



MAYORAL PROCLAMATION OF LOCAL EMERGENCY CITY OF JACKSON, MISSISSIPPI

WHEREAS, Section 33-15-17 (d) of the Mississippi Code of 1972, as amended, authorizes the Mayor of a municipality to proclaim the existence of a local emergency as defined in Section 33-15-5 of the Mississippi Code of 1972, as amended; and

WHEREAS, Section 33-15-5 (h) defines an emergency as “any occurrence, or threat thereof, whether natural, technological, or man-made, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to loss of property; and

WHEREAS, Section 33-15-5 (g) defines a local emergency as “the duly proclaimed existence of conditions of disaster or extreme peril to the safety of person and property within the territorial limits of a...municipality caused by such conditions as...water pollution...or other natural or man-made conditions....; and

WHEREAS, the City’s contract for the collection of residential solid waste expires on September 30, 2021; and

WHEREAS, the City has attempted to procure a new contract through the process required under Section 31-7-13 (r) of the Mississippi Code of 1972, as amended, by advertising a Request for Proposals; and

WHEREAS, the City Council failed to approve an agreement with the proposer recommended by the evaluation committee that reviewed the proposals; and

WHEREAS, the Mayor attempted to negotiate in good faith with the two remaining proposer, but was advised by one of the proposer that it could not meet the requirements of the Request for Proposals beginning October 1, 2021 and, with respect to the other remaining proposer, could not agree to terms for a contract; and

WHEREAS, beginning October 1, 2021, the City will have no means by which to collect garbage from residences throughout the City, which garbage, if uncollected for the period of time that will be required to conduct a new procurement in accordance with Section 31-7-13 (r), will throughout the City create a risk of disease and cause unsanitary conditions contrary to the public health; and

WHEREAS, the failure to collect garbage and properly dispose of it at a permitted landfill will result in putrid, rotting food and other deleterious contaminants flowing into the

City's municipal separate storm sewer system, which will cause water pollution to local creeks, streams, and waterways, including, but not limited to the Pearl River and Bogue Chitto Creek; and

WHEREAS, the failure to fulfill its statutory duty to properly collect and dispose of residential solid waste will expose the City to the risk of civil penalties at the rate of up to \$25,000 each day residential solid waste remains uncollected and to other legal action by the Mississippi Department of Environmental Quality; and

WHEREAS, pursuant to Section 33-15-17 (b), the City "is authorized to exercise the powers vested under [Section 33-15-1, *et seq.*] in light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations...and the expenditure of public funds..." and

WHEREAS, in order to combat the dangers to the public health that will arise if residential garbage remains uncollected for six months or longer, while the City attempts to procure a contract for the collection of residential solid waste in accordance with Section 31-7-13 (r), the City intends to contract for the collection of residential solid waste beginning on October 1, 2021 continuing until such time as a new contract is legally procured.

NOW, THEREFORE, I, Chokwe Antar Lumumba, Mayor of the City of Jackson, Mississippi, pursuant to the authority vested in me by Section 33-15-17 (d) of the Mississippi Code of 1972, as amended, and in the public interest and for the general welfare of the City of Jackson, do hereby declare a **local emergency** for the City of Jackson.

IT IS ORDERED that the Emergency Operations Center of the City of Jackson, Mississippi, place into effect the City of Jackson's Emergency Management Operations Plan.

IT IS FURTHER ORDERED that all agencies and departments of the City of Jackson, Mississippi, shall render all possible assistance and discharge their emergency responsibilities and provide full cooperation with this Proclamation of Local Emergency. Such assistance and cooperation shall be carried out only to the extent possible, and consistent with any additional orders related to the eminent failure of garbage collection issued subsequent to this Proclamation.

IT IS FURTHER ORDERED that this Proclamation shall be (1) promptly filed with the City Clerk; (2) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; and (3) distributed to others as necessary to ensure proper implementation of this Proclamation of Local Emergency.

IT IS FINALLY ORDERED that this Proclamation of Local Emergency is effective immediately, until such time as the next regular meeting of the City Council or a special meeting legally called to review and approve or disapprove the need for continuing this local emergency.

WITNESS MY HAND, on this 17 day of September, 2021 at 11:35 am/pm.



**CHOKWE A. LUMUMBA, MAYOR
CITY OF JACKSON, MISSISSIPPI**

ATTEST:



CITY CLERK