

BE IT REMEMBERED that a Special Meeting of the City Council of Jackson, Mississippi, was called by a majority of the City Council Members and notices having been placed by the City Clerk 9:30 a.m. on Wednesday, December 2, 2020, in the Clerk of Council's Office, electronic notifications to all Council Members', on the City's website and on the public bulletin board in City Hall, relative to: (1) Order temporarily suspending sections of the Jackson City Council's regular meeting agenda concerning public comments and the proclamations, special presentations, commendations, and resolutions honoring individuals, businesses, groups or organizations. The meeting was convened in the Council Chambers located at 219 S. President Street at 10:00 a.m. on Thursday, December 3, 2020 being the first Thursday of said month, when and where the following things were had and done to wit:

Present: Council Members: Aaron Banks, Council President, Ward 6; Charles Tillman, Vice-President Ward 5; De'Keither Stamps, (via teleconference), Ward 4 and Virgi Lindsay, Ward 7. Directors: Mayor Chokwe Antar Lumumba, Mayor; Shanekia Mosley-Jordan, Clerk of the Council; John W. Carroll, Sr., Chief Deputy Clerk of Council and Monica Allen, Special Assistant to the City Attorney (via teleconference).

Absent: Ashby Foote, Ward 1 and Kenneth Stokes, Ward 3.

The meeting was called to order by **President Aaron Banks**.

ORDER TEMPORARILY SUSPENDING SECTIONS OF THE JACKSON CITY COUNCIL'S REGULAR MEETING AGENDA CONCERNING PUBLIC COMMENTS AND THE PROCLAMATIONS, SPECIAL PRESENTATIONS, COMMENDATIONS, AND RESOLUTIONS HONORING INDIVIDUALS, BUSINESSES, GROUPS OR ORGANIZATIONS, AND SETTING CAPACITY LIMITATIONS FOR COUNCIL CHAMBERS.

WHEREAS, the Jackson City Council adopted an ordinance which governs the order of its business, which is codified at Section 2-64 of the City of Jackson Code of Ordinances; and

WHEREAS, the Jackson City Council also adopted an ordinance which governs public comments, which is codified at Section 2-71 (c) of the City of Jackson Code of Ordinance; and

WHEREAS, both the Mississippi Department of Health, and the United States White House have urged that certain emergency measures be implemented in the wake of the COVID-19 spread; and

WHEREAS, the emergency measures recommended include, but are not limited to, social distancing; and

WHEREAS, the Jackson City Council recognizes that part of ordinances codified at Section 2-64 and Section 2-71 (c) of the City of Jackson Code of Ordinances are not compatible with the implementation of the recommended measures; and

WHEREAS, in *Gannett River States Pub. Corp., Inc. v. City of Jackson*, the Mississippi Supreme Court opined that a municipality is not required to allow public comment (*See 866 So. 2d 462, 469 (Miss. 2004)*); and

WHEREAS, the Jackson City Council desires to strike a balance between carrying on the public's business while minimizing risk and exposure to COVID-19 for all.

NOW THEREFORE, IT IS HEREBY ORDERED that public comments, proclamations, special presentations, commendations, and resolutions honoring individuals, businesses, groups, or organizations shall be *temporarily suspended* from the Council's order of business on the agenda until further action of the Council.

IT IS FURTHER ORDERED that capacity limitations for Council Chambers during any meeting and/or hearing of any kind is limited to a total of ten (10) City officials and /or City employees only.

IT IS FURTHER ORDERED that the provisions of this order shall remain effective until passage of an order eliminating the suspension.

IT IS FINALLY ORDERED, that the provisions of this order shall become effective immediately upon passage so that the public health, safety, and welfare is not jeopardize by the spread of COVID-19.

Council Member Lindsay moved adoption; **Council Member Tillman** seconded.

President Banks after a thorough discussion recognized **Monica Allen**, City Attorney's Office, who offered an amendment changing the '**NOW THEREFORE, IT IS HEREBY ORDERED**' paragraph to read "(that in person public comments)" instead of "(that public comments)".

Council Member Stamps moved, **Council Member Lindsay** seconded, to amend the order to revise the '**NOW THEREFORE, IT IS HEREBY ORDERED**' paragraph to read "in person public comments" instead of "public comments". The motion prevailed by the following vote:

Yeas – Banks, Lindsay, Stamps and Tillman.

Nays – None.

Absent – Foote and Stokes.

* * * * *

Thereafter, **President Banks** called for a vote on said Order, as amended:

ORDER TEMPORARILY SUSPENDING SECTIONS OF THE JACKSON CITY COUNCIL'S REGULAR MEETING AGENDA CONCERNING PUBLIC COMMENTS AND THE PROCLAMATIONS, SPECIAL PRESENTATIONS, COMMENDATIONS, AND RESOLUTIONS HONORING INDIVIDUALS, BUSINESSES, GROUPS OR ORGANIZATIONS, AND SETTING CAPACITY LIMITATIONS FOR COUNCIL CHAMBERS.

WHEREAS, the Jackson City Council adopted an ordinance which governs the order of its business, which is codified at Section 2-64 of the City of Jackson Code of Ordinances; and

WHEREAS, the Jackson City Council also adopted an ordinance which governs public comments, which is codified at Section 2-71 (c) of the City of Jackson Code of Ordinance; and

WHEREAS, both the Mississippi Department of Health, and the United States White House have urged that certain emergency measures be implemented in the wake of the COVID-19 spread; and

WHEREAS, the emergency measures recommended include, but are not limited to, social distancing; and

WHEREAS, the Jackson City Council recognizes that part of ordinances codified at Section 2-64 and Section 2-71 (c) of the City of Jackson Code of Ordinances are not compatible with the implementation of the recommended measures; and

WHEREAS, in *Gannett River States Pub. Corp., Inc. v. City of Jackson*, the Mississippi Supreme Court opined that a municipality is not required to allow public comment (*See 866 So. 2d 462, 469* (Miss. 2004)); and

WHEREAS, the Jackson City Council desires to strike a balance between carrying on the public's business while minimizing risk and exposure to COVID-19 for all.

NOW THEREFORE, IT IS HEREBY ORDERED that in person public comments, proclamations, special presentations, commendations, and resolutions honoring individuals, businesses, groups, or organizations shall be *temporarily suspended* from the Council's order of business on the agenda until further action of the Council.

IT IS FURTHER ORDERED that capacity limitations for Council Chambers during any meeting and/or hearing of any kind is limited to a total of ten (10) City officials and /or City employees only.

IT IS FURTHER ORDERED that the provisions of this order shall remain effective until passage of an order eliminating the suspension.

IT IS FINALLY ORDERED that the provisions of this order shall become effective immediately upon passage so that the public health, safety, and welfare is not jeopardize by the spread of COVID-19.

Yeas – Banks, Lindsay, Stamps and Tillman.

Nays – None.


Absent – Foote and Stamps.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Council meeting at 10:00 a.m. on December 8, 2020. At 10:44 a.m., the Council stood adjourned.

PREPARED BY:


CLERK OF COUNCIL

APPROVED:

 1/21/2021
MAYOR MDA DATE

ATTEST:


CITY CLERK
