

**SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, DECEMBER 14, 2021 11:00 A.M.**

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 10:25 a.m. on Monday, December 13, 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) Ordinance amending Sections 122-234, -235, and -268 of the Code of Ordinances of the City of Jackson, Mississippi. (2) Ordinance amending Section 106-37 of the Code of Ordinances of the City of Jackson, Mississippi providing the user charge for residential sanitation services. (3) Order appointing Kathy Cole as Deputy Council Clerk. The meeting was convened in the Council Chambers located at 219 S. President Street at 11:00 a.m. on Tuesday, December 14, 2021 being the second Tuesday 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; Ashby Foote, Ward 1; Kenneth Stokes, Ward 3 (via teleconference); Brian Grizzell, Ward 4; 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: None.

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

ORDINANCE AMENDING SECTIONS 122-234, -235, AND -268 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSISSIPPI.

WHEREAS, the City of Jackson has not increased its customer rates for providing water and sewer services since October 8, 2013; and

WHEREAS, an increase in these rates is necessary at this time to provide necessary additional revenue for the operation and maintenance of the City's water and sewer system, to service debt as it becomes due, and to replenish the Contingent Fund required under the City of Jackson General Bond Resolution; and

WHEREAS, pursuant to Section 21-13-11 of the Mississippi Code of 1972, as amended, this ordinance should take effect immediately upon passage because current rates are insufficient to provide for the operation and maintenance of the water and sewer system, to provide for the payment of indebtedness that will become due during the current fiscal year, and to provide the contingent funds required under the City General Bond Resolution for its outstanding water and sewer revenue bonds; and

WHEREAS, Section 122-234 (1) a. should be amended as follows:

(1) *Volumetric charges*. Volumetric charges will be determined as follows:

- a. The volumetric charge will be determined by the water meter reading, or at the user's option, the user may furnish metering devices approved by the approving authority for measuring wastewater discharged into the city sewer system. This will apply to those users of the city sanitary sewer system who purchase all water from the city or other water utility. Those users having private wells or other sources of water supply shall install either water meters on the wells or other sources of water supply or approved metering devices on wastewater discharged to the city sewers. The schedule of sewer service charges, on a volumetric basis, is as follows: Each customer shall be charged \$4.47 \$5.36 per 100 cubic feet of meter water consumption when the monthly water consumption is greater than the minimum amounts described in section 122-235.

and

WHEREAS, Section 122-235 (a) should be amended as follows:

(a) The schedule of minimum sewer service charges is as follows:

- (1) Each customer with a five-eighths-inch meter whose water consumption is 300 cubic feet or less shall be assessed a minimum monthly charge of \$16.08.
- (2) Each customer with a one-inch meter whose water consumption is 670 cubic feet or less shall be assessed a minimum monthly charge of \$35.91.
- (3) Each customer with a one and one-half or two-inch meter whose water consumption is 1,510 cubic feet or less shall be assessed a minimum monthly charge of \$80.94.
- (4) Each customer with a three-inch or larger meter whose water consumption is 2,710 cubic feet or less shall be assessed a minimum monthly charge of \$145.26.

and

WHEREAS, Section 122-268 (a) (1) a. should be amended as follows:

(a) The rates and amounts required to be paid for consumption per month, exclusive of sales tax, by customers of the city waterworks residing within the city shall consist of the following components:

(1) *Volumetric rate*. A flat rate per 100 cubic feet will be charged regardless of the number of feet consumed.

a. The flat rate per 100 cubic feet is \$3.85.

and

WHEREAS, Section 122-268 (a) (2) should be amended as follows:

(2) *Service charge*. Service charges are calculated as follows:

a. In addition to the volumetric rate and meter charge, on all meters using more than 300 cubic feet per month there shall also be a monthly service charge of \$11.55, chargeable for each month or part of month that this section is in effect.

b. In addition to the service charge in subsection (a)(2)a. of this section, for each meter serving more than one residential unit, there shall be an additional service charge of \$11.55 for each such unit in excess of one. Residential unit means a dwelling complete with normal facilities of habitation intended for long-term occupancy including, but not limited to, apartments, condominiums, trailers, separate residential houses, apartment nursing homes, and permanent retirement residences. Garage apartments are expressly excluded from the definition of residential unit.

THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Section 122-234 (1) a. is amended as follows:

(1) Volumetric charges. Volumetric charges will be determined as follows:

a. The volumetric charge will be determined by the water meter reading, or at the user's option, the user may furnish metering devices approved by the approving authority for measuring wastewater discharged into the city sewer system. This will apply to those users of the city sanitary sewer system who purchase all water from the city or other water utility. Those users having private wells

or other sources of water supply shall install either water meters on the wells or other sources of water supply or approved metering devices on wastewater discharged to the city sewers. The schedule of sewer service charges, on a volumetric basis, is as follows: Each customer shall be charged \$5.36 per 100 cubic feet of meter water consumption when the monthly water consumption is greater than the minimum amounts described in section 122-235.

SECTION 2. Section 122-235 (a) is amended as follows:

(a) The schedule of minimum sewer service charges is as follows:

(1) Each customer with a five-eighths-inch meter whose water consumption is 300 cubic feet or less shall be assessed a minimum monthly charge of \$16.08.

(2) Each customer with a one-inch meter whose water consumption is 670 cubic feet or less shall be assessed a minimum monthly charge of \$35.91.

(3) Each customer with a one and one-half or two-inch meter whose water consumption is 1,510 cubic feet or less shall be assessed a minimum monthly charge of \$80.94.

(4) Each customer with a three-inch or larger meter whose water consumption is 2,710 cubic feet or less shall be assessed a minimum monthly charge of \$145.26.

SECTION 3. Section 122-268 (a) (1) a. is amended as follows:

(a) The rates and amounts required to be paid for consumption per month, exclusive of sales tax, by customers of the city waterworks residing within the city shall consist of the following components:

(1) *Volumetric rate.* A flat rate per 100 cubic feet will be charged regardless of the number of feet consumed.

a. The flat rate per 100 cubic feet is \$3.85.

SECTION 4. Section 122-268 (a) (2) is amended as follows:

(2) *Service charge.* Service charges are calculated as follows:

a. In addition to the volumetric rate and meter charge, on all meters using more than 300 cubic feet per month there shall also be a monthly service charge of \$11.55, chargeable for each month or part of month that this section is in effect.

b. In addition to the service charge in subsection (a)(2)a. of this section, for each meter serving more than one residential unit, there shall be an additional service charge of \$11.55 for each such unit in excess of one. Residential unit means a dwelling complete with normal facilities of habitation intended for long-term occupancy including, but not limited to, apartments, condominiums, trailers, separate residential houses, apartment nursing homes, and permanent retirement residences. Garage apartments are expressly excluded from the definition of residential unit.

SECTION 2. Pursuant to Section 21-13-11 of the Mississippi Code of 1972, as amended, this ordinance shall take effect immediately upon passage because current rates are insufficient to provide for the operation and maintenance of the water and sewer system, to provide for the payment of indebtedness that will become due during the current fiscal year, and to provide the contingent funds required under the City of Jackson General Bond Resolution for its outstanding water and sewer revenue bonds.

SECTION 3. The Municipal Clerk shall cause this ordinance to be publish.

Vice President Lee moved adoption; Council Member Grizzell seconded.

President Lindsay recognized Catoria Martin, City Attorney, who provided a brief overview of said item.

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

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

ORDINANCE AMENDING SECTION 106-37 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSISSIPPI PROVIDING THE USER CHARGE FOR RESIDENTIAL SANITATION SERVICES.

V E T O

WHEREAS, the last rate increase in the user charge for residential sanitation services occurred in 2008; and

WHEREAS, an increase in the user charge is necessary because the current charge is insufficient to pay the cost of the City’s emergency agreement for residential solid waste collection, to pay the anticipated cost of the new agreement for residential solid waste collection that is anticipated to begin on April 1, 2022, to pay the current agreement for the disposal of the collected solid waste, and to pay the operating costs of the Solid Waste Division of the Department of Public Works; and

WHEREAS, without an increase in the user charge, the City will be required to use the General Fund budget and reserves to balance the budget of the Solid Waste Enterprise Fund, which could adversely affect the level and quality of services funded by General Fund appropriations, such as the Police and Fire Departments; and

WHEREAS, at its October 2, 2006 Special Meeting, the City Council increased the residential units user fee from \$15.39 to \$20.00 per month for solid waste collection and disposal service with automatic increases effective October 1, 2007 and October 1, 2008; and

WHEREAS, pursuant to Section 21-13-11 of the Mississippi Code of 1972, as amended, this ordinance should take effect immediately upon passage because the current user charge is insufficient during this fiscal year to pay the cost of the City’s emergency agreement for residential solid waste collection, to pay the anticipated cost of the new agreement for residential solid waste collection that is anticipated to begin on April 1, 2022, to pay the current agreement for the disposal of the collected solid waste, and to pay the operating costs of the Solid Waste Division of the Department of Public Works; and

WHEREAS, Section 106-37 (a) should be amended as follows:

- (a) There shall be imposed on all occupied single-family residential units a user fee of \$35.00 per month for solid waste collection and disposal services, and operations of the Solid Waste Division of the Department of Public Works.

THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Section 106-37 (a) should be amended as follows:

- (a) There shall be imposed on all occupied single-family residential units a user fee of \$35.00 per month for solid waste collection and disposal services, and operations of the Solid Waste Division of the Department of Public Works.

SECTION 2. Pursuant to Section 21-13-11 of the Mississippi Code of 1972, as amended, this ordinance shall take effect immediately upon passage because the current user charge is insufficient during this fiscal year to pay the cost of the City’s emergency agreement for residential solid waste collection, to pay the anticipated cost of the new agreement for residential solid waste collection that is anticipated to begin on April 1, 2022, to pay the current agreement for the disposal of the collected solid waste, and to pay the operating costs of the Solid Waste Division of the Department of Public Works.

SECTION 3. The Municipal Clerk shall cause this ordinance to be publish.

Vice President Lee moved adoption; **Council Member Grizzell** seconded.

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

V E T O

Note: Said item failed due to lack of a majority vote.

ORDER APPOINTING KATHY COLE AS DEPUTY COUNCIL CLERK.

WHEREAS, the governing authorities for the City of Jackson passed an ordinance on December 20, 2019, which is recorded in Minute Book 6Q on pages 319-322; and

WHEREAS, the position of Deputy Clerk of the Council was inherently established by the passage of the ordinance passed by the governing authorities on December 20, 2019; and

WHEREAS, the Jackson City Council has not appointed any individuals to fill the position of Deputy Clerk of the Council; and

WHEREAS, after evaluating her qualifications and experience, the governing authorities for the City of Jackson have determined that *Kathy Cole* is a suitable person to serve as Deputy Clerk of the Council.

IT IS HEREBY ORDERED that *Kathy Cole* shall be appointed to serve as Deputy Clerk of the Council commencing on December 20, 2021;

IT IS HEREBY ORDERED that the compensation to be paid *Kathy Cole* upon commencement of her service as Deputy Clerk of the Council shall be \$31,676.24 annually, excluding any applicable fringe benefits.

IT IS HEREBY ORDERED that *Kathy Cole* tenure as Deputy Clerk of the Council shall continue and be at the will and pleasure of the Jackson City Council.

IT IS HEREBY ORDERED that no contract shall be construed as resulting from the appointment of *Kathy Cole* as Deputy Clerk of the Council.

IT IS HEREBY ORDERED that Mississippi’s law concerning at-will employment shall remain unchanged by the appointment of *Kathy Cole* as Deputy Clerk of the Council.

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


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

There were no reports/announcements provided during the meeting.

Mayor's Veto and Objection
to the City Council's Failure to Amend Section 106-37 of the Code of Ordinances of the City of
Jackson, Mississippi Providing the User Charge for
Residential Sanitation Services

On Tuesday, December 14, 2021 in a Special Meeting of the City Council of Jackson, Mississippi, the City Council failed to approve an amendment to Section 106-37 of the Code of Ordinances of the City of Jackson, Mississippi that would increase the residential user fee for solid waste collection and disposal services and operations of the Solid Waste Division of the Department of Public Works to \$35.00 per month. The City's Department of Finance and the Solid Waste Manager advised that the current rate is insufficient to pay the cost of the City's October 1, 2021 emergency agreement for solid waste collection, nor would it be sufficient for paying the costs of a new contract that would begin on April 1, 2022. The failure to approve this sanitation increase will lead to a budget deficit at the end of this fiscal year. Accordingly, in order to protect the financial and budgetary interests of the City of Jackson, and to exercise sound and fiscally prudent leadership of this City, a veto of this action by Council is necessary.

Therefore, I, Chokwe A. Lumumba, Mayor of the City of Jackson, do hereby veto the City Council's Failure to Amend Section 106-37 of the Code of Ordinances of the City of Jackson Mississippi Providing the User Charge for Residential Sanitation Services on the 5th of April, 2022.



Chokwe A. Lumumba, Mayor

4/5/2022

Date

**SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, DECEMBER 14, 2021 11:00 A.M.**

Intentionally Left Blank

**SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, DECEMBER 14, 2021 11:00 A.M.**

257

There being no further business to come before the City Council, it was unanimously voted to adjourn until the Regular Zoning Council Meeting at 2:30 p.m. on December 20, 2021. At 12:56 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Updegraff-Jordan
CLERK OF COUNCIL

APPROVED:

Ch. [Signature] 4/5/22
MAYOR **DATE**

ATTEST:

Angela Harris
CITY CLERK
