

RESOLUTION NO. 24-064

RESOLUTION AUTHORIZING THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES "LEWES BPW" TO PARTICIPATE IN THE PROPOSED CLASS ACTION SETTLEMENTS WITH TYCO FIRE PRODUCTS LP, INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO THE ANSUL COMPANY AND CHEMGUARD, INC. (HEREINAFTER REFERRED TO AS "TYCO DEFENDANTS") AND BASF CORPORATION IN THE PUBLIC WATER SYSTEMS' PORTION OF THE MULTI-DISTRICT LITIGATION MATTER, IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCT LIABILITY LITIGATION, MDL 2:18-MN-2873-RMG, RELATING TO PFAS CONTAMINATION OF DRINKING WATER; AUTHORIZING THE GENERAL MANAGER TO COMPLETE ALL DOCUMENTATION AND EXECUTE ALL RELEASES AND AGREEMENTS NECESSARY TO PARTICIPATE IN THE SETTLEMENT WITH TYCO AND BASF CORPORATION IN THE WATER PROVIDERS' PORTION OF THE MDL; AND AUTHORIZING OUTSIDE COUNSEL TO CONTINUE TO PURSUE LITIGATION RELATED TO PFAS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 7, 2018, litigation involving the contamination of water and soil by Per- and Polyfluoroalkyl Substances manufactured by various entities was consolidated in the United States District Court of South Carolina as In Re: Aqueous Film-Forming Foams Product Liability Litigation, MDL 2:18-mn-2873-RMG, before the Honorable Richard M. Gergel; and

WHEREAS, settlements have been filed on behalf of manufacturers Tyco Defendants and BASF Corporation to compensate public water systems, including the Lewes BPW for the contamination and remediation of PFAS; and

NOW, THEREFORE, BE IT RESOLVED BY THE LEWES BPW, that this Board:

Section 1. Approves and incorporates the foregoing recital as if fully set forth herein.

Section 2. Authorizes the Lewes BPW to participate in the proposed Class Action Settlements with Tyco Defendants and BASF Corporation, in the Public Water Systems' portion of the Multidistrict litigation matter, In Re: Aqueous Film-Forming Foams Product Liability Litigation, MDL 2:18-mn-2873-RMG, relating to PFAS contamination of drinking water (hereinafter, the "MDL").

Section 3. Authorizes Outside Counsel to complete all documentation required to participate in the Tyco Defendants and BASF Corporation Settlements for the Public Water Systems' portion of the MDL, such as Claims Forms, and designates the General Manager to verify claims on behalf of Lewes BPW.

Section 4. Authorizes the General Manager to: (a) verify and approve documentation required to participate in the Tyco Defendants and BASF Corporation Settlements for the Public Water Systems' portion of the MDL, such as Claims Forms, that is completed as authorized in Section 3; and (b) execute all releases and agreements necessary to finalize settlements of the Public Water Systems' portion of the MDL with Tyco Defendants and BASF Corporation on behalf of the Lewes BPW.

Section 5. Authorizes Outside Counsel to: (a) continue litigating the Lewes BPW's claims against the defendants remaining in the Public Water Systems' portion of the MDL; and (b) continue pursuing litigation against any and all defendants, including Tyco Defendants and BASF Corporation, that may be liable for damages to the Lewes BPW that extend beyond the Lewes BPW's drinking water supply.

This resolution shall become effective on August 28th, 2024.

A handwritten signature in blue ink, appearing to be "D.P. E.", is centered on the page below the text.