

---

**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 9:25 a.m. on Tuesday, September 28, 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) Order revising municipal budget for fiscal year 2020-2021. (2) Order authorizing the mayor to retain legal counsel. The meeting was convened in the Council Chambers located at 219 S. President Street at 10:00 a.m. on Wednesday, September 29, 2021, being the fifth Wednesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Virgi Lindsay, Council President, Ward 7; Ashby Foote, Ward 1; Brian C. Grizzell, Ward 4; Vernon Hartley, Ward 5 and Aaron Banks, Ward 6. Directors: Dr. Safiya Omari, Chief of Staff; Constance White, Chief Deputy Clerk of the Council; Shanekia Jordan, Clerk of Council.

Absent: Angelique Lee, Council Vice President, Ward 2 and Kenneth I. Stokes, Ward 3.

\* \* \* \* \*

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

\* \* \* \* \*

**ORDER REVISING MUNICIPAL BUDGET FOR FISCAL YEAR 2020-2021.**

**WHEREAS**, the Adopted Budget for FY2021 is out of balance due to two budget transfers that were posted for multi-year funds in the Department of Public Works; and

**WHEREAS**, at the prompt, yes, was selected and it changed the Revised and the Adopted Budget; and

**WHEREAS**, the revised budget was the only budget that should have been adjusted; and

**WHEREAS**, the Administration spoke with Tyler Technologies and the entry cannot be reversed out of the Adopted budget; and

**WHEREAS**, the Revenue budget is the correct amount of \$534,954,468.00. The Expense budget is \$534,216,885.52 and the difference is the adjustment that should have posted to the revised budget only in the amount of \$737,582.00.

**IT IS, HEREBY ORDERED** that the Municipal Budget for Fiscal Year 2020-2021 be the same and is hereby revised.

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

-----

**President Lindsay** recognized **LaaWanda Horton, Director of Administration**, who provided a brief overview of said item.

-----

Thereafter, **President Lindsay** called for a vote on said item:

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

\* \* \* \* \*

---

---

**ORDER AUTHORIZING THE MAYOR TO RETAIN LEGAL COUNSEL.**

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

-----

**President Lindsay** stated there was an amendment needed to substitute said order.

-----

**President Lindsay** moved, seconded by **Council Member Hartley**, to amend said order to substitute the entire document. The motion prevailed by the following vote:

Yeas – Banks, Foote, Grizzell, Hartley and Lindsay

Nays – None.

Absent – Lee and Stokes.

-----

Thereafter, **President Lindsay**, called for a vote on said item as amended:

**ORDER AUTHORIZING THE MAYOR TO RETAIN CONFLICTS COUNSEL FOR REPRESENTATION IN THE MATTER OF *THE CITY COUNCIL OF JACKSON, MISSISSIPPI vs. CHOKWE A. LUMUMBA, MAYOR OF JACKSON, MISSISSIPPI; and WASTE MANAGEMENT OF MISSISSIPPI, INC., CIVIL ACTION NO. G2021-1229 G/2, IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI; AND FOR REPRESENTATION IN RELATED MATTERS.***

**WHEREAS**, on September 22, 2021, in a Special Meeting, the City Council passed its order authorizing it to retain legal counsel due to its perceived conflict with advice provided to the Mayor by the Office of the City Attorney with respect to a Proclamation of Emergency signed by the Mayor on September 17, 2021; and

**WHEREAS**, the Mayor’s Proclamation of Emergency concerned the expiration of the current Solid Waste Collection and Hauling Agreement that provides residential garbage and rubbish collection for citizens of Jackson, Mississippi and the intent to procure an emergency contract to provide for the continued collection of garbage after that expiration date; and

**WHEREAS**, after disapproving the Mayor’s September 17, 2021 Proclamation of Emergency at its September 22, 2021 meeting, the City Council proclaimed its own emergency for at its September 27, 2021 Special Meeting; and

**WHEREAS**, also at its September 27, 2021 meeting, the City Council approved its order authorizing an emergency contract with Waste Management of Mississippi, authorizing the Council President to sign the contract on behalf of the City, authorizing City Council conflicts counsel to file a declaratory judgment action seeking a judgment that the City Council order accepting the emergency contract proposal of Waste Management of Mississippi, Inc. is lawful and that the Council President possesses the authority to execute contracts on behalf of the City during a proclaimed emergency; and

**WHEREAS**, on September 27, 2021, the City Council of Jackson, Mississippi sued the Mayor and Waste Management of Mississippi, Inc. in the matter entitled, *City Council of Jackson, Mississippi vs. Chokwe A. Lumumba, Mayor of Jackson, Mississippi; and Waste Management of Mississippi, Inc.*, Civil Action No. G2021-1229 G/2, Chancery Court of the First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, the City Council’s lawsuit seeks a declaratory judgment that during a proclaimed state of emergency, the City Council may bring forward of its own volition a contractor to perform services for the City and that the Council President may bind the City to a contract with that contractor by their signature on that contract; in other words, that during a state of emergency, the legislative branch of a Mayor-Council municipal government may act to bind the City to a contract without any participation by the executive branch; and

---

**WHEREAS**, the Office of the City Attorney represents the City of Jackson, which includes the representation of both the Mayor and the City Council; and

**WHEREAS**, in the event of a conflict between the Mayor and City Council, including the filing of litigation by one branch of city government against the other, the Mississippi Rules of Professional Conduct require the City Attorney to withdraw from the representation of either branch of government in the matter over which the conflict exists, as stated in Ethics Opinion No. 255 of the Mississippi Bar, April 12, 2007; and

**WHEREAS**, Section 25-1-47 of the Mississippi Code provides, in part, as follows:

(1) Any municipality of the State of Mississippi is hereby authorized and empowered within the discretion of the governing authorities, to investigate and provide counsel for the defense of any claim, demand, or action, whether civil or criminal, made or brought against any... municipal officer... as a result of his actions while acting in the capacity of such officer...; and such municipal is hereby authorized to pay for all costs and expenses incident to such investigation and defense.

**WHEREAS**, the Mississippi Attorney General has opined that in such a situation where a conflict exists between the mayor and city council in a Mayor-Council form of municipal government, that pursuant to Section 25-1-47, the mayor should seek authorization from the city council to retain their own conflicts counsel in the matter and have the municipality pay for the expenses of such representation. Lawrence, Miss. A.G. Op. No. 2006-00257, 2006 WL 2789833 (July 26, 2006); and

**WHEREAS**, the Mayor is retaining the Law Office of Felicia Perkins and A.R. Smith Law, PLLC to represent him in his official capacity in the lawsuit filed by the City Council and in matters related to the ongoing conflict between the Mayor and the City Council concerning their respective authority as it relates to the provision of emergency garbage and rubbish collection until such time as a new, legally procured contract for solid waste services is approved by the City Council and signed by the Mayor.

**IT IS, THEREFORE, ORDERED** that the Mayor is authorized to retain the Law Office of Felicia Perkins and A.R. Smith Law, PLLC as conflicts counsel to represent him in the matter of *City Council of Jackson, Mississippi vs. Chokwe A. Lumumba, Mayor of Jackson, Mississippi; and Waste Management of Mississippi, Inc.*, Civil Action No. G2021-1229 G/2, Chancery Court of the First Judicial District of Hinds County, Mississippi; in matters related to the ongoing conflict between the Mayor and the City Council concerning their respective authority as it relates to the provision of emergency garbage and rubbish collection until such time as a new, legally procured contract for solid waste services is approved by the City Council and signed by the Mayor; and any such related matters where the City Council employs conflicts counsel.

**IT IS FURTHER ORDERED** that the City shall pay all reasonable costs and expenses related to said representation of the Mayor in the above-mentioned lawsuit and related matters.

Yeas – Banks, Foote, Grizzell, Hartley and Lindsay

Nays – None.

Absent – Lee and Stokes.

\* \* \* \* \*

There were no reports/announcements provided during the meeting.

\* \* \* \* \*

