

**SPECIAL CALLED CITY COUNCIL MEETING  
October 26, 2017**

MINUTES OF THE SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **OCTOBER 26, 2017** AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

**PRESENT:**

C. R. Evans Jr., Mayor  
Jerry Clark  
Lawrence Davis  
John Posey  
Michael Paul Williams

**ABSENT:**

Philip Cox, Mayor Pro Tem

Also in attendance were Clyde Carter, Interim City Manager/Police Chief, Wendy Bates, City Comptroller, and Rachél Gafford, City Secretary representing staff.

**I. CALL TO ORDER** – Mayor Evans called the meeting to order at 7:00 pm

1. Invocation was given by *Councilman Davis*.
2. Pledge of Allegiance was led by *Interim City Manager Carter*.

**II. CITIZEN FORUM** – No one spoke.

**III. CONSENT AGENDA**

*Mayor Evans introduced the Consent Agenda items*

1. City Council to review, make possible corrections and approve minutes from a Regular Called Meeting of the City Council October 19, 2017.

**Councilman Davis made a motion to approve the minutes as submitted.**

**Councilman Posey seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried 4 – 0 – 0; Mayor Pro Tem Cox absent.**

**IV. BUSINESS**

**The following item was postponed from the October 19, 2017 Regular Called Meeting until the October 26, 2017 Special Called Meeting. Council requested staff obtain additional information to assist Council in making a decision on this item:**

1. City Council to review, consider and take action regarding **RESOLUTION NO. 2017-10-19F**, a Resolution by the City of Overton, Texas (“City”) authorizing the city to participate as part of The Cities Advocating Reasonable Deregulation (“CARD”) in proceedings related to Southwestern Electric Power Company’s (“SWEPCO”) application to reconcile fuel costs submitted on or about August 28, 2017; authorizing

the hiring of attorneys and consultants; directing the activities of lawyers and consultants regarding SWEPCO's application; requiring reimbursement of reasonable legal and consultant expenses; finding that the meeting complies with the Open Meetings Act; and making other findings and provisions related to the subject.

*City Comptroller Bates presented the answers from the CARD attorney regarding staff's questions. Council reviewed and discussed the information.*

**Councilman Posey made a motion to approve Resolution No. 2017-10-19F as submitted.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion; there was no further discussion.**

**Mayor Evans called for a vote.**

**Motion carried 4 – 0 – 0; Mayor Pro Tem Cox absent.**

2. City Council to review, discuss and confirm effective date of salary stipend for Interim City Manager / Police Chief Clyde Carter.

*City Comptroller Bates presented the Personnel Action Form (PAF) for Chief Carter to verify the intended effective date for his Interim City Manager stipend. The effective date listed on the PAF is 10/14/17 which is the day after former City Manager Charles Cunningham's last day. Council did not take action on the Interim City Manager stipend until 10/19/17 so staff wanted to clarify if the correct effective date was listed on the PAF.*

**Councilman Posey made a motion to stating the effective date for the Interim City Manager stipend is 10/14/17.**

**Councilman Davis seconded the motion.**

**Mayor Evans called for discussion; there was no further discussion.**

**Mayor Evans called for a vote.**

**Motion carried 4 – 0 – 0; Mayor Pro Tem Cox absent.**

## V. ADJOURNMENT

**Councilman Davis made a motion to adjourn.**

**Councilman Williams seconded the motion.**

**Mayor Evans called for a vote.**

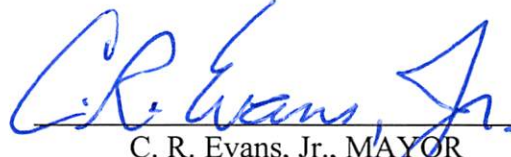
**Motion carried 4 – 0 – 0; Mayor Pro Tem Cox absent.**

With no further business, the meeting was adjourned at 7:17 PM.

Minutes submitted, approved and/or corrected this 16th day of November, 2017.



CITY OF OVERTON

  
C. R. Evans, Jr., MAYOR

ATTEST:

  
Rachél Gafford, CITY SECRETARY

Attachments:

A. Res No. 2017-10-19 F

## ATTACHMENT A

City of Overton, Texas

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### **RESOLUTION NO. 2017-10-19F**

**RESOLUTION BY THE CITY OF OVERTON, TEXAS ("CITY") AUTHORIZING THE CITY TO PARTICIPATE AS PART OF THE CITIES ADVOCATING REASONABLE DEREGULATION ("CARD") IN PROCEEDINGS RELATED TO SOUTHWESTERN ELECTRIC POWER COMPANY'S ("SWEPCO") APPLICATION TO RECONCILE FUEL COSTS SUBMITTED ON OR ABOUT AUGUST 28, 2017; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; DIRECTING THE ACTIVITIES OF LAWYERS AND CONSULTANTS REGARDING SWEPCO'S APPLICATION; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT**

**WHEREAS**, Southwestern Electric Power Company ("SWEPCO" or "Company") filed an Application to reconcile fuel costs on or about August 28, 2017; and

**WHEREAS**, SWEPCO's proposal asserts it has collected \$4,384,730 more in fuel charges than it incurred in fuel expenses; and

**WHEREAS**, pursuant to the Public Utility Regulatory Act ("PURA") § 33.025 the City has standing in each case before the Public Utility Commission of Texas (the "Commission") that relates to an electric utility providing service in the municipality; and

**WHEREAS**, the City has the authority under PURA § 33.023 to participate in ratemaking proceedings and engage consultants and attorneys to advise and represent the City and assist in litigation before a regulatory authority, or a court; and

**WHEREAS**, the electric utility in a ratemaking proceeding shall reimburse the City for the reasonable cost of the services of a person engaged under PURA § 33.023(a) to the extent the applicable regulatory authority determines is reasonable; and

**WHEREAS**, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating SWEPCO's fuel reconciliation request it is prudent to coordinate the City's efforts with a coalition of similarly situated municipalities; and

City of Overton, Texas

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**WHEREAS**, the City, in matters regarding applications by SWEPCO to change rates, has in the past joined with other local regulatory authorities to form Cities Advocating Reasonable Deregulation (“CARD”) and hereby continues its participation in CARD; and

**WHEREAS**, the City will need to review and evaluate SWEPCO’s fuel reconciliation request to exercise its due diligence with regard to SWEPCO’s application.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT:**

**SECTION 1.** The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

**SECTION 2.** The City continues its participation with other cities in a coalition of cities known as Cities Advocating Reasonable Deregulation (“CARD”) with the understanding that the Steering Committee of CARD is to provide direction and guidance to Special Counsel representing said cities.

**SECTION 3.** The City authorizes participation and intervention in proceedings at the Public Utility Commission related to SWEPCO’s fuel-reconciliation case, as well as appeals taken, if any, from the Commission’s decision

**SECTION 4.** The City employs Herrera & Boyle, PLLC as Special Counsel to represent the City with regard to SWEPCO’s requested fuel reconciliation and related proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of SWEPCO’s fuel application.

**SECTION 5.** The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to SWEPCO for reimbursement.

**SECTION 6.** SWEPCO shall reimburse the City on a monthly basis, through CARD’s coordinating city, the City of Overton, Texas, for the reasonable costs of attorneys and consultants and expenses related thereto, upon the presentation of invoices reviewed by the City of Overton.

City of Overton, Texas

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**SECTION 7.** A copy of this resolution shall be sent to Ms. Jennifer J. Frederick, Regulatory Case Manager, American Electric Power Services Corporation – SWEPCO, 400 West 15<sup>th</sup> Street, Suite 1520, Austin, Texas 78701; and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 950, Austin, Texas 78701.

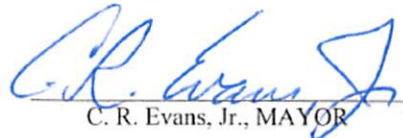
**SECTION 8.** The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**SECTION 9.** This resolution shall become effective from and after its passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Overton, Texas  
ON THE 26<sup>th</sup> DAY OF OCTOBER, 2017.



CITY OF OVERTON

  
C. R. Evans, Jr., MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
Rachel Gafford, CITY SECRETARY

  
Blake Thompson, CITY ATTORNEY