

**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 11:45 a.m. on Friday, October 29, 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 authorizing the Mayor to execute the audit agreement letter from Tann, Russ & Brown for said firm to provide auditing services for the City of Jackson's State Tort Claims fund for the year ended September 30, 2021. (2) Order authorizing the Mayor to execute the audit agreement letter from Tann, Russ & Brown for said firm to provide auditing services for the year ended September 30, 2021. (3) Order authorizing City Council Member, Aaron Banks, to retain counsel for Cause No. 21-646 in the Circuit Court of Hinds County Mississippi. (4) Order of factual determination concerning Council Member Virgi Lindsay for Cause No. 21-646 in the Circuit Court of Hinds County Mississippi. The meeting was convened in the Council Chambers located at 219 S. President Street at 1:00 p.m. on Monday, November 1, 2021 being the first Monday 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 (Teleconference); Kenneth I. Stokes, Ward 3 (Teleconference); Vernon Hartley, Ward 5 and Aaron Banks, Ward 6. Directors: Safiya Omari, Chief of Staff; Shanekia Mosley Jordan, Clerk of the Council; Constance White, Chief Deputy Clerk of the Council; and Catori Martin, City Attorney.

Absent: Angelique Lee, Council Vice President, Ward 2 and Brian C. Grizzell, Ward 4.

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

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE THE AUDIT AGREEMENT LETTER FROM TANN, RUSS & BROWN FOR SAID FIRM TO PROVIDE AUDITING SERVICES FOR THE CITY OF JACKSON'S STATE TORT CLAIMS FUND FOR THE YEAR ENDED SEPTEMBER 30, 2021.**

**WHEREAS**, Tann, Brown & Russ Co., PLLC is a public accounting and consulting firm located 1501 Lakeland Drive in Jackson, Mississippi. The firm's multi-person, professional staff includes several certified public accountants, and among the Firm's partners and staff members are CPAs who also hold professional certifications in forensic accounting, business valuation and governmental accounting and finance; and

**WHEREAS**, Tann, Brown & Russ Co., PLLC is a long-time member of the American Institute of CPA's (AICPA) Private Companies Practice Section, a voluntary self-regulatory organization of accounting firms whose purpose is to foster quality performance within the accounting profession in the area of accounting and auditing services provided to non-public companies; and

**WHEREAS**, periodic independent peer reviews of the firm's professional practice have consistently shown that it is in full compliance with the strict quality control standards set by the AICPA; and

**WHEREAS**, the firm will audit the financial statements of the State Tort Claims Fund of the City of Jackson, Mississippi, including the related notes to the financial statements, which collectively comprise the basic financial statements of the State Tort Claims Fund of the City of Jackson, Mississippi, as of and for the year ended September 30, 2021; and

**WHEREAS**, the firm will adhere to the following deadline, except for delays caused by the City of Jackson or its employees:

Present State Tort Claims Fund Audit Report to City Council April 12, 2022

**IT IS THEREFORE, ORDERED** that the Mayor be authorized to execute an Audit Engagement Letter from Tann, Russ & Brown for said firm to provide auditing services for the City of Jackson's State Tort Claims Fund for the fiscal year ended September 30, 2021, consistent with the terms delineated in this Order.

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

Yeas – Banks, Foote, Hartley and Lindsay.

Nays – Stokes.

Absent – Grizzell and Lee.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE THE AUDIT AGREEMENT LETTER FROM TANN, RUSS & BROWN FOR SAID FIRM TO PROVIDE AUDITING SERVICES FOR THE YEAR ENDED SEPTEMBER 30, 2021.**

**WHEREAS**, Tann, Brown & Russ Co., PLLC is a public accounting and consulting firm located 1501 Lakeland Drive in Jackson, Mississippi. The firm's multi-person, professional staff includes several certified public accountants, and among the Firm's partners and staff members are CPAs who also hold professional certifications in forensic accounting, business valuation and governmental accounting and finance; and

**WHEREAS**, Tann, Brown & Russ Co., PLLC is a long-time member of the American Institute of CPA's (AICPA) Private Companies Practice Section, a voluntary self-regulatory organization of accounting firms whose purpose is to foster quality performance within the accounting profession in the area of accounting and auditing services provided to non-public companies; and

**WHEREAS**, periodic independent peer reviews of the firm's professional practice have consistently shown that it is in full compliance with the strict quality control standards set by the AICPA; and

**WHEREAS**, the firm will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of Jackson as of and for the year ended September 30, 2021; and; and

**WHEREAS**, the firm will adhere to the following deadlines, except for delays caused by the City of Jackson or its employees:

Complete Inventory Observation Testwork	November 12, 2021
Commence Audit Field Work	November 15, 2021
Complete Audit Field Work	January 28, 2022
Receive Draft CAFR from finance manager	March 11, 2022
Complete review of draft CAFR	March 25, 2022
Present CAFR and Reports to City Council	March 31, 2022

**WHEREAS**, the firm will perform said services at hourly standard rates according to the degree of responsibility involved and the experience level of the personnel assigned to the audit, in a total amount not to exceed \$280,000.00 without prior City Council authorization; and

**WHEREAS**, the firm will submit to the City monthly itemized invoices.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to execute an Audit Engagement Letter from Tann, Russ & Brown for said firm to provide auditing services for the fiscal year ended September 30, 2021, consistent with the terms delineated in this Order.

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

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After thorough discussion, **President Lindsay and Council Member Banks** withdrew their motion and second. **President Lindsay** stated that said item would be discussed later in the meeting.

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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 Hartley** moved, seconded by **Council Member Banks** to go into Closed Session to discuss Litigation Matters. The motion prevailed by the following vote:

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

Nays – None.

Absent – Lee and Grizzell.

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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".

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

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

Nays – None.

Absent – Lee and Grizzell.

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An announcement was made to the public that the Council voted to go into Executive Session to discuss litigation matters.

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

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

Nays – None.

Absent – Lee and Grizzell.

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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 Items No. 3 and 4:

**ORDER AUTHORIZING CITY COUNCIL MEMBER, AARON BANKS, TO  
RETAIN COUNSEL FOR CAUSE NO. 21-646 IN THE CIRCUIT COURT OF  
HINDS COUNTY MISSISSIPPI.**

**WHEREAS**, Ward 6 Council Member, Aaron Banks, has been named in *Pickett v. Banks, et.al*, Cause No. 25CI1:21-cv-00646-AHW, in the Circuit Court of Hinds County, Mississippi; and

**WHEREAS**, the lawsuit asserts claims for Defamation/Slander, Slander Per Se pursuant to Miss. Code Ann. § 95-1-1, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, and Gross Negligence/Negligence; and

**WHEREAS**, pursuant to Miss. Code. Ann. § 25-1-47, the Council is authorized and empowered, within its discretion, to investigate and provide legal counsel for the defense of any claim...made or brought against any... municipal officer...as a result of his/her actions while acting in his/her official capacity; and

**WHEREAS**, pursuant to the Mississippi Tort Claims Act, specifically Miss. Code. Ann. § 11-46-5(2), an employee shall not be considered as acting within the course and scope of his employment ... if the employee's conduct constituted... slander, defamation or any criminal offense ....; and

**WHEREAS**, based on the facts presented at this time, the Council finds, the allegations arise out of, and concern, actions which took place while Council Member Banks was acting in his official capacity; and

**WHEREAS**, pursuant to the Mississippi Tort Claims Act, specifically Miss. Code. Ann. § 11-46-5(3), it shall be a rebuttable presumption that any act or omission of an employee within the time and at the place of his employment is within the course and scope of his employment; and

**WHEREAS**, although a conflict of interest does not yet exist, it is probable based on certain allegations, that a conflict of interest may be created between the Office of the City Attorney and Council Members in this litigation; and

**WHEREAS**, Council Member Aaron Banks has requested that outside counsel, be hired to represent him in his interests in this matter; and

**WHEREAS**, based on the facts presented at this time, the Council finds, it is reasonable to provide legal counsel for the defense of Council Member Aaron Banks in an amount not to exceed \$5,000.00 in this civil matter.

**IT IS HEREBY ORDERED** that based on the facts presented at this time, Council Member Aaron Banks was acting in his official capacity when the allegations concerning his actions in *Pickett v. Banks, et.al*, Cause No. 25CI1:21-cv-00646-AHW took place.

**IT IS HEREBY FURTHER ORDERED** that Council Member Aaron Banks is hereby authorized to retain legal counsel to represent his interests in *Pickett v. Banks, et al*, Cause No. 25CI1:21-cv-00646-AHW, in the Circuit Court of Hinds County, Mississippi in an amount not to exceed \$5,000.00.

**Council Member Hartley** moved adoption; **Council Member Stokes** seconded.

Yeas – Foote, Hartley, Lindsay and Stokes.

Nays – None.

Recusal – Banks.

Absent – Grizzell and Lee.

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**ORDER OF FACTUAL DETERMINATION CONCERNING COUNCIL  
MEMBER VIRGI LINDSAY FOR CAUSE NO. 21-646 IN THE CIRCUIT COURT  
OF HINDS COUNTY MISSISSIPPI**

**WHEREAS**, Ward 7 Council Member, Virgi Lindsay, has been named in *Pickett v. Banks, et.al*, Cause No. 25CI1:21-cv-00646-AHW, in the Circuit Court of Hinds County, Mississippi; and

**WHEREAS**, the lawsuit asserts claims for Defamation/Slander, Slander Per Se pursuant to Miss. Code Ann. § 95-1-1, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, and Gross Negligence/Negligence; and

**WHEREAS**, pursuant to the Mississippi Tort Claims Act, specifically Miss. Code. Ann. § 11-46-5(2), an employee shall not be considered as acting within the course and scope of his employment if the employee's conduct constituted... slander, defamation or any criminal offense; and



**WHEREAS**, based on the facts presented at this time, the Council finds, the allegations arise out of, and concern, actions which took place while Council Member Lindsay was acting in her official capacity; and

**WHEREAS**, pursuant to the Mississippi Tort Claims Act, specifically Miss. Code. Ann. § 11-46-5(3), it shall be a rebuttable presumption that any act or omission of an employee within the time and at the place of his employment is within the course and scope of his employment; and

**WHEREAS**, although a conflict of interest does not yet exist, it is probable based on certain allegations, that a conflict of interest may be created between the Office of the City Attorney and Council Members in this litigation; and

**WHEREAS**, Council Member Virgi Lindsay has requested the Office of the City Attorney represent her in this matter until at least the time an actual conflict of interest exists.

**IT IS HEREBY ORDERED** that based on the facts presented at this time, Council Member Virgi Lindsay was acting in her official capacity when the allegations concerning her actions in *Pickett v. Banks*, et.al, Cause No. 25CI1:21-cv-00646-AHW took place.

**Council Member Hartley** moved adoption; **Council Member Stokes** seconded.

Yeas – Banks, Foote, Hartley, and Stokes.

Nays – None.

Recusal – Lindsay.

Absent – Grizzell and Lee.

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There came on for consideration, Agenda Item No. 2:

**ORDER AUTHORIZING THE MAYOR TO EXECUTE THE AUDIT AGREEMENT LETTER FROM TANN, RUSS & BROWN FOR SAID FIRM TO PROVIDE AUDITING SERVICES FOR THE YEAR ENDED SEPTEMBER 30, 2021.**

**WHEREAS**, Tann, Brown & Russ Co., PLLC is a public accounting and consulting firm located 1501 Lakeland Drive in Jackson, Mississippi. The firm's multi-person, professional staff includes several certified public accountants, and among the Firm's partners and staff members are CPAs who also hold professional certifications in forensic accounting, business valuation and governmental accounting and finance; and

**WHEREAS**, Tann, Brown & Russ Co., PLLC is a long-time member of the American Institute of CPA's (AICPA) Private Companies Practice Section, a voluntary self-regulatory organization of accounting firms whose purpose is to foster quality performance within the accounting profession in the area of accounting and auditing services provided to non-public companies; and

**WHEREAS**, periodic independent peer reviews of the firm's professional practice have consistently shown that it is in full compliance with the strict quality control standards set by the AICPA; and

**WHEREAS**, the firm will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of Jackson as of and for the year ended September 30, 2021; and; and

**WHEREAS**, the firm will adhere to the following deadlines, except for delays caused by the City of Jackson or its employees:

Complete Inventory Observation Testwork	November 12, 2021
Commence Audit Field Work	November 15, 2021
Complete Audit Field Work	January 28, 2022
Receive Draft CAFR from finance manager	March 11, 2022

**SPECIAL MEETING OF THE CITY COUNCIL  
MONDAY, NOVEMBER 1, 2021 1:00 P.M.**

123

Complete review of draft CAFR  
Present CAFR and Reports to City Council

March 25, 2022  
March 31, 2022

**WHEREAS**, the firm will perform said services at hourly standard rates according to the degree of responsibility involved and the experience level of the personnel assigned to the audit, in a total amount not to exceed \$280,000.00 without prior City Council authorization; and

**WHEREAS**, the firm will submit to the City monthly itemized invoices.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to execute an Audit Engagement Letter from Tann, Russ & Brown for said firm to provide auditing services for the fiscal year ended September 30, 2021, consistent with the terms delineated in this Order.

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

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**President Lindsay** recognized **Scott Hodges, Representative of Tann, Russ & Brown**, who provided a brief overview of said item.

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**President Lindsay** recognized **Council Member Banks** who moved, seconded by **Council Member Hartley** to amend said order in the sixth Whereas, striking through the clause "at hourly standard rates". The motion prevailed by the following votes:

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

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Thereafter, **President Lindsay** called for the vote on the Order, as amended:

**ORDER AUTHORIZING THE MAYOR TO EXECUTE THE AUDIT  
AGREEMENT LETTER FROM TANN, RUSS & BROWN FOR SAID FIRM TO  
PROVIDE AUDITING SERVICES FOR THE YEAR ENDED SEPTEMBER 30,  
2021.**

**WHEREAS**, Tann, Brown & Russ Co., PLLC is a public accounting and consulting firm located 1501 Lakeland Drive in Jackson, Mississippi. The firm's multi-person, professional staff includes several certified public accountants, and among the Firm's partners and staff members are CPAs who also hold professional certifications in forensic accounting, business valuation and governmental accounting and finance; and

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**WHEREAS**, periodic independent peer reviews of the firm's professional practice have consistently shown that it is in full compliance with the strict quality control standards set by the AICPA; and

**WHEREAS**, the firm will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of Jackson as of and for the year ended September 30, 2021; and

**WHEREAS**, the firm will adhere to the following deadlines, except for delays caused by the City of Jackson or its employees:

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124

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Complete review of draft CAFR	March 25, 2022
Present CAFR and Reports to City Council	March 31, 2022

**WHEREAS**, the firm will perform said services according to the degree of responsibility involved and the experience level of the personnel assigned to the audit, in a total amount not to exceed \$280,000.00 without prior City Council authorization; and

**WHEREAS**, the firm will submit to the City monthly itemized invoices.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to execute an Audit Engagement Letter from Tann, Russ & Brown for said firm to provide auditing services for the fiscal year ended September 30, 2021, consistent with the terms delineated in this Order.

Yeas – Banks, Foote, Lindsay and Hartley.

Nays – Stokes.

Absent – Lee and Grizzell.

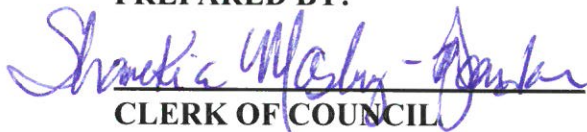
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There were no reports/announcements provided during the meeting.


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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 November 9, 2021. At 1:53 p.m., the Council stood adjourned.

**PREPARED BY:**

  
**CLERK OF COUNCIL**

**APPROVED:**

 4/5/22  
**MAYOR** **DATE**

**ATTEST:**

  
**CITY CLERK**

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