

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 2:50 p.m. on Tuesday, November 9, 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 authorizing outside counsel to proceed with proposed stipulation regarding pending litigation. The meeting was convened in the Council Chambers located at 219 S. President Street at 3:10 p.m. on Wednesday, November 10, 2021 being the second Wednesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Virgi Lindsay, Ward 7, Council President; Angelique Lee, Ward 2, Vice-President (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 Catoria Martin, City Attorney.

Absent: Ashby Foote, Ward 1; Kenneth Stokes, Ward 3 and Brian Grizzell, Ward 4.

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

ORDER AUTHORIZING OUTSIDE COUNSEL TO PROCEED WITH PROPOSED STIPULATION REGARDING PENDING LITIGATION.

WHEREAS, on September 11, 2018, the Jackson City Council authorized the City of Jackson to enter into an agreement with eXpert Professional Solutions ("xPs" for a term of six (6) months at a cost not to exceed Forty-Eight Thousand Dollars (\$48,000.00); and

WHEREAS, said agreement was fully executed by all parties on October 4, 2018; and

WHEREAS, the October 4, 2018 agreement between the City of Jackson and xPs expired on April 3, 2019; and

WHEREAS, the Order approved by the Jackson City Council on September 11, 2018 indicated that xPs would facilitate the research and assessment of technology considered for deployment with the City, and evaluate the City's technological security protocols and assist in measuring City systems to help identify gaps that create risk and develop a stronger security posture; and

WHEREAS, after April 3, 2019, xPs submitted invoices totaling \$100,000.00 which were paid, and invoices totaling \$82,500.00 which were unpaid; and

WHEREAS, on February 4, 2020, the Jackson City Council authorized the Office of the City Attorney to pursue litigation against eXpert Professional Solutions, LLC, W. Akil Webster also known as Willie Webster, and John Does 1-3, individually, in order to collect and recover claims owed the City of Jackson; and

WHEREAS, on February 4, 2020, the Jackson City Council authorized the Office of the City Attorney to incur expenses in connection with its pursuit of the claims owed to it by xPs; and

WHEREAS, on February 18, 2020, the City of Jackson filed suit against Expert Professional Solutions, LLC., Willie Webster A/K/A W. Akil Webster A/K/A Akil Bakari and John Does 1-3., Cause No. 20-cv-00849 in the First Judicial District, County Court of Hinds County, Mississippi; and

WHEREAS, on or before February 27, 2020, the Office of the City Attorney retained outside counsel, Samuel L. Begley, to represent the City of Jackson in Cause No. 20-cv-00849 in the First Judicial District, County Court of Hinds County, Mississippi; and

WHEREAS, during the course of the litigation, the Office of the City Attorney retained Lynn Chaffin to perform a valuation report on the services rendered by xPs and invoiced to the City of Jackson; and

WHEREAS, Ms. Chaffin has experience in information technology (IT) strategy, program delivery, and project management for municipal governments; and

WHEREAS, on April 26, 2021, Ms. Chaffin submitted her written review and opinion regarding xPs, a document containing 54 pages of information and analysis; and

WHEREAS, Ms. Chaffin’s review and opinion confirmed the work performed by xPs, as set forth in the invoices provided to her, was outside the scope of the City Council’s Order of September 11, 2018; and

WHEREAS, Ms. Chaffin’s review and opinion confirmed:

- 1) the work performed by xPs, as set forth in the invoices, was in fact performed by xPs,
- 2) both the time and hourly rate billed in the invoices was reasonable and the City of Jackson paid fair market value for the services provided by xPs;
- 3) the work performed under the invoices was needed by the City of Jackson and,
- 4) the work performed under the invoices was requested by the City administration

IT IS HEREBY ORDERED that based on the evidence presented, it is in the best interest of the City of Jackson for outside counsel to request, pursuant to Mississippi Rules of Civil Procedure 52(a), that proposed findings of fact and conclusions of law be entered in a judgment.

Vice President Lee moved adoption; **Council President Lindsay** seconded.

After a brief discussion, **President Lindsay** and **Vice President Lee** withdrew their motion and second. **President Lindsay** stated that this item needed further discussion in Executive Session as it relates to “Pending Litigation”.

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

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

President Lindsay announced to the public that the Council voted to go into Closed Session to discuss going into Executive Session regarding “Pending Litigation”.

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

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

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

Yeas –Lee, Lindsay, Hartley and Banks.

Nays – None.

Absent – Foote, Stokes, and Grizzell.

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

During Executive Session, the Council took action on Agenda Item No. 1:

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IT IS HEREBY ORDERED that based on the evidence presented, it is in the best interest of the City of Jackson for outside counsel to request, pursuant to Mississippi Rules of Civil Procedure 52(a), that proposed findings of fact and conclusions of law be entered in a judgment.

Vice President Lee moved adoption; **Council President Lindsay** seconded.

Yeas –Lee and Lindsay.

Nays – Hartley and Banks.

Absent – Foote, Stokes and Grizzell.

Note: Item failed for a lack of a majority vote.

There were no reports/announcements provided during the meeting.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the Special Council Meeting at 10:00 a.m. on November 23, 2021. At 4:16 p.m., the Council stood adjourned.

PREPARED BY:

Shanika McCreary-Anderson
CLERK OF COUNCIL

APPROVED:

Chad L. L... 4/5/22
MAYOR DATE

ATTEST:

Angele Harris
CITY CLERK
