
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. Monday, March 7, 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) An ordinance to regulate the standards of rental housing units within the city of Jackson; establishing basic standards for such rental housing; Providing registration requirements and setting standards therefore; Setting administrative and enforcement regulations including penalties; and for related purposes. (2) Claims. (3) Payroll. (4) Order authorizing the Mayor to retain legal counsel to determine conflict of interest and scope of representation. (5) Order ratifying the acceptance of food services from PNGW, D/B/A Big Mama's Kitchen, LLC for services rendered to the City of Jackson Police Training Academy from January 4, 2022 through February 28, 2022 and authorizing payment in the amount of four thousand, four hundred dollars (\$4,400.00). (6) Order rescinding the mayoral proclamation of local emergency for Jackson, Mississippi by Jackson City Council. (7) Order ratifying an emergency solid waste collection and hauling agreement with Richard's Disposal, Inc for a term of one (1) year. (8) Proclamation recognizing the month of March as Women's History Month. The meeting was convened in the Council Chambers located at 219 S. President Street at 10:00 a.m. on March 8, 2022 being the second Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Angelique Lee, Council Vice President, Ward 2; Ashby Foote, Ward 1; Kenneth I. Stokes, Ward 3; Brian C. Grizzell, Ward 4; Vernon Hartley, Ward 5 and Aaron Banks, Ward 6. Directors: Chokwe Antar Lumumba, Mayor; Shanekia Mosley Jordan, Clerk of the Council; Constance White, Chief Deputy Clerk of the Council; and Catoria Martin, City Attorney.

Absent: Virgi Lindsay, Council President, Ward 7.

The meeting was called to order by **Vice President Angelique Lee.**

Vice President Lee recognized **Council Member Banks** who asked the Clerk to read the following MS Code 97-7-10 for the record. Hearing no objections, the Clerk read the following:

MS Code § 97-7-10 - Fraudulent statements and representations

(1) Whoever, with intent to defraud the state or any department, agency, office, board, commission, county, municipality or other subdivision of state or local government, knowingly and willfully falsifies, conceals or covers up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$ 10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

(2) This section shall not prohibit the prosecution under any other criminal statute of the state.

There came on for Introduction Agenda item No. 1:

AN ORDINANCE TO REGULATE THE STANDARDS OF RENTAL HOUSING UNITS WITHIN THE CITY OF JACKSON; ESTABLISHING BASIC STANDARDS FOR SUCH RENTAL HOUSING; PROVIDING REGISTRATION REQUIREMENTS AND SETTING STANDARDS THEREFORE; SETTING ADMINISTRATIVE AND ENFORCEMENT REGULATIONS' INCLUDING PENALTIES; AND FOR RELATED PURPOSES. Vice President Lee stated that said item was referred to Planning/Economic Development Committee as requested by Council Member Banks.

Vice President Lee requested that Agenda Item No. 8, 5 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

PROCLAMATION RECOGNIZING THE MONTH OF MARCH AS WOMEN'S HISTORY MONTH. Vice President Lee recognized Safiya Omari, Chief of Staff, who read the proclamation in its entirety.

Vice President Lee requested that Agenda Item No. 5 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER RATIFYING THE ACCEPTANCE OF FOOD SERVICES FROM PNGW, D/B/A BIG MAMA'S KITCHEN, LLC FOR SERVICES RENDERED TO THE CITY OF JACKSON POLICE TRAINING ACADEMY FROM JANUARY 4, 2022 THROUGH FEBRUARY 28, 2022 AND AUTHORIZING PAYMENT IN THE AMOUNT OF FOUR THOUSAND, FOUR HUNDRED DOLLARS (\$4,400.00).

WHEREAS, the City of Jackson Police Department ("JPD") is conducting 8-week bubble recruit classes to train and certify new police officers; and

WHEREAS, the Police Recruits are housed in the barracks of the City of Jackson Police Training Academy for the duration of their training; and

WHEREAS, PNGW d/b/a Big Mama's Kitchen provided a total of five hundred fifty (550) breakfast meals for the 66th Recruit class from January 4, 2022 to February 28, 2022; and

WHEREAS, PNGW d/b/a Big Mama's Kitchen provided ten (10) breakfast meals per day at a cost of \$8.00 per breakfast meal, totaling four thousand four hundred dollars (\$4,400.00); and

WHEREAS, JPD budgeted for this expenditure in its FY 22 General Fund budget, but did not execute a food services contract prior to the start of the 66th recruit class; and

WHEREAS, it has been generally held through Mississippi Case Law and Attorney General Opinions that governing authorities are not "required", but "recommended" to follow competitive bid requirements in the procurement of personal or professional service contracts and pursuant to Miss. Code. Ann. § 31-7-57(2), no governing authority shall let contracts or purchase commodities or equipment except in the manner provided by law; nor shall any governing authority ratify any such contract or purchase...or pay for the same out of public funds unless such contract or purchase was made in the manner provided by law; provided however, that any vendor who, in good faith, delivers commodities or printing or performs any services under a contract to or for the governing authority, shall be entitled to recover the fair market value of such commodities, printing or services, notwithstanding some error or failure by the governing authority to follow the law, if the contract was for an object authorized by law and the vendor had no control of, participation in, or actual knowledge of the error or failure by the governing authority.

IT IS, THEREFORE, ORDERED that payment for breakfast meals provided by PNGW, d/b/a Big Mama's Kitchen LLC in the amount of four thousand four hundred dollars (\$4,400.00) from January 4, 2022 through February 28, 2022 is hereby accepted, and said payments for the same is authorized to be paid from account 001-442.26.6419.

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

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

Nays – None.

Absent – Lindsay

ORDER APPROVING CLAIMS NUMBER 26902 to 26954 APPEARING AT PAGES 385 TO 409 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$4,799,092.73 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 26902 to 26954 appearing at pages 385 to 409, inclusive thereon in the Municipal "Docket of Claims", in the aggregate amount of \$4,799,092.73 are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

IT IS FURTHER ORDERED that there is appropriated from the various funds the sums necessary to be transferred to other funds for the purpose of paying the claims as follows:

FROM:	TO ACCOUNTS PAYABLE FUND
GENERAL FUND	2,934,279.45
SEIZURE & FORF PROP-STATE	362.58
TECHNOLOGY FUND	68,891.33
PARKS & RECR. FUND	84,486.78
BUSINESS IMPROV FUND (LANDSCP)	294,623.32
LANDFILL/ SANITATION FUND	24,812.82
STATE TORT CLAIMS FUND	940.00
WATER/SEWER OP & MAINT FUND	2,560,181.28
DISABILITY RELIEF FUND	1,858,531.53
EMPLOYEES GROUP INSURANCE FUND	59,447.02
KELLOGG FOUNDATION PROJECT	11,344.48
EARLY CHILDHOOD (DAYCARE)	1,230.75
UNEMPLOYMENT COMPENSATION FUND	13,153.91
H O P W A GRANT – DEPT. OF HUD	16,403.28
MADISON SEWAGE DISP OP & MAINT	1,316.72
TRANSPORTATION FUND	862,765.06
FONDREN BUSINESS IMPROV FUND	63,324.72
09 TIF BOND FUND \$40700	36,226.00
P E G ACCESS-PROGRAMMING FUND	1,900.37
COVID-19 RESPONSE FUND	1,496.33
ESG COVID CARES ACT	36,834.07
CDBG COVID CARES	30,861.05
ZOOLOGICAL PARK	4,641.30
LIBRARY FUND	9,453.50
TOTAL	<u>\$8,977,507.65</u>

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

Vice President Lee recognized **Fidelis Malembeka, Chief Financial Officer**, who provided a brief overview of claims docket at the request of **Vice President Lee**.

Vice President Lee recognized **Fidelis Malembeka, Chief Financial Officer**, who recommended an amendment to add a payment to PNGW, D/B/A Big Mama's Kitchen, LLC in the amount of \$4,400.00.

Vice President Lee recognized **Council Member Stokes** who moved, and **Council Member Banks** seconded, to amend said order to include payment to PNGW, D/B/A Big Mama's Kitchen, LLC in the amount of \$4,400.00. The motion prevailed by the following votes:

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

Note: Council Member Banks left during the discussion.

Vice President Lee recognized **Sondra Moncure, Deputy City Attorney**, who provided a brief overview of invoices included within the claims docket in regards to Tyler Technologies.

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

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

Note: Council Member Banks return to the meeting.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 26902 to 26954 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 26902 to 26954, inclusive thereon in the Municipal "Docket of Claims", in the aggregate amount of \$105,282.33 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

IT IS FINALLY ORDERED that the following expenditures from the accounts payable fund be made in order to pay amounts transferred thereto from the payroll fund for payment of the payroll deduction claims authorized herein for payment:

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		2,322,507.65
PARKS & RECR FUND		83,984.40
LANDFILL FUND		18,826.15
SENIOR AIDES		3,262.72
WATER/SEWER OPER & MAINT		216,309.33
PAYROLL	105,282.33	

**SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, MARCH 8, 2022 10:00 A.M.**

525

EARLY CHILDHOOD		20,546.17
HOUSING COMM DEV		9,682.45
TITLE III AGING PROGRAMS		5,641.04
TRANSPORTATION FUND		10,734.43
PEG ACCESS-PROGRAMMING FUND		6,292.40
2020 SAKI GRAND DOJ		7,350.76
ZOOLOGICAL PARK		25,498.39

TOTAL **\$2,730,635.89**

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

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

Nays – None.

Absent – Lindsay.

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ORDER RESCINDING THE MAYORAL PROCLAMATION OF LOCAL EMERGENCY FOR JACKSON, MISSISSIPPI BY JACKSON CITY COUNCIL.

WHEREAS, On February 17, 2022 the Mayor Chokwe Antar Lumumba declared a local emergency based on the March 31, 2022 expiration date of the City of Jackson’s emergency contract with Waste Management of Mississippi, Inc. for solid waste collection and hauling services; and

WHEREAS, following the February 17th emergency proclamation, the Mayor entered the City entered into an Emergency Agreement for the Solid Waste Services (“Emergency Agreement”) with Richard’s Disposal, Inc. for a term of one (1) year; and

WHEREAS, the City Council of Jackson Mississippi firmly believes in its responsibility to protect the financial position of the city, maintain compliance with state laws governing municipalities in the State of Mississippi, and fully acknowledges the urgency of performing its legislative duty as it pertains to ensuring that services are provided to the citizens of Jackson, Mississippi; and

WHEREAS, Section 33-15-5 (g) defines a local emergency as “the duly proclaimed existence of conditions of disaster or extreme peril to the safety of person and property within the territorial limits of a...municipality caused by such conditions as...water pollution...or other natural or man-made conditions...; and

WHEREAS, the Jackson City Council recognizes that sufficient time exists to continue negotiations for solid waste collection and hauling services. For said reasons, it is in the best interest of this body and the citizens of Jackson, Mississippi to rescind the city council’s proclamation of local emergency; and

IT IS, THEREFORE, ORDERED that the City Council rescinds its proclamation of local emergency for Jackson, Mississippi.

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

Vice President Lee recognized **Catoria Martin, City Attorney**, who recommended an amendment to discontinue the mayoral proclamation of local emergency for Jackson, Mississippi by Jackson City Council.

Vice President Lee recognized **Council Member Foote** who moved; seconded by **Council Member Banks** to amend the heading and IT IS THEREFORE ORDERED clause striking through the word rescinds and rescinding to include discontinues and discontinuing. The motion prevailed by the following vote:

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

After a thorough discussion, **Vice President Lee**, called for a vote on said item as amended:

ORDER DISCONTINUING THE MAYORAL PROCLAMATION OF LOCAL EMERGENCY FOR JACKSON, MISSISSIPPI BY JACKSON CITY COUNCIL.

WHEREAS, On February 17, 2022 the Mayor Chokwe Antar Lumumba declared a local emergency based on the March 31, 2022 expiration date of the City of Jackson’s emergency contract with Waste Management of Mississippi, Inc. for solid waste collection and hauling services; and

WHEREAS, following the February 17th emergency proclamation, the Mayor entered the City entered into an Emergency Agreement for the Solid Waste Services (“Emergency Agreement”) with Richard’s Disposal, Inc. for a term of one (1) year; and

WHEREAS, the City Council of Jackson Mississippi firmly believes in its responsibility to protect the financial position of the city, maintain compliance with state laws governing municipalities in the State of Mississippi, and fully acknowledges the urgency of performing its legislative duty as it pertains to ensuring that services are provided to the citizens of Jackson, Mississippi; and

WHEREAS, Section 33-15-5 (g) defines a local emergency as “the duly proclaimed existence of conditions of disaster or extreme peril to the safety of person and property within the territorial limits of a...municipality caused by such conditions as...water pollution...or other natural or man-made conditions...; and

WHEREAS, the Jackson City Council recognizes that sufficient time exists to continue negotiations for solid waste collection and hauling services. For said reasons, it is in the best interest of this body and the citizens of Jackson, Mississippi to rescind the city council’s proclamation of local emergency; and

IT IS, THEREFORE, ORDERED that the City Council discontinues its proclamation of local emergency for Jackson, Mississippi.

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

ORDER RATIFYING AN EMERGENCY SOLID WASTE COLLECTION AND HAULING AGREEMENT WITH RICHARD’S DISPOSAL, INC. FOR A TERM OF ONE (1) YEAR.

WHEREAS, the City of Jackson previously had an Agreement for Solid Waste Collection Services that expired on September 30, 2021; and

WHEREAS, the City of Jackson issued a Request for Proposals for Solid Waste Collection and Hauling Services to obtain a new contract to provide residential solid waste collection services for the City; and

WHEREAS, the City received responses to that Request for Proposals (RFP), negotiated contracts with the vendors submitting proposals, but was unable to obtain approval of a new agreement for solid waste collection and hauling services; and

WHEREAS, on September 30, 2021, the Mayor proclaimed the existence of a local emergency, pursuant to his authority under Section 33-15-17 of the Mississippi Code of 1972, as amended; and

WHEREAS, following the emergency proclamation, the City entered into an emergency contract with Waste Management of Mississippi, Inc. for a term of six (6) months; and

WHEREAS, the City issued another Request for Proposals according to the statutorily-mandated requirements of Section 31-7-13 (r) of the Mississippi Code of 1972, as amended; and

WHEREAS, again, the City received responses to the RFP, negotiated a contract with the duly selected proposer, but was unable to obtain approval of a new agreement for solid waste collection and hauling services; and

WHEREAS, on February 17, 2022, the Mayor proclaimed the existence of a local emergency, pursuant to his authority under Section 33-15-17 of the Mississippi Code of 1972, as amended; and

WHEREAS, following the emergency proclamation, the City entered into an Emergency Agreement for the Solid Waste Services (“Emergency Agreement”) with Richard’s Disposal, Inc. for a term of one (1) year; and

WHEREAS, under Section 33-15-17 (b) of the Mississippi Code of 1972, as amended, the City “is authorized to exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds...;” and

WHEREAS, pursuant to *Bolivar County v. Wal-Mart Stores, Inc.*, 797 So. 2d 790 (Miss. 1999), the Emergency Management Law governs procurement during a local emergency and the “time consuming procedures and formalities prescribed by law pertaining to the...entering into contracts” obviates the need for the City Council to ratify emergency contracts; and

WHEREAS, out of an abundance of caution and for purposes of transparency, the Mayor is submitting the City’s Emergency Agreement with Richard’s Disposal, Inc. for ratification by the City Council, since the City Council is responsible for the City budget and the approval of the Claims Docket; and

WHEREAS, the Emergency Agreement with Richard’s Disposal, Inc. provides the same services at the same cost as are being provided under the current emergency contract that expires March 31, 2022; and

WHEREAS, the Emergency Agreement establishes a monthly rate of \$15.00 per residential unit beginning April 1, 2022 through March 31, 2023 based on a house count of 53,869 habitable residential units in the City of Jackson, which is the same price and house count as the current emergency contract; and

WHEREAS, the Contractor will provide twice per week collection of garbage using the customer’s Approved Garbage Container, which under the Emergency Agreement means a bag (so long as it and its contents do not exceed sixty (60) pounds) or a metal or plastic can of not less than ten gallons nor more than 30-gallon capacity, fitted with a closely fitting cover, which are the same terms described in the current emergency contract; and

WHEREAS, the Contractor will collect up to two (2) items of bulk waste from the curbside of each residential unit located in the City once each week, which are the same terms described in the current emergency contract; and

WHEREAS, the Contractor will collect all containerized yard debris and up to two (2) cubic yards of uncontainerized yard debris, excluding leaves and yard clippings, from the curbside of each residential unit located within the City of Jackson once each week, which are the same terms described in the current emergency contract; and

WHEREAS, at no additional charge, the Contractor will collect solid waste from municipal buildings and facilities in accordance with the City Facilities Collection Schedule set forth in the Emergency Agreement, which are the same terms described in the current emergency contract; and

WHEREAS, at no additional charge, the Contractor will provide monthly roll off services, which is the same term described in the current emergency contract; and

WHEREAS, the Emergency Agreement may be terminated upon at least sixty (60) days written notice of procurement of a permanent contract for residential solid waste collection; and

WHEREAS, within five (5) days of receipt of a fully executed Emergency Agreement by Contractor and Notice to Proceed from the City of Jackson, Contractor is required to furnish and provide a performance bond in the amount of One Million Dollars (\$1,000,000.00) to secure Contractor's performance of the Emergency Agreement; and

WHEREAS, the Emergency Agreement provides that Contractor shall bill the City for services rendered within ten (10) days following the end of the month in which services are rendered and the City shall pay Contractor on or before the 25th day following the end of such month, which is the same term described in the current emergency contract; and

WHEREAS, the Emergency Agreement provides that should the City Council fail to approve the need for continuing the local emergency or fail to authorize compensation for this Agreement and performance under this Agreement is suspended or terminated, the City agrees to reimburse the Contractor for the amount of such reasonable itemized operating and start-up costs incurred by the Contractor in connection with the Emergency Agreement; and

WHEREAS, the Emergency Agreement with Richard's Disposal, Inc. for the period of April 1, 2022 through March 31, 2023, which is attached hereto, should be ratified to ensure the continuance of residential solid waste collection for City of Jackson residents.

IT IS, THEREFORE, ORDERED that the Emergency Agreement for Solid Waste Services with Richard's Disposal, Inc., dated February 17, 2022, attached hereto and spread upon the minutes, is ratified.

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

Vice President Lee recognized **Catoria Martin, City Attorney** and **Mayor Chokwe A. Lumumba**, who provided a brief overview of said item.

Vice President Lee recognized **Catoria Martin, City Attorney**, who stated that there were items that needed to be discussed in Executive Session regarding a "Pending Litigation".

Vice President Lee moved to go into Closed Session to discuss Agenda Items No. 7.

Note: Said motion failed due to a lack of a second.

After a thorough discussion, **Vice President Lee**, called for a vote on said item:

- Yeas – Lee.
- Nays – Banks, Foote, Hartley and Stokes.
- Abstention – Grizzell.
- Absent – Lindsay.

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

Vice President Lee recognized **Council Member Banks** who moved, seconded by **Council Member Hartley** to reconsider the previous item. The motion prevailed by the following vote:

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

Thereafter, Vice President Lee requested that the Clerk read the order:

ORDER RATIFYING AN EMERGENCY SOLID WASTE COLLECTION AND HAULING AGREEMENT WITH RICHARD'S DISPOSAL, INC. FOR A TERM OF ONE (1) YEAR.

WHEREAS, the City of Jackson previously had an Agreement for Solid Waste Collection Services that expired on September 30, 2021; and

WHEREAS, the City of Jackson issued a Request for Proposals for Solid Waste Collection and Hauling Services to obtain a new contract to provide residential solid waste collection services for the City; and

WHEREAS, the City received responses to that Request for Proposals (RFP), negotiated contracts with the vendors submitting proposals, but was unable to obtain approval of a new agreement for solid waste collection and hauling services; and

WHEREAS, on September 30, 2021, the Mayor proclaimed the existence of a local emergency, pursuant to his authority under Section 33-15-17 of the Mississippi Code of 1972, as amended; and

WHEREAS, following the emergency proclamation, the City entered into an emergency contract with Waste Management of Mississippi, Inc. for a term of six (6) months; and

WHEREAS, the City issued another Request for Proposals according to the statutorily-mandated requirements of Section 31-7-13 (r) of the Mississippi Code of 1972, as amended; and

WHEREAS, again, the City received responses to the RFP, negotiated a contract with the duly selected proposer, but was unable to obtain approval of a new agreement for solid waste collection and hauling services; and

WHEREAS, on February 17, 2022, the Mayor proclaimed the existence of a local emergency, pursuant to his authority under Section 33-15-17 of the Mississippi Code of 1972, as amended; and

WHEREAS, following the emergency proclamation, the City entered into an Emergency Agreement for the Solid Waste Services ("Emergency Agreement") with Richard's Disposal, Inc. for a term of one (1) year; and

WHEREAS, under Section 33-15-17 (b) of the Mississippi Code of 1972, as amended, the City "is authorized to exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds..." and

WHEREAS, pursuant to *Bolivar County v. Wal-Mart Stores, Inc.*, 797 So. 2d 790 (Miss. 1999), the Emergency Management Law governs procurement during a local emergency and the "time consuming procedures and formalities prescribed by law pertaining to the...entering into contracts" obviates the need for the City Council to ratify emergency contracts; and

WHEREAS, out of an abundance of caution and for purposes of transparency, the Mayor is submitting the City's Emergency Agreement with Richard's Disposal, Inc. for ratification by the City Council, since the City Council is responsible for the City budget and the approval of the Claims Docket; and

WHEREAS, the Emergency Agreement with Richard's Disposal, Inc. provides the same services at the same cost as are being provided under the current emergency contract that expires March 31, 2022; and

WHEREAS, the Emergency Agreement establishes a monthly rate of \$15.00 per residential unit beginning April 1, 2022 through March 31, 2023 based on a house count of 53,869 habitable residential units in the City of Jackson, which is the same price and house count as the current emergency contract; and

WHEREAS, the Contractor will provide twice per week collection of garbage using the customer's Approved Garbage Container, which under the Emergency Agreement means a bag (so long as it and its contents do not exceed sixty (60) pounds) or a metal or plastic can of not less than ten gallons nor more than 30-gallon capacity, fitted with a closely fitting cover, which are the same terms described in the current emergency contract; and

WHEREAS, the Contractor will collect up to two (2) items of bulk waste from the curbside of each residential unit located in the City once each week, which are the same terms described in the current emergency contract; and

WHEREAS, the Contractor will collect all containerized yard debris and up to two (2) cubic yards of uncontainerized yard debris, excluding leaves and yard clippings, from the curbside of each residential unit located within the City of Jackson once each week, which are the same terms described in the current emergency contract; and

WHEREAS, at no additional charge, the Contractor will collect solid waste from municipal buildings and facilities in accordance with the City Facilities Collection Schedule set forth in the Emergency Agreement, which are the same terms described in the current emergency contract; and

WHEREAS, at no additional charge, the Contractor will provide monthly roll off services, which is the same term described in the current emergency contract; and

WHEREAS, the Emergency Agreement may be terminated upon at least sixty (60) days written notice of procurement of a permanent contract for residential solid waste collection; and

WHEREAS, within five (5) days of receipt of a fully executed Emergency Agreement by Contractor and Notice to Proceed from the City of Jackson, Contractor is required to furnish and provide a performance bond in the amount of One Million Dollars (\$1,000,000.00) to secure Contractor's performance of the Emergency Agreement; and

WHEREAS, the Emergency Agreement provides that Contractor shall bill the City for services rendered within ten (10) days following the end of the month in which services are rendered and the City shall pay Contractor on or before the 25th day following the end of such month, which is the same term described in the current emergency contract; and

WHEREAS, the Emergency Agreement provides that should the City Council fail to approve the need for continuing the local emergency or fail to authorize compensation for this Agreement and performance under this Agreement is suspended or terminated, the City agrees to reimburse the Contractor for the amount of such reasonable itemized operating and start-up costs incurred by the Contractor in connection with the Emergency Agreement; and

WHEREAS, the Emergency Agreement with Richard's Disposal, Inc. for the period of April 1, 2022 through March 31, 2023, which is attached hereto, should be ratified to ensure the continuance of residential solid waste collection for City of Jackson residents.

IT IS, THEREFORE, ORDERED that the Emergency Agreement for Solid Waste Services with Richard's Disposal, Inc., dated February 17, 2022, attached hereto and spread upon the minutes, is ratified.

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

Vice President Lee recognized **Terry Williamson, City Attorney's Office**, who provided a brief overview of said item.

Thereafter, Vice President Lee, called for a vote on said item:

Yeas – Grizzell and Lee.

Nays – Banks, Foote, Hartley and Stokes.

Absent – Lindsay.

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

ORDER AUTHORIZING THE MAYOR TO RETAIN LEGAL COUNSEL TO DETERMINE CONFLICT OF INTEREST AND SCOPE OF REPRESENTATION.

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 February 25, 2022, Waste Management of Mississippi, Inc. filed a lawsuit, *WASTE MANAGEMENT OF MISSISSIPPI, INC. v. LUMUMBA et al.*, Cause No. 25CI1:22-cv-00103-EFP, against *Chokwe A. Lumumba, Mayor of Jackson, Mississippi; City of Jackson*, and the Complaint states, “WM requests that the court issue an order directing the Mayor in his individual capacity as mayor to follow his obligations under statute, city ordinances, and the RFP...”; and

WHEREAS, counsel for Waste Management of Mississippi, Inc. has consistently attempted to serve process on the Mayor, in his individual capacity and has represented to the Court that the Mayor will file a separate response to the Complaint; 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, based on the facts presented at this time, the Mayor should consider retaining independent legal counsel to determine if a conflict of interest exist between the Office of the City Attorney and the Mayor in *WASTE MANAGEMENT OF MISSISSIPPI, INC. v. LUMUMBA et al.*, Cause No. 25CI1:22-cv-00103-EFP.

IT IS, THEREFORE, ORDERED that the Mayor is hereby authorized to retain legal counsel to represent his interests and the Law Office of Felecia Perkins, PA is hereby retained to undertake such actions as deemed appropriate for and on behalf of, and to assist, the Mayor.

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

Vice President Lee recognized **Mayor Chokwe Antar Lumumba**, who provided a brief overview of said item.

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, MARCH 8, 2022 10:00 A.M.

Thereafter, Vice President Lee, called for a vote on said item:

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

Nays – Stokes.

Absent – Lindsay.

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 next Emergency Special Council Meeting at 9:00 a.m. on March 10, 2022. At 11:27 a.m., the Council stood adjourned.

PREPARED BY:

Shanikia Masley-Bromber
CLERK OF COUNCIL

APPROVED:

Vinny Lindsay 3/29/22
COUNCIL PRESIDENT DATE


ATTEST:

Angele Hanes
CITY CLERK

Mayor's Veto and Objection
on Order Ratifying an Emergency Solid Waste Collection Contract and
Hauling Agreement with Richard's Disposal, Inc. for a Term of One (1) Year

In a Special Meeting of the City Council of Jackson Mississippi held on March 8, 2022, Agenda Item 7, Order Ratifying an Emergency Solid Waste Collection Contract and Hauling Agreement with Richard's Disposal, Inc. for a Term of One (1) Year, was improperly placed on the agenda by Council and voted down by Council with a vote of 1-4-1. Subsequent to this vote, Councilman Banks made a motion to reconsider which was approved by a vote of 4 - 2, and the item failed a 2nd time by a vote of 2 - 4. This action was taken to invoke the City of Jackson Ordinance that requires that a contract that has been voted down twice not be brought back before Council for a period of 12 months. The Council is well aware that it does not have the statutory right to choose vendors, nor does it have the right to put up a contract. Yet, once again, they acted outside of their authority. As their actions blatantly violate the separation of powers as stated in the Mississippi Constitution Article I, Section 2, I must veto this action.

Therefore, I, Chokwe A. Lumumba, Mayor of the City of Jackson Mississippi, do hereby veto the action of the City Council on the Order Ratifying an Emergency Solid Waste Collection Contract and Hauling Agreement with Richard's Disposal, Inc. for a Term of One (1) Year by the Jackson City Council.



Chokwe A. Lumumba, Mayor

4/14/22

Date

**SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY, MARCH 8, 2022 10:00 A.M.**

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