



## Filing Receipt

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**Control Number - 52226**

**ItemNumber - 10**

**DOCKET NO. 52226**

**PETITION BY OUTSIDE CITY** § **PUBLIC UTILITY COMMISSION**  
**RATEPAYERS APPEALING THE** §  
**WATER RATES ESTABLISHED BY** § **OF TEXAS**  
**THE CITY OF MELVIN** §

**CITY OF MELVIN’S MOTION TO DISMISS**

The City of Melvin (City) files this Motion to Dismiss the above-captioned proceeding pursuant to 16 T.A.C. § 22.181, and would show the following:

**I. Background**

On January 18, 2021, the City Council of the City of Melvin voted to raise water rates for ratepayers both inside and outside the city.

On June 10, 2021, a petition was filed by Outside City Ratepayers Appealing the Water Rates Established by the City of Melvin. On June 29, 2021, the City filed a motion requesting an extension of time to respond, which was granted on June 30, 2021.

On July 26, 2021, Staff filed its First Request of Information to the City.

On July 28, 2021, the City timely filed its Response to the Petition.

**II. Motion to Dismiss**

On August 2, 2021, the City rescinded the action taken on January 18, 2021 to increase the rates in question of the outside city ratepayers. *See Exhibit A*, August 2, 2021 City Council Action to Repeal Rates, and *Exhibit B*, August 9, 2021 approval of August 2, 2021 minutes. The City has committed to refunding the Outside Ratepayers the difference between the January 18, 2021 rate and the previous rate used by the City. *Id.* The Outside Ratepayers’ Appeal has therefore become moot. 16 T.A.C. § 22.181(d)(2). As such, the City respectfully requests that the above-captioned proceeding be dismissed.

**PRAYER**

For the reasons stated herein, the City of Melvin requests that this Motion be granted and that the City have no further obligations in this matter.

Respectfully submitted,

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BY: *Emily W. Rogers*  
Emily W. Rogers

**ATTORNEYS FOR THE CITY OF MELVIN**

**CERTIFICATE OF SERVICE**

I certify that this Response was provided to all parties of record via electronic mail or regular mail on August 11, 2021, in accordance with the Order Suspending Rules, issued in Project No 50664.

BY: *Emily W. Rogers*  
Emily W. Rogers

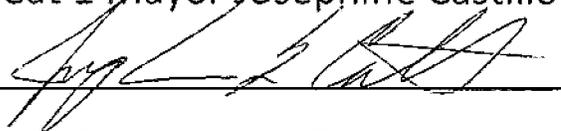
City of Melvin hereby repeals the action to adjust outside water rates, set in place January, 18 2021; and

City of Melvin plans to take measures to refund the difference between the old rate and the January 18, 2021 rate to affected outside customers.

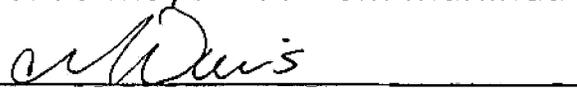
Be it ordained by the City Council of the City of Melvin:

### Approval through City of Melvin Council

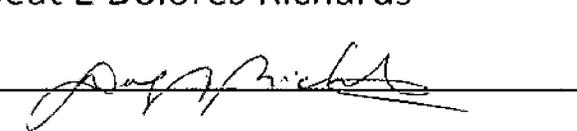
Seat 1 Mayor Josephine Castillo



Seat 5 Mayor Pro-Tem Marlinda Davis

 Yay  Nay

Seat 2 Dolores Richards

 Yay  Nay

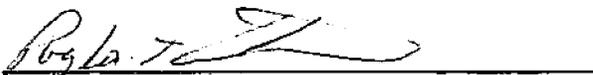
Seat 3 Marelina Brown

 Yay  Nay

Seat 4 Stanley Sparks

\_\_\_\_\_ Yay  Nay

Seat 6 Roger Canstanuela

 Yay  Nay

Date Vote Taken Place 8/2/2021

Final Decision

Approved 4 / Not Approved

City Council Meeting  
Monday August 9, 2021

Notice is hereby given that the governing body of the City of Melvin, Texas will meet on Monday 9 August 2021 at 6:30 for the meeting.

III. Discussion/Action Items:

- 1) Approve minutes from Special meeting held on 08/02/2021
- 2) Discuss proposed new billing method and fees. Approve or Not Approve moving forward with steps to be taken to Amend/Adopt New Billing Method and Rates.
- 3) Approve CSI inspections letters.
- 4) Discuss uses of Coronavirus State and Local Fiscal Recovery Funds.
- 5) Modify ordinance 314 (rates and fees) Sec 13B (3) & (9) Tampering or damage of City property to be fined, charged for labor and criminally reported.
- 6) Service Call fee for any non- emergency after scheduled hour calls.

IV. Executive Session:

551-074 Personal matters for employee body.

- i. Description of job duties.
- ii. What does the city reimburse?
- iii. Use of company vs. personal vehicle
- iv. 551-0745 Personal matters pertaining to governing body.

V. End of Executive Session:

Take action on any item needed from Executive Session

VI. Adjournment:

I the undersigned authority do hereby certify that the notice of the meeting was posted at the City Office and the U.S. Post Office in Melvin, Texas on or before Friday 6 August 2021 at 4pm. The body may go into executive session is authorized by the action of any posted agenda item. This building is wheelchair accessible. Any request for interpretive signing must be made (48) forth-eight hours prior to the scheduled meeting. To make arrangements please call 325-286-4222 and ask for Shelly, City Secretary.

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Mayor Josephine Castillo

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Shelly Weber, City Secretary

City Council Meeting

Minutes 2 Aug 2021

I. Commencement:

- Call to Order
- Pledge of Allegiance
- Invocation
- Roll Call—Stanley absent.
- Open Discussion

Gary—On 06/21/2021 we did a water hearing and per your ordinance 314 you are supposed to respond in writing to me your decision of that hearing. I haven't gotten any letter response.

Anna—Due to the petition and some of the situations and issues on the petition the mayor chose not to respond at that time pending litigation which is still pending so therefore, we are still not able to respond.

Gary—Would you please send me a letter saying you are not going to respond.

Anna—No sir, that is not what we said, we said it is pending.

Josie—We are talking to our lawyer so as soon as we can get everything we can respond.

Gary—My next issue which is in response to the backflow inspections proposed last month. Are you moving forward with that?

Anna—We are due to federal, local, and State law there are instances that the backflow inspection must be done and next Monday the 9<sup>th</sup> we will be happy to present you with all that information that we are gathering. We were going to address it today unfortunately more important circumstances came up legally. Therefore, that has been pushed back until next week.

Gary—Is there going to be a special meeting?

Josie—No it is our regular meeting.

Anna—That is the actual council meeting. Today is the special meeting pertaining to that and other circumstances. Monday we will have more definite answers for you to be able to see why.

Gary—Jason could not be here tonight her wanted me to ask, if you have given any consideration to splitting the non-profit... (Not sure what was said) separate.

Anna—That is pending on advice from the attorney's as well.

II. Discussion/Action Items

- 1) Open records request for other water systems

- |      |  |                          |             |
|------|--|--------------------------|-------------|
|      | Marlinda—Motion  | Dolores—2 <sup>nd</sup>  | All approve |
| 2)   | Letter for property management per ordinance 320-07<br>\$25.00 residential<br>\$250.00 + lawyer fees Commercial. |                          |             |
|      | Marelina—Motion  | Marlinda—2 <sup>nd</sup> | All approve |
|      | Dump trailer rental<br>\$25.00 a day<br>\$75.00 for 3 days   |                          |             |
|      | Roger—motion   | Dolores—2 <sup>nd</sup>  | All approve |
| 3)   | Letter for service agreement updates for our files.  |                          |             |
|      | Marlinda—motion  | Marelina—2 <sup>nd</sup> | All approve |
| 4)   | Dead bolt with installation for City office door.  |                          |             |
|      | Roger—motion   | Marelina—2 <sup>nd</sup> | All approve |
| 5)   | Repeal outside rates set in place January 18 <sup>th</sup> , 2021.   |                          |             |
|      | Marlinda—motion  | Marelina—2 <sup>nd</sup> | All approve |
| 6)   | Engagement letter agreement with City of Melvin attorney.  |                          |             |
|      | Marlinda—motion  | Marelina—2 <sup>nd</sup> | All approve |
| III. | Executive Session @ 7:36 pm  |                          |             |
|      | Marelina—motion  | Roger—2 <sup>nd</sup>    | All approve |
| IV.  | End Executive Session @ 8:07pm   |                          |             |
|      | Roger—motion   | Marelina—2 <sup>nd</sup> | All approve |
| V.   | Adjournment: 8:08 pm   |                          |             |
|      | Marelina—motion  | Roger—2 <sup>nd</sup>    | All approve |

*Marlinda Brown*

*yes*

*Duff Riley*

*yes*

*W. Davis*

*yes*

*Rob T. [unclear]*

*yes*

*Stanley Sparks*

*absent 8/2*

*John [unclear]*

*8/9/2021*