



**SPECIAL CALLED MEETING
RIVERBEND WATER RESOURCES DISTRICT
PUBLIC NOTICE OF BOARD OF DIRECTORS' MEETING
MONDAY, DECEMBER 4, 2023
10:00 A.M.
228 TEXAS AVENUE, SUITE A, NEW BOSTON, TX 75570**

*Notice is hereby given pursuant to V.T.C.A., Government Code, Chapter 551, that the Board of Directors of the Riverbend Water Resources District will conduct a meeting; open to the public, on **Monday, December 4, 2023, at 10:00 a.m.**, at the Riverbend Water Resources District ("Riverbend") office, in the **Conference Room** located at **228 Texas Avenue, Suite A, New Boston, TX 75570.***

The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); discussing security personnel or devices (Section 551.076); or discussing economic development matters (Section 551.087). If the Board of Directors makes a determination to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.

A G E N D A

- I. **CALL TO ORDER & ROLL CALL**
- II. **INVOCATION & PLEDGE**
- III. **PUBLIC COMMENTS**

The Board of Directors allows individuals to speak to the Board. Prior to the meeting, speakers must sign in on the public comment sheet. The time limit is five (5) minutes per speaker. Subject to the provisions set forth under Section 551.007 of the Government Code.



IV. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

The Board of Directors will consider, discuss, and if appropriate, take action on the following item(s):

A. Discussion and possible action regarding approval of a resolution authorizing the Executive Director/CEO to submit a Request for Exclusion from a settlement agreement for a lawsuit pertaining to polyfluoroalkyl substances (PFAS) in drinking water.

This item pertains to the PFAS class action lawsuit settlement agreements for 3M and DuPont. The settlement agreement for 3M stands at \$10.5-\$12.5B and the settlement agreement with DuPont stands at \$1.185B. RWRD falls within the class affected by these settlements. The opt-out dates for DuPont is December 4th and for 3M it is December 11th. No action was taken at the November board meeting, however new information on the terms of the 3M settlement require further discussion and possible action by the Board.

Action item: Consider motion for approval of RESO 20231204-01 authorizing the Executive Director/CEO to submit a Request for Exclusion from a settlement agreement for a lawsuit pertaining to polyfluoroalkyl substances (PFAS) in drinking water.

V. REPORTS

A. Board Members

B. Executive Director/CEO

VI. EXECUTIVE SESSION

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VII. NEXT REGULAR MEETING

Riverbend Regular Meeting, January 25, 2023 at 12:00 p.m. at Riverbend Offices,
228 A Texas Avenue, New Boston, Texas 75570.

VIII. ADJOURNMENT

Kyle Dooley

Kyle Dooley, Executive Director/CEO
Riverbend Water Resources District

*Persons with disabilities who plan to attend the RWRD Board of Directors' meeting and who may need auxiliary aids or services are requested to contact the RWRD Administrative Offices at (903) 831-0091, as soon as possible. All reasonable efforts will be taken to make the appropriate arrangements.



RIVERBEND RESOLUTION NO. 20231204-01

AUTHORIZING THE EXECUTIVE DIRECTOR/CEO TO SUBMIT A REQUEST FOR EXCLUSION FROM THE SETTLEMENT AGREEMENT FOR THE LAWSUIT AGAINST 3M FOR MAUFACTURING, MARKETING, DISTRIBUTING AND SELLING PRODUCTS CONTAINING DANGEROUS PFAS SUBSTANCES

WHEREAS, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas; and

WHEREAS, In July 2023 a settlement agreement was finalized in a lawsuit against chemical companies, including The 3M Company (3M), for manufacturing, marketing, distributing, and selling products containing dangerous per-and polyfluoroalkyl substances (PFAS) which now pollute natural resources; and

WHEREAS, there are two classes of affected plaintiffs. Phase 1 qualifying members are the initial group of entities recognized under the settlement as potentially having been adversely affected by PFAS contamination attributable to 3M. Phase 2 qualifying members, which Riverbend falls into, are water providers that are required to test for PFAS pursuant to the Safe Drinking Water Act's (SDWA) Fifth Unregulated Contaminant Monitoring Rule UCMR-5 and serve drinking water to more than 3,300 people; and

WHEREAS, any Request for Exclusion must be properly served by the deadline imposed by the Court. That deadline is December 11, 2023. In seeking Preliminary Approval of this Settlement Agreement, the Class Representatives will ask the Court to set that deadline ninety (90) calendar days after the date the Notice is mailed. Any Eligible Claimant that has elected to opt out may withdraw its Request for Exclusion at any time prior to the Final Fairness Hearing (scheduled for February 2, 2024), and thereby accept all terms of this Settlement Agreement, including its Dismissal provisions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors authorizes the Executive Director/CEO to submit a Request for Exclusion for the lawsuit against 3M by the deadline of December 11, 2023. Further discussion to rescind the Request for Exclusion will be held at future board meetings.

PASSED and APPROVED this 4th day of December 2023

Steve Mayo, President



ATTEST:

Tina Veal Gooch, Secretary

