

**RICHLAND HILLS CITY COUNCIL
SPECIAL MEETING
NOVEMBER 30, 2023
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor
GW Estep, Mayor Pro Tem (present via Zoom at 6:40 p.m.)
Douglas Knowlton, Place 1
Travis Malone, Place 2
Theresa Bledsoe, Place 3
Javier Alvarez, Place 4
Roland Goveas, Place 6

Council absent

Staff present

Candice Edmondson, City Manager
Lindsay Rawlinson, City Secretary
Bessie Bronstein, City Attorney

CITY COUNCIL SPECIAL MEETING – 6:00 P.M.

CALL TO ORDER

Mayor Lopez called the meeting to order at 6:00 p.m.

EXECUTIVE SESSION

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.
 - a. Section 551.071: Consultation with Attorney

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Goveas to adjourn into Executive Session at 6:01 p.m.

Motion carried by a vote of 6-0.

Mayor Lopez reconvened into open session at 6:35 p.m.

PRESENTATIONS**2A. Citizen Appearances/Public Comments**

None.

CONSENT AGENDA

3A. Approved an update to the Authorized Representatives at the Federal Reserve Bank for City deposits at JP Morgan Chase Bank, N.A.

3B. Approved Resolution 588-23, amending the authorized representatives for the Texas Local Government Investment Pool (TexPool)

3C. Approved Resolution 589-23, amending the authorized representatives for the Texas Short Term Asset Reserve Program (TexSTAR)

Motion: Motion was made by Councilmember Malone and seconded by Councilmember Knowlton to approve the consent agenda.

Motion carried by a vote of 6-0.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

4A. Approved Resolution 590-23, authorizing the City Manager to execute the necessary documents to either keep Richland Hills in the Per-and-Polyfluoroalkyl Substances (PFAS) class action lawsuits with 3M and DuPont

Mayor Pro Tem Estep joined the meeting via Zoom at 6:40 p.m.

City Manager Candice Edmondson introduced the item and advised that the agenda item is to allow the City Council to decide whether to remain in class action lawsuits against 3M and DuPont or to opt out of the class actions. Per- and Polyfluoroalkyl Substances ("PFAS") are a class of man-made chemicals that do not naturally break down and have been linked to negative health and environmental outcomes. PFAS have been used in nonstick cookware, water-repellent clothing, stain resistant fabrics and carpets, some cosmetics, firefighting foams, and products that resist grease, water, and oil since the 1940s. The U.S. Environmental Protection Agency has recently proposed to regulate certain PFAS under the Safe Drinking Water Act and Comprehensive Environmental Response, Compensation, and Liability Act. As a result, US public water systems have hundreds of lawsuits currently pending in the multi-district litigation court alleging contamination of their water supplies by PFAS manufacturers such as 3M Company ("3M") and DuPont de Nemours, Inc., and several associated companies (collectively, "DuPont"), which are or were predominant manufactures of PFAS.

There are currently two proposed class action settlement agreements between a nationwide class of public water systems and 3M and DuPont - *City of Camden, et al. v. 3M Company*, Case No. 2:23-cv-03147-RMG (D.S.C.), and *City of Camden, et al. v. E.I. DuPont de Nemours and Company, et al.*, No. 2:23-cv-03230-RMG (D.S.C.). As a public water system, the City of Richland Hills is a putative class member in both settlements unless the City files a request for exclusion, or “opts out” of the settlement class.

The City of Richland Hills both produces water from its five wells and purchases water from the City of Fort Worth. On November 15, 2023, the City of Fort Worth held a virtual meeting with its wholesale customers and informed them that Fort Worth intended to opt out of the settlement classes. Fort Worth has concerns about releasing any claims against 3M and DuPont related to PFAS found in the city’s drinking water supplies in return for an amount of money that staff believes would be inadequate to meet Fort Worth’s needs. Staff recommended that the Fort Worth City Council opt out of both settlement classes and seek alternative funding for PFAS treatment.

Ms. Edmondson advised of several considerations for Council to take under advisement to either remain in the settlement classes or to opt out of the settlement classes as well as mentioned what position the cities in the surrounding area have taken.

Discussion ensued regarding the benefits to the City to remain in the class action lawsuits.

Motion: Motion was made by Councilmember Goveas and seconded by Councilmember Knowlton to authorize the City Manager to execute any documents necessary to allow the City of Richland Hills to remain in the 3M and DuPont Class Action Settlements for drinking water contamination.

Motion carried by a vote of 7-0.

ADJOURNMENT

5. A motion was made by Councilmember Malone and seconded by Councilmember Knowlton to adjourn.

Motion carried by a vote of 7-0.

There being no further business to come before the City Council, Mayor Lopez declared the meeting adjourned at 6:44 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Edward Lopez, Mayor