

**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 10:45 A.M. Thursday, February 3, 2022, 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 the mayor to issue a funds transfer to the Jackson Convention Complex. (2) Order authorizing the mayor to execute the contract and related documents with Richard's Disposal, Inc. to provide solid waste collection and hauling services for a six (6) year term commencing April 1, 2022 with four (4) one (1) year extension options. (3) Order of the city council of Jackson, Mississippi hiring legal counsel to determine if there is a conflict. The meeting was convened in the Council Chambers located at 219 S. President Street at 11:00 a.m. on February 4, 2022 being the first Friday 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; Angelique Lee, Council Vice President, Ward 2; Kenneth I. Stokes, Ward 3; Brian C. Grizzell, Ward 4; Vernon Hartley, Ward 5; Aaron Banks, Ward 6. Directors: Dr. Safiya Omari, Chief of Staff; Shanekia Mosley Jordan, Clerk of the Council; Constance White, Chief Deputy Clerk of the Council; and Catoria Martin, City Attorney.

**Absent:** None.

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

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**ORDER AUTHORIZING THE MAYOR TO ISSUE A FUNDS TRANSFER TO  
THE JACKSON CONVENTION COMPLEX.**

**WHEREAS**, the Jackson Convention Complex is requesting \$500,000 to pay Water, Entergy, Atmos, and other outstanding payables to vendors through the end of their fiscal year; and

**WHEREAS**, there are significant financial hardships that have been placed upon the Convention Center as a result of the ongoing pandemic; and

**WHEREAS**, without this infusion of cash, the Jackson Convention Complex will be forced to close.

**IT IS, THEREFORE, ORDERED** that the Mayor shall have the authority to authorize an appropriation to the Jackson Convention Complex from the American Rescue Plan Act.

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

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**President Lindsay** recognized **Mark Arancibia, General Manager of Jackson Convention Center**, and **Fidelis Malembeka, Chief Financial Officer**, who provided a brief overview of said item.

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

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

Nays – None.

Absent –None.

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**President Lindsay** stated that there were items that needed to be discussed in Executive Session regarding "Potential Litigation".

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**President Lindsay** recognized **Council Member Grizzell** who moved, seconded by **Council Member Lee** to go into Closed Session to discuss Agenda Items No. 2, 3, and 4. The motion prevailed by the following vote:

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

Nays – None.

Abstention – Stokes.

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 to discuss Agenda Items No. 2, 3, and 4 regarding “Potential Litigation”.

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

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

Nays – None.

Abstention – Stokes.

Absent – None.

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

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

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

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 Items No. 3 and 2:

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HIRING LEGAL COUNSEL TO DETERMINE IF THERE IS A CONFLICT**

**WHEREAS**, the City Council and the Mayor, as the governing authority for the City of Jackson, must provide for the collection and disposal of the City’s garbage and rubbish; and

**WHEREAS**, on October 21, 2021, the Public Works Department issued a new Request for Proposals (RFP) for Solid Waste Collection services after the City Council voted down the proposal from FCC Environmental Services twice; and

**WHEREAS**, in an effort to ensure competition, transparency and fairness, the Office of the City Attorney was heavily involved in drafting the RFP, advising both the Mayor and the City Council on the contents of the RFP, issuing Addendums to the RFP, negotiating the contract, and advising both the Mayor and the City Council on entering into a contract with the highest qualified Service Provider; and

**WHEREAS**, on January 11, 2022, the Office of the City Attorney lead the discussion regarding the four (4) options presented to the City Council for recommendation to the Mayor which included 1) once per week collection without a cart at a cost of \$651,180.83 per month, 2)

twice per week collection without a cart at a cost of \$858,060.00 per month, 3) once per week collection with a cart at a cost of \$786,655.85 per month, and 4) twice per week collection with a cart at a cost of \$756,000.00 per month; and

**WHEREAS**, on January 18, 2022, the Office of the City Attorney lead the discussion regarding the Request for Proposals for Solid Waste Collection services process and the recommendation that the City of Jackson enter into a contract with the most advantageous proposal received for twice per week collection with a 96-gallon cart service, Richard's Disposal Inc.; and

**WHEREAS**, on January 18, 2022, the City Council voted down the proposal from Richard's Disposal Inc.; and

**WHEREAS**, on January 25, 2022, the Office of the City Attorney lead the discussion regarding the Request for Proposals for Solid Waste Collection services process and the recommendation that the City of Jackson enter into a contract with the highest qualified proposal received for twice per week collection with a 96-gallon cart service, Richard's Disposal Inc.; and

**WHEREAS**, between the January 25, 2022 and the February 1, 2022 City Council meetings, the Office of the City Attorney negotiated changes to the Richard's Disposal Inc. agreement and revised the proposed Order Authorizing the Mayor to Execute the Contract in an effort to reach a compromise between the City Council and the Mayor; and

**WHEREAS**, on January 25, 2022, the City Council voted down the revised proposal from Richard's Disposal Inc.; and

**WHEREAS**, between the February 1, 2022 and the scheduled February 3, 2022 City Council meetings, the Office of the City Attorney negotiated changes to the Richard's Disposal Inc. agreement and revised the proposed Order Authorizing the Mayor to Execute the Contract in an effort to reach a compromise between the City Council and the Mayor; and

**WHEREAS**, pursuant to Miss. Code Ann. § 21-15-25, the governing authorities may employ counsel to represent the interest of the municipality, should the occasion require, and the determination as to whether a particular service is outside the scope of the regular duties and employment contract of the municipal attorney is a factual one to be made by the governing authorities. MS AG Op., Magee (November 14, 1997); and

**WHEREAS**, the City Council has retained Bradley Arant Boult Cummings as independent legal counsel to determine if a conflict of interest exist between the Office of the City Attorney and the City Council.

**IT IS, THEREFORE, ORDERED** that Bradley Arant Boult Cummings is authorized to undertake such legal, administrative or other action as it deems appropriate for and on behalf of, and to assist, the City Council in determining whether a conflict to interest exists between the Office of the City Attorney and the City Council.

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

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**President Lindsay** recognized **Council Member Banks** moved, seconded by **Council Member Hartley** to amend said order to include in the header "to invoke its investigative authority". The motion prevailed by the following vote:

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

Nays – Lee.

Abstention – Grizzell.

Absent – None.

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

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HIRING LEGAL COUNSEL TO DETERMINE IF THERE IS A CONFLICT AND TO INVOKE ITS INVESTIGATIVE AUTHORITY.**

**WHEREAS**, the City Council and the Mayor, as the governing authority for the City of Jackson, must provide for the collection and disposal of the City's garbage and rubbish; and

**WHEREAS**, on October 21, 2021, the Public Works Department issued a new Request for Proposals (RFP) for Solid Waste Collection services after the City Council voted down the proposal from FCC Environmental Services twice; and

**WHEREAS**, in an effort to ensure competition, transparency and fairness, the Office of the City Attorney was heavily involved in drafting the RFP, advising both the Mayor and the City Council on the contents of the RFP, issuing Addendums to the RFP, negotiating the contract, and advising both the Mayor and the City Council on entering into a contract with the highest qualified Service Provider; and

**WHEREAS**, on January 11, 2022, the Office of the City Attorney lead the discussion regarding the four (4) options presented to the City Council for recommendation to the Mayor which included 1) once per week collection without a cart at a cost of \$651,180.83 per month, 2) twice per week collection without a cart at a cost of \$858,060.00 per month, 3) once per week collection with a cart at a cost of \$786,655.85 per month, and 4) twice per week collection with a cart at a cost of \$756,000.00 per month; and

**WHEREAS**, on January 18, 2022, the Office of the City Attorney lead the discussion regarding the Request for Proposals for Solid Waste Collection services process and the recommendation that the City of Jackson enter into a contract with the most advantageous proposal received for twice per week collection with a 96-gallon cart service, Richard's Disposal Inc.; and

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**WHEREAS**, pursuant to Miss. Code Ann. § 21-15-25, the governing authorities may employ counsel to represent the interest of the municipality, should the occasion require, and the determination as to whether a particular service is outside the scope of the regular duties and employment contract of the municipal attorney is a factual one to be made by the governing authorities. MS AG Op., Magee (November 14, 1997); and

**WHEREAS**, the City Council has retained Bradley Arant Boult Cummings as independent legal counsel to determine if a conflict of interest exist between the Office of the City Attorney and the City Council.

**IT IS, THEREFORE, ORDERED** that Bradley Arant Boult Cummings is authorized to undertake such legal, administrative or other action as it deems appropriate for and on behalf of,

and to assist, the City Council in determining whether a conflict to interest exists between the Office of the City Attorney and the City Council.

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

Nays – Lee.

Abstention – Grizzell.

Absent – None.

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**President Lindsay** recognized **Council Member Stokes** who moved, seconded by **Council Member Hartley**, to remove Agenda Item No. 2. The motion prevailed by the following vote:

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

Nays – Grizzell.

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 Special Council Meeting at 11:00 a.m. on February 10, 2022. At 12:22 p.m., the Council stood adjourned.

PREPARED BY:

*Shenika Morley-Benton*  
CLERK OF COUNCIL

APPROVED:

*Charles L. ...*, *4/15/22*  
MAYOR DATE

ATTEST:

*Angela James*  
CITY CLERK

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