



REVISED

**EMERGENCY SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JACKSON, MISSISSIPPI**

September 30, 2021

AGENDA

11:30 AM

CALL TO ORDER BY THE PRESIDENT

REGULAR AGENDA

- 1. ORDER TO APPROVE RESOLUTION OF PENDING LITIGATION.**
- 2. ORDER RESCINDING PROCLAMATION OF LOCAL EMERGENCY FOR JACKSON, MISSISSIPPI BY JACKSON CITY COUNCIL.**

ANNOUNCEMENTS

ADJOURNMENT

ORDER TO APPROVE RESOLUTION OF PENDING LITIGATION

WHEREAS, the Jackson City Council filed an Emergency Complaint for Declaratory Judgment in Hinds County Chancery Court to determine its rights to proceed under a Proclamation of Local Emergency that was approved on September 27, 2021. That litigation is captioned *City Council of Jackson, Mississippi v. Chokwe A. Lumumba, Mayor of Jackson, Mississippi, et al.*, Civil Action No. G2021-1229 G/2;

WHEREAS, the Jackson City Council and Mayor have decided to resolve that litigation, subject to certain agreements and understandings, which are set forth:

1. The City Council acknowledges the respective duties and obligations of the Mayor and City Council with regard to the evaluation and negotiation of responses to a Request for Proposal for provision of solid waste collection and hauling services to the City of Jackson;

2. The City Council agrees to dismiss the pending litigation with prejudice, without a ruling on the merits, to resolve the pending litigation only;

3. The City Council agrees to rescind its September 27, 2021 Proclamation, subject to the Mayor issuing a Proclamation of Local Emergency regarding solid waste collection and hauling services after September 30, 2021;

4. The City Council acknowledges that at the time the Mayor issued his September 17, 2021 Emergency Proclamation, there was no offer for a contract term of less than six years from Waste Management of Mississippi, Inc.; and

5. The Mayor and Waste Management of Mississippi, Inc. have agreed in principal to an emergency agreement to provide solid waste collection and hauling services to the City of Jackson for a six-month period, beginning October 1, 2021;

WHEREAS, resolution of the pending litigation is in the best interest of the citizens of the City of Jackson, Mississippi.

NOW, THEREFORE, the City Council of Jackson, Mississippi, authorizes the resolution of the pending litigation, subject to the agreements and understandings between the Mayor and City Council set forth herein.

IT IS FURTHER ORDERED that this Order is effective immediately.

WITNESS MY HAND, on this ___ day of September, 2021, at _____am/pm.

**VIRGI LINDSAY, PRESIDENT
CITY COUNCIL OF JACKSON, MISSISSIPPI**

ATTEST:

CITY CLERK

ORDER RESCINDING THE PROCLAMATION OF LOCAL EMERGENCY FOR JACKSON, MISSISSIPPI BY JACKSON CITY COUNCIL.

WHEREAS, On September 27, 2021 the City Council of Jackson, Mississippi declared a local emergency based on the September 30, 2021 expiration date of the City of Jackson’s contract with Waste Management of Mississippi, Inc. for solid waste collection and hauling services; and

WHEREAS, the City Council of Jackson Mississippi firmly believes in its responsibility to protect the financial position of the city, maintain compliance with state laws governing municipalities in the State of Mississippi, and fully acknowledges the urgency of performing its legislative duty as it pertains to ensuring that services are provided to the citizens of Jackson, Mississippi; and

WHEREAS, the governing authorities issued a local emergency based on Section 33-15-17 (d) of the Mississippi Code of 1972, as amended, authorizing 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 (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 Jackson City Council understands the Mayor will issues a Proclamation of local emergency regarding solid waste collection and hauling services after September 30, 2021, and the City Council understand the Mayor and Waste Management of Mississippi, Inc. have agreed in principal to an emergency agreement to provide solid waste collection and hauling services to the City of Jackson for a six-month period, beginning October 1, 2021.

IT IS THEREFORE ORDERED that the City Council rescinds its proclamation of local emergency for Jackson, Mississippi.