

A RESOLUTION

No. _____

AUTHORIZING THE RETENTION OF THE LAW FIRMS OF MARTEN LAW LLP AND LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C. AS LEGAL COUNSEL FOR LITIGATION AGAINST MANUFACTURERS AND USERS OF AQUEOUS FILM-FORMING FOAM PRODUCTS AND AUTHORIZING THE WATER DEPARTMENT TO INCREASE THE AMOUNT TO BE PAID TO THE LAW FIRM OF MARTEN LAW LLP

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 has proposed to regulate certain PFAS under the Safe Drinking Water Act and 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, because of the complexity of the expected litigation and claims involved, the City Attorney recommends that the City retain outside legal counsel with the specialized knowledge and expertise necessary to initiate and sustain such litigation; 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, 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 \$150,000.00; 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 \$250,000.00 beyond the current authorized \$125,000.00 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 City is authorized to retain the law firms of Marten Law LLP and Lloyd Gosselink Rochelle & Townsend, P.C. as outside legal counsel pursuant to Chapter VI, § 3 of the City Charter, for legal services related to litigation against any applicable manufacturers, distributors, and/or users of AFFF and/or PFAS, as outside counsel, in coordination with the Fort Worth City Attorney's Office, deems appropriate.
2. 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 \$125,000.00 to \$350,000.00.

Adopted this __ day of _____ 2024

ATTEST:

By: _____
Jannette S. Goodall, City Secretary