and polyfluoroalkyl substances (“PFAS”) are a class of man-made chemicals linked to negative health and environmental outcomes that have been discovered in the City of Fort Worth’s drinking water sources; and

**WHEREAS**, the U.S. Environmental Protection Agency promulgated rules regulating certain PFAS on April 8, 2024 under the Safe Drinking Water Act and on April 19, 2024, under the Comprehensive Environmental Response, Compensation, and Liability Act; and

**WHEREAS**, the City of Fort Worth has incurred or will be forced to incur significant costs to treat its drinking water for PFAS; and

**WHEREAS**, the City Council of the City of Fort Worth finds that it is in the public interest to continue to seek recovery for the costs of treating its drinking water for PFAS from certain manufacturers, distributors, and users of AFFF and/or PFAS responsible for contaminating the City’s drinking water sources; and

**WHEREAS**, the law firm of Marten Law LLP possess the required knowledge and expertise to assist the City with its claims and Lloyd Gosselink Rochelle & Townsend, P.C. has the requisite knowledge and expertise to act as local counsel; and

**WHEREAS**, on October 31, 2023, the City Council adopted M&C 23-0915 to retain the law firm of Marten Law LLP as outside counsel for legal matters relating to class action litigation related to aqueous film forming foam products in an amount not to exceed \$125,000; and

**WHEREAS**, on April 9, 2024, the City Council adopted M&C 24-0298 to retain the law firms of Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C. as outside counsel for legal matters relating to class action litigation related to aqueous film forming foam products in an amount not to exceed \$375,000.00; and

**WHEREAS**, to date, the cost of legal services by Marten Law LLP, as outside counsel to provide legal representation regarding class action litigation related to aqueous film forming foam products, has been approximately \$350,000.00; and

**WHEREAS**, the litigation against manufacturers, distributors, and users of AFFF and/or PFAS will be initiated within the year and it is estimated that an additional amount

of \$500,000.00 beyond the current authorized \$375,000.00 will be needed for the legal services necessary to initiate the litigation in state and/or federal court.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:**

1. The compensation authorized to be paid to the Law Firm of Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C. as outside counsel, to provide legal representation regarding any litigation against any applicable manufacturers, distributors, and/or users of AFFF and/or PFAS, is hereby increased from \$375,000.00 to \$875,000.00.

Adopted this \_\_ day of \_\_\_\_\_ 2024

**ATTEST:**

By: \_\_\_\_\_  
Jannette S. Goodall, City Secretary