

**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 Clerk of Council at 9:37 a.m. on Monday, September 20, 2021 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) Discussion: Garbage Collection. (2) Order of the City Council of Jackson, Mississippi authorizing the Mayor to execute a contract and related documents to provide solid waste collection and hauling services for a six (6) year term commencing October 1, 2021 with four (4) one (1) year mutual extension options pursuant to the current RFP process for solid waste collection and valid Mississippi law before September 30, 2021, prior to expiration of the current solid waste collection contract. (3) Discussion: Potential Litigation. The meeting was convened in the Council Chambers located at 219 S. President Street at 10:30 a.m. on Tuesday, September 21, 2021 being the third Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Virgi Lindsay, Council President, Ward 7; Angelique Lee, Vice-President, Ward 2; Ashby Foote, Ward 1; Kenneth Stokes, Ward 3 (via teleconference); Brian Grizzell, Ward 4 (via teleconference); Vernon Hartley, Ward 5 and Aaron Banks, Ward 6. Directors: Chokwe Antar Lumumba, Mayor; Safiya Omari, Chief of Staff; Shanekia Mosley-Jordan, Clerk of the Council; Constance White, Chief Deputy Clerk of Council and Monica Allen, Interim City Attorney.

Absent: None.

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The meeting was called to order by **President Virgi Lindsay**.

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There came on for Discussion, Agenda Item No. 1:

**DISCUSSION: GARBAGE COLLECTION: President Lindsay** recognized **Mayor Chokwe Lumumba**, who provided a brief update regarding garbage collection contract.

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**President Lindsay** stated that there were items needed to be discussed in Executive Session regarding "Litigation Matters".

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**Council Member Banks** moved, seconded by **Council Member Hartley** to go into Closed Session to discuss Agenda Items No. 2 and 3. The motion prevailed by the following vote:

Yeas – Foote, Lee, Stokes, Grizzell, Hartley, Banks and Lindsay.

Nays – None.

Absent – None.

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**President Lindsay** announced to the public that the Council voted to go into Closed Session to discuss going into Executive Session regarding "Litigation Matters" to discuss Agenda Items No. 2 and 3.

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**Note: Council Member Stokes** left the meeting.

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During Closed Session, **Council Member Hartley** moved, seconded by **Council Member Banks** to go into Executive Session to discuss litigation matters. The motion prevailed by the following vote:

Yeas – Foote, Lee, Grizzell, Hartley, Banks and Lindsay.  
Nays – None.  
Absent – Stokes.

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**Note:** **Council Member Stokes** returned to the meeting during the discussion.

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**Vice President Lee** moved, seconded by **Council Member Hartley**, to come out of Executive Session. The motion prevailed by the following vote:

Yeas – Foote, Lee, Stokes, Grizzell, Hartley, Banks and Lindsay.  
Nays – None.  
Absent – None.

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**President Lindsay** announced to the public that the Council voted to come out of Executive Session and action was taken.

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During Executive Session, the Council took action on Agenda Item No. 2:

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND RELATED DOCUMENTS TO PROVIDE SOLID WASTE COLLECTION AND HAULING SERVICES FOR A SIX (6) YEAR TERM COMMENCING OCTOBER 1, 2021 WITH FOUR (4) ONE (1) YEAR MUTUAL EXTENSION OPTIONS PURSUANT TO THE CURRENT RFP PROCESS FOR SOLID WASTE COLLECTION AND VALID MISSISSIPPI LAW BEFORE SEPTEMBER 30, 2021, PRIOR TO EXPIRATION OF THE CURRENT SOLID WASTE COLLECTION CONTRACT.**

**WHEREAS**, the City Council of Jackson Mississippi, firmly believes in its responsibility to protect the financial position of the city from lawsuits and/or fines, regarding non-compliance with state procurement and request for proposal (RFP) laws that govern municipalities in the State of Mississippi; and

**WHEREAS**, the City Council of Jackson, Mississippi, believes that it is the intent of the administration to allow an interruption in solid waste collection services for the purpose of declaring an emergency to abate the State of Mississippi’s procurement and RFP law process that governs municipalities; and

**WHEREAS**, due to the extreme nature of intentionally causing an interruption in services, the city council invokes its right as the governing authority of this city “to pass an ordinance, resolution or order providing that the municipality will enter into a contract for a specific purpose, the mayor must take appropriate action to comply with such an action...” MS AG Op. Lawrence (October 12, 2007); and

**WHEREAS**, the City Council of Jackson, Mississippi, the governing authority and legislative body of the City of Jackson, firmly believes that failure to negotiate with one or more of the proposers according to the terms of the RFP, forces the governing authority to forgo its responsibility to uphold state law and protect the city of Jackson from an environmental emergency. Thereby, placing the City of Jackson at risk of facing fines in accordance to Miss. Code 17 -17-29; and

WHEREAS, the City Council of Jackson has determined that it is in the best interest of the city to authorize the mayor to execute a contract with one or more of the request for proposal (RFP) respondents to provide the required service of collection of garbage; and

WHEREAS, in the case of Home Base Litter Control, LLC, Appellant v. Claiborne County, Mississippi, Appellee, of June 16, 2015, the court of Appeals, Roberts, J. held that 2. County could not be estopped from taking position contrary to request for proposal (RFP); and

WHEREAS, the City Council of Jackson Mississippi realizes the importance of identifying a vendor to provide solid waste collection services before October 1, 2021 and understands that not doing so threatens the health, safety, and well-being of the citizens of Jackson.

BE IT HEREBY RESOLVED that the City Council of Jackson Mississippi hereby authorizes the Mayor to execute a contract and related documents to provide solid waste collection and hauling services for a six (6) year term commencing October 1, 2021 with four (4) one (1) year mutual extension options pursuant to the current RFP process for solid waste collection and valid Mississippi law before September 30, 2021.

Vice President Lee moved adoption; Council Member Banks seconded.

Yeas – Lindsay, Banks, Foote, Hartley and Stokes.  
Nay – Lee and Grizzell.  
Absent – None.

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There were no reports/announcements provided during the meeting.

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the Special Council Meeting at 1:00 p.m. on September 22, 2021. At 12:03 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Masley-Banks  
CLERK OF COUNCIL

APPROVED:

Charles L. ..., 11/24/2021  
MAYOR DATE

ATTEST:

Angela Harris  
CITY CLERK

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