



**EMERGENCY SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JACKSON, MISSISSIPPI
April 1, 2022
AGENDA
11:00 AM**

CALL TO ORDER BY THE PRESIDENT

REGULAR AGENDA

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

ANNOUNCEMENTS

ADJOURNMENT

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, on March 9, 2022, the Mayor filed suit against the City Council in the Fifth Chancery Court District of Hinds County (Cause No. 22-cv-281); and

BY: LUMUMBA

WHEREAS, on March 31, 2022, Special Chancellor, Justice Jess H. Dickinson, issued a final Opinion and Judgment which states,

The Council has no authority to negotiate and/or execute a contract for the collection of residential solid waste, absent the existence of the exceptions in Miss. Code Ann. §21-8-19;

The Council has no authority to amend the Mayor's order declaring a local emergency, and instead, after the Mayor declares a local emergency the Council is required to approve or disapprove the proclamation; and,

The Mayor has the authority to find independent contractors/vendors who can provide necessary emergency services and present contracts to the Council for approval.

Only the Mayor may negotiate a contract for solid waste disposal on behalf of the City of Jackson.

Whether a contract binding the City of Jackson for solid waste disposal is negotiated through the RFP process or pursuant to emergency authority under Miss Code Section 33-15-17(b), the contract is not a binding contract that is enforceable against the City of Jackson unless and until it has been properly approved by the Council; and

WHEREAS, the Emergency Agreement with Richard's Disposal, Inc. provides the same services at the same cost as were being provided under the previous emergency contract that expired 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 previous 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 previous 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 previous 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 previous emergency contract; and

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