

BE IT REMEMBERED that an Emergency 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 10:30 p.m. on Thursday, September 30, 2021 in the Clerk'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 to approve resolution of pending litigation. (2) Order rescinding proclamation of local emergency for Jackson, Mississippi by Jackson City Council. The meeting was convened in the Council Chambers located at 219 S. President Street at 11:30 a.m. on Thursday, September 30, 2021 being the fifth Thursday 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, Council Vice President, Ward 2; Ashby Foote, Ward 1; Kenneth I. Stokes, Ward 3 (Teleconference); Brian C. Grizzell, Ward 4 (Teleconference); Vernon Hartley, Ward 5 and Aaron Banks, Ward 6. Directors: Chokwe Antar Lumumba, Mayor; Dr. Safiya Omari, Chief of Staff; Constance White, and Chief Deputy Clerk of the Council.

Absent: None.

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

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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; and

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; and
2. The City Council agrees to dismiss the pending litigation with prejudice, without a ruling on the merits, to resolve the pending litigation only; and
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; and
4. The City Council acknowledges the Mayor and Waste Management of Mississippi, Inc. had no conversations regarding solid waste collection and hauling services on an emergency basis at the time the Mayor declared a local state of emergency on September 17, 2021; 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; and

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 30th day of September, 2021 at 11:30 a.m.

Council Member Banks moved adoption; **Council President Lindsay** seconded.

President Lindsay stated that there were items that needed to be discussed in Executive Session regarding “Pending Litigation”.

Council Member Banks moved, seconded by **Council Member Hartley** to go into Closed Session to discuss Agenda Items No. 1. The motion prevailed by the following vote:

Yeas – Banks, Foote, Grizzell, Hartley, Lee, Lindsay and Stokes.
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 “Pending Litigation”, to discuss Agenda Items No. 1.

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

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

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An announcement was made to the public that the Council voted to go into Executive Session to discuss “Pending Litigation.”

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

Yeas –Banks, Foote, Grizzell, Hartley, Lee, Lindsay, and Stokes.
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. 1:

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; and

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; and
2. The City Council agrees to dismiss the pending litigation with prejudice, without a ruling on the merits, to resolve the pending litigation only; and
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; and
4. The City Council acknowledges the Mayor and Waste Management of Mississippi, Inc. had no conversations regarding solid waste collection and hauling services on an emergency basis at the time the Mayor declared a local state of emergency on September 17, 2021; 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; and

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 30th day of September, 2021, at 11:30 a.m.

Council Member Banks moved adoption; **Council President Lindsay** seconded.

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

Nays – None.

Abstention – Stokes.

Absent – None.

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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

**EMERGENCY SPECIAL MEETING OF THE CITY COUNCIL
THURSDAY, SEPTEMBER 30, 2021 11:30 A.M.**

701

WHEREAS, the Jackson City Council understands the Mayor will issue a Proclamation of local emergency regarding solid waste collection and hauling services after September 30, 2021, and the City Council understands 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.

Council Member Banks moved adoption; **Council Member Lee** seconded.

Yeas – Banks, Foote, Grizzell, Hartley, Lee, and, Lindsay
Nays – None.
Abstention – Stokes.
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 Regular Council Meeting at 10:00 a.m. on October 12, 2021. At 12:12 p.m., the Council stood adjourned.

PREPARED BY:

APPROVED:

CLERK OF COUNCIL

_____, _____
MAYOR DATE

ATTEST:

CITY CLERK