

**RESOLUTION NO. 2023-R-12 (AMENDED)**

**A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR  
TO PERFORM ALL ACTIONS NECESSARY TO ACCEPT A CLASS ACTION  
LAWSUIT PAYMENT OF \$17,414.03.**

**WHEREAS**, a Class Action was filed against Monsanto Company in the *United States District Court for the Central District of California, Case No.: 2:16-cv-03493-FMO-AS*, for claims related to the manufacture of a class of industrial chemicals called Polychlorinated Biphenyls ("PCBs") between the 1930s and 1977 and the Class Action stated various causes of action against Monsanto for alleged PCB-related impairments to the environment, including to water bodies, including in stormwater, stormwater and wastewater systems, water bodies, sediment, and other natural resources; and

**WHEREAS**, the Class Action has been settled and the City is a beneficiary of that settlement because it is within the class that is defined as:

“All NPDES (National Pollutant Discharge Elimination System) Phase I and II city, town, village, borough, township, and independent port district MS4 permittees with jurisdictional boundaries within a HUC 12 watershed that contains and/or is immediately adjoining a 303( d) water body impaired by PCBs and all NPDES Phase I and II county MS4 permittees with urbanized, unincorporated boundaries within a HUC 12 Watershed that contains and/or is immediately adjoining a 303( d) water body impaired by PCBs”; and

**WHEREAS**, as a Class Member, the City was eligible to receive a payment from the settlement and the City has now received that payment in accordance with the terms of the Settlement Agreement approved by the Court in this case; and

**WHEREAS**, the City of Mentor-on-the-Lake will be accepting these funds to be added to the general fund.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MENTOR-ON-THE-LAKE, COUNTY OF LAKE, AND STATE OF OHIO:**

**SECTION 1.** That the Council of the City of Mentor-on-the-Lake finds and determines that it is in the best interest of the City of Mentor-on-the-Lake to accept the settlement payment and authorizes the Administrative Director to accept the class action lawsuit funds.

**SECTION 2.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 3.** That this Resolution is hereby declared to be and is passed as an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake;

**WHEREFORE**, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

**ADOPTED:** May 23, 2023



**ROBERT JOHNSON**  
**PRESIDENT OF COUNCIL**

**ATTEST:** Joyce M. Dax  
**CLERK OF COUNCIL**



**DAVID R. EVA**  
**MAYOR**

**DATE:** 5/23/23