

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, JANUARY 31, 2023 10:00 A.M.

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BE IT REMEMBERED that a Regular Meeting of the City Council of Jackson, Mississippi, was convened at City Hall at 10:00 a.m. on January 31, 2023, being the fifth Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Ashby Foote, Council President, Ward 1; Angelique Lee, Vice-President, Ward 2; Brian Grizzell, Ward 4; Vernon Hartley, Ward 5; Aaron Banks, Ward 6 and Virgi Lindsay, Ward 7. Directors: Chokwe Antar Lumumba, Mayor; Safiya Omari, Chief of Staff; Shanekia Mosley-Jordan, Clerk of Council, Sabrina Shelby, Chief Deputy Clerk of Council and Catoria Martin, City Attorney.

Absent: Kenneth Stokes, Ward 3.

The meeting was called to order by **President Foote**.

The invocation was offered by **Pastor Jennifer Biard of Jackson Revival Center Church**.

The Council recited the **Pledge of Allegiance**.

APPROVAL OF THE JANUARY 10, 2023 SPECIAL COUNCIL MEETING MINUTES.

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

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

Nays – None.

Absent – Banks and Stokes.

ORDER ACCEPTING PARTIAL PAYMENT OF \$1,114.40 FROM SAFECO INSURANCE ON BEHALF OF ITS INSURED LATEX WARD FOR PROPERTY DAMAGE CLAIM.

IT IS HEREBY ORDERED that the sum of \$1,114.40 tendered by Safeco be accepted as partial payment of the City of Jackson's claim for property damage sustained to SUV-0185.

IT IS HEREBY ORDERED that the City's claim for "loss of use" in the amount of \$250.00 is not extinguished by acceptance of the partial payment.

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

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

Nays – None.

Absent – Banks and Stokes.

President Foote requested that Agenda Item No. 18 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER RATIFYING PROCUREMENT OF REPAIR SERVICES FROM SANSOM EQUIPMENT COMPANY AND AUTHORIZING PAYMENTS TO SAID VENDOR FOR THE DEPARTMENT OF PUBLIC WORKS SEWER MAINTENANCE DIVISION.

WHEREAS, the Sewer Maintenance Division of the Department of Public Works had need of certain repair services and parts necessary to the operation and maintenance of Sewer Maintenance equipment; and

WHEREAS, due to exigent circumstances, the procurement of these necessary repair services and parts from Sansom Equipment Company was done without prior approval by the City Purchasing Manager or the City Council of the City of Jackson; and

WHEREAS, the repair services and parts set forth in certain invoices attached hereto were provided to the Sewer Maintenance Division for repairs to various equipment, and said repairs have been completed.

IT IS, THEREFORE, ORDERED that payment in the amount of \$7,489.41 to Sansom Equipment Company be made consistent with the attached invoices.

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

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

Nays – None.

Absent – Banks and Stokes.

President Foote recognized **Council Member Lindsay** who moved, seconded by **Council Member Hartley** to add an item to the agenda on an emergency basis: Second Order amending the fiscal year 2022-2023 budget of the City of Jackson to provide for the transfer of funds to the Interim Third-Party Manager appointed pursuant to the interim stipulated order in United States of America vs. City of Jackson, Mississippi, Civil Action Number 3:22-cv-00686-HTW-LGI, U.S. Dist. Ct., S.D. Miss.

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

Nays – None.

Absent – Banks and Stokes.

Note: Council Member Banks joined the meeting.

There came on as the Emergency Agenda Item: SECOND ORDER AMENDING THE FISCAL YEAR 2022-2023 BUDGET OF THE CITY OF JACKSON TO PROVIDE FOR THE TRANSFER OF FUNDS TO THE INTERIM THIRD-PARTY MANAGER APPOINTED PURSUANT TO THE INTERIM STIPULATED ORDER IN UNITED STATE OF AMERICA VS. CITY OF JACKSON, MISSISSIPPI, CIVIL ACTION NUMBER 3:22-CV-00686-HTW-LGI, U.S. DIST. CT., S.D. MISS: Hearing no objections, the Clerk read the following:

SECOND ORDER AMENDING THE FISCAL YEAR 2022-2023 BUDGET OF THE CITY OF JACKSON TO PROVIDE FOR THE TRANSFER OF FUNDS TO THE INTERIM THIRD-PARTY MANAGER APPOINTED PURSUANT TO THE INTERIM STIPULATED ORDER IN UNITED STATE OF AMERICA VS. CITY OF JACKSON, MISSISSIPPI, CIVIL ACTION NUMBER 3:22-CV-00686-HTW-LGI, U.S. DIST. CT., S.D. MISS.

WHEREAS, the City of Jackson entered into an Interim Stipulated Order with the United States Department of Justice, the United States Environmental Protection Agency, and the Mississippi State Department of Health in that certain civil action filed by the United States of American versus the City of Jackson, Mississippi, Civil Action Number 3:22-cv-00686-HTW-LGI, U.S. Dist. Ct., S.D. Miss.; and

WHEREAS, the Interim Stipulated Order requires that the City transfer certain funds belonging to the City of Jackson to the Interim Third-Party Manager for deposits in accounts to be used for the benefit of the City of Jackson drinking water system; and

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WHEREAS, at its January 3, 2023 meeting, the City Council authorized the transfer of certain of the American Recovery Plan Act funds it received to the Interim Third-Party Manager that were designated as matching funds for drinking water system improvements under the Mississippi Municipality & County Water Infrastructure Grant Program Act (MCWI), in the amount of \$15,149,500.00; and

WHEREAS, at its January 3, 2023 meeting, the City Council authorized the transfer of \$2,000,000.00 required as the initial transfer under the Interim Stipulated Order to the Interim Third-Party Manager of funds budgeted for the operation and maintenance of the City's Water division and its Water-Sewer Business Administration division for Fiscal Year 2023; and

WHEREAS, at its January 3, 2023 meeting, the City Council authorized the transfer of an additional \$1,000,000.00 required as the monthly transfer under the Interim Stipulated Order to the Third-Party Manager of funds budgeted for the operation and maintenance of the City's Water division and its Water-Sewer Business Administration division for Fiscal Year 2023; and

WHEREAS, the City is now required to make its second monthly transfer of \$1,000,000.00 required as the monthly transfer under the Interim Stipulated Order to the Third-Party Manager of funds budgeted for the operation and maintenance of the City's Water division and its Water-Sewer Business Administration division for Fiscal Year 2023; and

WHEREAS, in order to pay these funds to the Interim Third-Party Manager, funds must be transferred to an appropriate account as follows:

<u>To/From</u>	<u>Fund/Account Number</u>	<u>Description</u>	<u>Amount</u>
From:			
	031-52010 6111	SALARIES	\$677,227.00
	031-52010 6112	TEMP OR PART-TIME SAL & WAGES	\$167,983.00
	031-52010 6114	OVERTIME	\$2,605.00
	031-52010 6131	FICA TAXES	\$53,509.00
	031-52010 6133	EMPLOYERS PENSION CONTRIB	\$122,761.00
	031-52010 6136	MEDICARE TAX PAYMENTS	\$12,514.00
	031-52020 6111	SALARIES	\$165,445.00
	031-52020 6114	OVERTIME	\$1,564.00
	031-52020 6131	FICA TAXES	\$10,581.00
	031-52020 6136	MEDICARE TAX PAYMENTS	\$2,474.00
	031-52120 6111	SALARIES	\$280,647.00
	031-52120 6131	FICA TAXES	\$17,180.00
	031-52120 6133	EMPLOYERS PENSION CONTRIB	\$47,952.00
	031-52130 6111	SALARIES	\$350,358.00
	031-52130 6112	TEMP OR PART-TIME SAL & WAGES	\$5,280.00
	031-52130 6113	WAGES	\$52,107.00
	031-52130 6114	OVERTIME	\$16,886.00

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031-52130 6131 FICA TAXES \$12,927.00

To: 031-52101 6493 \$ 2,000,000.00

IT IS, THEREFORE, ORDERED that the Fiscal Year 2023 Budget of the City of Jackson be amended set forth above.

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

President Foote recognized **Terry Williamson, Legal Counsel**, who provided a brief overview of said item.

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

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

Nays – None.

Absent – Stokes.

ORDER APPROVING CLAIMS NUMBER 28396 to 28453 APPEARING AT PAGES 227 TO 254 INCLUSIVE THEREON, ON MUNICIPAL “DOCKET OF CLAIMS”, IN THE AMOUNT OF \$4,654,906.59 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 28396 to 28453 appearing at pages 227 to 254, inclusive thereon in the Municipal “Docket of Claims”, in the aggregate amount of \$4,654,906.59 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	637,819.64
SEIZURE & FORF PORP-STATE	43,840.25
TECHNOLOGY FUND	7,433.32
PARKS & RECR. FUND	98,942.34
LANDFILL SANITATION FUND	1,808,733.13
FIRE PROTECTION	11,040.00
STATE TORT CLAIMS FUND	18,935.00
WATER/SEWER REVENUE FUND	1,251.73
WATER/SEWER OP & MAINT FUND	459,930.80
WATER/SEWER CAPITAL IMPR FUND	491,043.04
EMPLOYEES GROUP INSURANCE FUND	29,500.00
KELLOGG FOUNDATION PROJECT	3,500.00
NARCOTICS EVIDENCE ESCROW	384.40
HOUSING COM DEV ACT (CDBG) FD	2,807.46
HOME PROGRAM FUND	15.00
H O P W A GRANT-DEPT. OF HUD	45,203.69
1% INFRASTRUCTURE TAX	118,514.58
MADISON SEWAGE DISP OP & MAINT	27.58
TRANSPORTATION FUND	13,397.16

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JXN CONVENTION & VISITORS BUR	285,968.99
RESURFACING-REPAIR & REPL. FD	15,900.93
2019 TIF BOND \$1.8 – LANDMARK	197,596.00
P E G ACCESS – PROGRAMMING FUND	4,953.40
MHC BLIGHT ELIMINATION PROGRAM	15,435.00
CDBG COVID CARES	900.00
ZOOLOGICAL PARK	4,511.35
DFA-SB2971-TOUGALOO CENTER	46,875.00
MDOT-CMPDD PROJECTS	290,446.80
TOTAL	<u>\$4,654,906.59</u>

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

President Foote recognized **Fidelis Malembeka, Chief Financial Officer**, who recommended an amendment to claims docket to add a payment in the amount of \$1,000,000.00 to Jxn Water.

President Foote recognized **Council Member Grizzell** who moved; seconded by **Council Member Hartley** to amend said order to reflect the changes as stated by **Fidelis Malembeka, Chief Financial Officer**. The motion prevailed by the following vote:

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

Nays – None.

Absent – Stokes.

President Foote recognized **Fidelis Malembeka, Chief Financial Officer**, who provided a brief overview of the larger claims.

Thereafter, **President Foote**, called for a vote of said item as amended:

ORDER APPROVING CLAIMS NUMBER 28396 to 28453 APPEARING AT PAGES 227 TO 254 INCLUSIVE THEREON, ON MUNICIPAL “DOCKET OF CLAIMS”, IN THE AMOUNT OF \$5,654,906.59 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 28396 to 28453 appearing at pages 227 to 254, inclusive thereon in the Municipal “Docket of Claims”, in the aggregate amount of \$5,654,906.59 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	637,819.64
SEIZURE & FORF PORP-STATE	43,840.25
TECHNOLOGY FUND	7,433.32
PARKS & RECR. FUND	98,942.34
LANDFILL SANITATION FUND	1,808,733.13
FIRE PROTECTION	11,040.00
STATE TORT CLAIMS FUND	18,935.00
WATER/SEWER REVENUE FUND	1,251.73
WATER/SEWER OP & MAINT FUND	1,459,930.80

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WATER/SEWER CAPITAL IMPR FUND	491,043.04
EMPLOYEES GROUP INSURANCE FUND	29,500.00
KELLOGG FOUNDATION PROJECT	3,500.00
NARCOTICS EVIDENCE ESCROW	384.40
HOUSING COM DEV ACT (CDBG) FD	2,807.46
HOME PROGRAM FUND	15.00
H O P W A GRANT-DEPT. OF HUD	45,203.69
1% INFRASTRUCTURE TAX	118,514.58
MADISON SEWAGE DISP OP & MAINT	27.58
TRANSPORTATION FUND	13,397.16
JXN CONVENTION & VISITORS BUR	285,968.99
RESURFACING-REPAIR & REPL. FD	15,900.93
2019 TIF BOND \$1.8 – LANDMARK	197,596.00
P E G ACCESS – PROGRAMMING FUND	4,953.40
MHC BLIGHT ELIMINATION PROGRAM	15,435.00
CDBG COVID CARES	900.00
ZOOLOGICAL PARK	4,511.35
DFA-SB2971-TOUGALOO CENTER	46,875.00
MDOT-CMPDD PROJECTS	290,446.80
TOTAL	<u>\$5,654,906.59</u>

Yeas – Foote, Grizzell, Lee and Lindsay.

Nays – Banks and Hartley.

Absent – Stokes.

Note: Council Member Banks left the meeting.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 28396 TO 28453 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 28396 to 28453 inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$111,514.92 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		2,301,896.73
PARKS & RECR FUND		104,706.00
LANDFILL FUND		17,232.69
SENIOR AIDES		3,440.23
WATER/SEWER OPER & MAINT		243,537.34
PAYROLL	111,514.92	
HOUSING COMM DEV		9,049.74
TITLE III AGING PROGRAMS		5,991.19
TRANSPORTATION FUND		18,433.75
PEG ACCESS-PROGRAMMING FUND		5,465.23

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2020 SAKI GRAND DOJ		7,405.71
ZOOLOGICAL PARK		30,282.44
AMERICAN RESCUE PLAN ACT 2021		11,314.96
TOTAL		\$2,758,756.01

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

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

Nays – None.

Absent – Banks and Stokes.

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Note: **Council Member Banks** returned to the meeting.

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ORDER CONFIRMING THE MAYOR’S APPOINTMENT OF WILLIE B. MCGINNIS TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF JACKSON.

WHEREAS, the Construction Board of Adjustment and Appeals is comprised of seven (7) members, serving a four (4) year term, and having knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives; and

WHEREAS, the Construction Board of Adjustment and Appeals is also comprised of two (2) alternate members: one (1) at large from the public and one (1) at large from the building industry serving a one (1) year term; and

WHEREAS, the Mayor, after evaluation and review of his qualifications, has appointed Willie B. McGinnis to fill the board vacancy.

IT IS, THEREFORE, ORDERED that the Mayor’s appointment of Willie B. McGinnis to the Construction Board of Adjustment and Appeals of the City of Jackson be confirmed with the term expiring January 31, 2027.

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

President Foote recognized **Safiya Omari, Chief of Staff**, who provided a brief overview of said item.

President Foote recognized **Chloe Dotson, Director of Planning and Development**, who provided a brief overview of said item.

President Foote recognized **Kristi Metcalf, Deputy City Attorney**, who stated that there was an amendment needed to substitute said order with an amended order for Agenda Items No. 8-11:

President Foote recognized **Council Member Hartley** who moved; seconded by **Council Member Grizzell**, to substitute said order with the amended order provided by City Legal. The motion prevailed by the following votes:

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

Nays – None.

Absent – Stokes.

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF WILLIE B. MCGINNIS TO THE BOARD OF CONSTRUCTION OF THE CITY OF JACKSON.

WHEREAS, the Board of Construction is comprised of eight (8) members: one (1) architect, one (1) general contractor, one (1) engineer, one (1) master electrician, one (1) master mechanic, one (1) master plumber and two (2) lay persons; and

WHEREAS, members of the Board of Construction shall be appointed by the Mayor for terms of three (3) years; and

WHEREAS, the Mayor, after evaluation and review of his qualifications, has appointed Willie B. McGinnis to fill the board vacancy designated for a master plumber.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of Willie B. McGinnis to the Board of Construction of the City of Jackson be confirmed with the term expiring January 31, 2026.

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

Nays – None.

Absent – Stokes.

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF GEORGE MOORE TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF JACKSON.

WHEREAS, the Construction Board of Adjustment and Appeals is comprised of seven (7) members, serving a four (4) year term, and having knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives; and

WHEREAS, the Construction Board of Adjustment and Appeals is also comprised of two (2) alternate members: one (1) at large from the public and one (1) at large from the building industry serving a one (1) year term; and

WHEREAS, the Mayor, after evaluation and review of his qualifications, has appointed George Moore to fill the board vacancy.

IT IS, THEREFORE, ORDERED that the Mayor's re-appointment of George Moore to the Construction Board of Adjustment and Appeals of the City of Jackson be confirmed with the term expiring January 31, 2027.

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

President Foote recognized **Council Member Lindsay** who moved; seconded by **Vice President Lee**, to substitute said order with the amended order provided by City Legal. The motion prevailed by the following votes:

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

Nays – None.

Absent – Stokes.

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF GEORGE MOORE, SR. TO THE BOARD OF CONSTRUCTION OF THE CITY OF JACKSON.

WHEREAS, the Board of Construction is comprised of eight (8) members: one (1) architect, one (1) general contractor, one (1) engineer, one (1) master electrician, one (1) master mechanic, one (1) master plumber and two (2) lay persons; and

WHEREAS, members of the Board of Construction shall be appointed by the Mayor for terms of three (3) years; and

WHEREAS, the Mayor, after evaluation and review of his qualifications, has appointed George Moore, Sr. to fill the board vacancy designated for a master mechanic.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of George Moore, Sr. to the Board of Construction of the City of Jackson be confirmed with the term expiring January 31, 2026.

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

Nays – None.

Absent – Stokes.

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF ELMORE MOODY TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF JACKSON.

WHEREAS, the Construction Board of Adjustment and Appeals is comprised of seven (7) members, serving a four (4) year term, and having knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives; and

WHEREAS, the Construction Board of Adjustment and Appeals is also comprised of two (2) alternate members: one (1) at large from the public and one (1) at large from the building industry serving a one (1) year term; and

WHEREAS, the Mayor, after evaluation and review of his qualifications, has appointed Elmore Moody, P.E to fill the board vacancy.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of Elmore Moody, P.E to the Construction Board of Adjustment and Appeals of the City of Jackson be confirmed with the term expiring January 31, 2027.

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

President Foote recognized **Council Member Hartley** who moved; seconded by **Vice President Lee**, to substitute said order with the amended order provided by City Legal. The motion prevailed by the following votes:

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

Nays – None.

Absent – Stokes.

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF ELMORE MOODY, P.E. TO THE BOARD OF CONSTRUCTION OF THE CITY OF JACKSON.

WHEREAS, the Board of Construction is comprised of eight (8) members: one (1) architect, one (1) general contractor, one (1) engineer, one (1) master electrician, one (1) master mechanic, one (1) master plumber and two (2) lay persons; and

WHEREAS, members of the Board of Construction shall be appointed by the Mayor for terms of three (3) years; and

WHEREAS, the Mayor, after evaluation and review of his qualifications, has appointed Elmore Moody, P.E. to fill the board vacancy designated for an engineer.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of Elmore Moody, P.E. to the Board of Construction of the City of Jackson be confirmed with the term expiring January 31, 2026.

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

Nays – None.

Absent – Stokes.

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF AKILLI KELLY TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF JACKSON.

WHEREAS, the Construction Board of Adjustment and Appeals is comprised of seven (7) members, serving a four (4) year term, and having knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives; and

WHEREAS, the Construction Board of Adjustment and Appeals is also comprised of two (2) alternate members: one (1) at large from the public and one (1) at large from the building industry serving a one (1) year term; and

WHEREAS, the Mayor, after evaluation and review of her qualifications, has appointed Akili Kelly to fill the board vacancy.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of Akili Kelly to the Construction Board of Adjustment and Appeals of the City of Jackson be confirmed with the term expiring January 31, 2027.

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

President Foote recognized **Vice President Lee** who moved; seconded by **Council Member Banks**, to substitute said order with the amended order provided by City Legal. The motion prevailed by the following votes:

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

Nays – None.

Absent – Stokes.

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF AKILI KELLY TO THE BOARD OF CONSTRUCTION OF THE CITY OF JACKSON.

WHEREAS, the Board of Construction is comprised of eight (8) members: one (1) architect, one (1) general contractor, one (1) engineer, one (1) master electrician, one (1) master mechanic, one (1) master plumber and two (2) lay persons; and

WHEREAS, members of the Board of Construction shall be appointed by the Mayor for terms of three (3) years; and

WHEREAS, the Mayor, after evaluation and review of his qualifications, has appointed Akili Kelly to fill the board vacancy designated for an architect.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of Akili Kelly to the Board of Construction of the City of Jackson be confirmed with the term expiring January 31, 2026.

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF BERNEECE S. HERBERT PHD TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF JACKSON.

WHEREAS, the Construction Board of Adjustment and Appeals is comprised of seven (7) members, serving a four (4) year term, and having knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives; and

WHEREAS, the Construction Board of Adjustment and Appeals is also comprised of two (2) alternate members: one (1) at large from the public and one (1) at large from the building industry serving a one (1) year term; and

WHEREAS, the Mayor, after evaluation and review of her qualifications, has appointed Berneece S. Herbert, PHD to fill the board vacancy.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of Berneece S. Herbert PHD, Ward 1 resident, to the Construction Board of Adjustment and Appeals of the City of Jackson be confirmed with the term expiring January 31, 2027.

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

President Foote recognized **Council Member Hartley** who moved; seconded by **Vice President Lee** to substitute said order with the amended order provided by City Legal. The motion prevailed by the following votes:

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

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF BERNEECE S. HERBERT PHD, TO THE BOARD OF CONSTRUCTION OF THE CITY OF JACKSON.

WHEREAS, the Board of Construction is comprised of eight (8) members: one (1) architect, one (1) general contractor, one (1) engineer, one (1) master electrician, one (1) master mechanic, one (1) master plumber and two (2) lay persons; and

WHEREAS, members of the Board of Construction shall be appointed by the Mayor for terms of three (3) years; and

WHEREAS, the Mayor, after evaluation and review of his qualifications, has appointed Berneece S. Herbert Ph.D. to fill the board vacancy designated for a lay person.

IT IS, THEREFORE, ORDERED that the Mayor's appointment of Berneece S. Herbert Ph.D. to the Board of Construction of the City of Jackson be confirmed with the term expiring January 31, 2026.

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

ORDER AUTHORIZING THE SALE OF LOST, STOLEN, ABANDONED, AND MISPLACED MOTOR VEHICLES AND EQUIPMENT AT A PUBLIC AUCTION ON FEBRUARY 11, 2023.

WHEREAS, the City of Jackson routinely receives and recovers lost, stolen, abandoned or misplaced vehicles which must be disposed of pursuant to the procedure set forth in Section 21-39-21, Mississippi Code of 1972; and

WHEREAS, it is required under said statute to sell lost, stolen, abandoned, or misplaced motor vehicles and equipment at a public auction; and

WHEREAS, when governing authorities approve the continuation of 2023 auctions a list of the motor vehicles and equipment available for sale at a public auction will be placed on file with the City Clerk; and posted in accordance with Section 21-39-21, Mississippi Code of 1972, as amended.

IT IS HEREBY ORDERED that motor vehicles and equipment be sold at a public auction to be held at 4225-C Michael Avalon on February 11, 2023 pursuant to compliance with Section 21-39-21, Mississippi Code of 1972, as amended.

IT IS FURTHER ORDERED that the Jackson Police Department designee be authorized to sign such documents as necessary to declare those vehicles and equipment which are sold at said auction to be abandoned.

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

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

Nays – None.

Absent – Stokes.

ORDER AUTHORIZING THE PAYMENT OF INVOICE NUMBERS 2101, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, AND 2113 SUBMITTED BY ON THE WAY SERVICE OF BYRAM MISSISSIPPI FOR SERVICE CALLS MADE TO REPAIR JACKSON POLICE DEPARTMENT VEHICLES.

WHEREAS, the Jackson Police Department requested that On the Way Service located at 340 Mallory Drive in Byram, MS respond and provide tire repair services to patrol vehicles which may have become inoperable; and

WHEREAS, the service calls were made between the period November 21, 2022 and December 6, 2022; and

WHEREAS, On the Way Service submitted twelve (12) invoices for the service calls made as follows:

<i>Invoice #</i>	<i>Date of Invoice</i>	<i>Amount invoiced</i>
2101	November 21, 2022	\$95.00
2103	November 22, 2022	\$125.00
2104	November 22, 2022	\$125.00
2105	November 24, 2022	\$125.00
2106	November 25, 2022	\$300.00
2107	November 25, 2022	\$125.00
2108	November 29, 2022	\$95.00
2109	November 29, 2022	\$95.00
2110	November 24, 2022	\$125.00
2111	December 1, 2022	\$125.00
2112	December 1, 2022	\$145.00
2113	December 6, 2022	\$95.00

WHEREAS the repair services provided by On the Way Service are not subject to the public purchasing laws; and

WHEREAS, Section 21-17-5 of the Mississippi Code of 1972 as amended vests with the governing authority of every municipality in the state the care, management, and control of municipal affairs and its property and finances; and

WHEREAS, Section 21-17-5 of the Mississippi Code authorizes municipalities to adopt orders, resolutions, and ordinances not inconsistent with the Mississippi Constitution, statutes, or other laws of the State of Mississippi; and

WHEREAS, the Chief of the Jackson Police Department or his designee authorized On the Way Service to perform the repairs under emergent and urgent circumstances; and

WHEREAS, On the Way performed the services in good faith and is entitled to be paid the fair market value of the services rendered pursuant to Section 31-7-57 of the Mississippi Code; and

WHEREAS, the invoices submitted by On the Way Service have been reviewed and deemed to contain fair market value for the services performed when travel time, fuel, supplies, and repair service times are factored.

IT IS HEREBY ORDERED that the referenced invoices submitted by On the Way Service may be paid pursuant to Section 31-7-57 of the Mississippi Code because the services were rendered in good faith under emergent and urgent circumstances.

Council Member Hartley moved adoption; Vice President Lee seconded.

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

Nays – None.

Abstention – Banks.

Absent – Stokes.

ORDER RATIFYING AND AUTHORIZING THE CITY OF JACKSON TO ENTER INTO AN AGREEMENT WITH JUSTICETRAX, INC. FOR THE SUPPLY OF SOFTWARE FOR THE FORENSIC LABORATORY.

WHEREAS, on July 7, 2020, the Jackson City Council authorized the Mayor to submit and accept the FY 2019 National Sexual Assault Kit Initiative (SAKI) grant and implement program applications administrated by the U.S. Department of Justice, Bureau of Justice assistance in the amount of \$2,500,000.00; and

WHEREAS, on October 13, 2020, the U.S. Department of Justice approved the application submitted by the City of Jackson for an award under the funding opportunity entitled SAKI in the amount of \$1,179,593.00; and

WHEREAS, the National Sexual Assault Kit Initiative supports the Department of Justice's criminal justice priorities of reducing violent crime and supporting law enforcement officers and prosecutors by:

- (1) providing jurisdictions resources to address sexual assault kits in their custody that have not been submitted to a forensic laboratory for testing with Combined DNA Index System (CODIS) –eligible DNA methodologies; and
- (2) improving investigation and prosecution in connection with evidence and cases resulting from the testing process; and
- (3) providing sites with resources to collect DNA samples from qualifying individuals who should have a sample in CODIS, but from whom a sample has never been collected or submitted to a laboratory for testing.

WHEREAS, the Jackson Police Department submitted a budget to the Department of Justice that included software to manage inventory and evidence control of sexual assault kits in the amount of \$60,852.00; and

WHEREAS, software is a commodity as defined in Mississippi Code Annotated Section 31-7-1(e), and the procurement of such is subject to the competitive bidding requirements; and

WHEREAS, the Jackson Police Department obtained two competitive written bids for software to manage inventory and evidence control of sexual assault kits; and

WHEREAS, JusticeTrax, Inc., a corporation duly incorporated under the laws of the State of Arizona, having its office located at 1 North MacDonald, Suite 500, Mesa, AZ 85201, submitted the lowest and best bid; and

WHEREAS, JPD agrees to pay and not to exceed the total agreement price of \$35,500.00, which includes \$24,500.00 for onboarding services and \$11,000.00 for subscription fees which will be financed by SAKI grant funds; and

WHEREAS, the term or length of service shall be effective from the effective date of October 01, 2022, and shall expire on the date of October 01, 2024; and

WHEREAS, a one-year subscription extension shall continue thereafter and is subject to the prior approval of the governing authorities for the City of Jackson unless either party provides advance notice of the intention to renew at least ninety (90) days prior to the otherwise automatic renewal date; and

WHEREAS, the proposed agreement for an amount not to exceed \$35,500.00 is attached to this Order and made a part of these minutes; and

WHEREAS, it is in the best interest of the City of Jackson and the Jackson Police Department Crime Laboratory to enter an agreement with JusticeTrax, Inc. to acquire a Computer System through a combination of on-site application software, onboarding services, and saas services, including training, support, and related services for Jackson Police Department (JPD) Forensic Crime Laboratory.

THEREFORE, IT IS HEREBY ORDERED that the Mayor and the Chief of Police are authorized to execute an agreement with JusticeTrax, Inc. to acquire a Computer System through a combination of on-site application software, onboarding services, and saas services, including training, support, and related services for Jackson Police Department (JPD) Forensic Crime Laboratory in an amount not to exceed \$35,500.00 to be paid out the SAKI grant.

IT IS FURTHER ORDERED that the Mayor authorize to execute any and all other documents necessary to fulfill the purpose of this order provided it does not obligate any additional monetary expense(s) to the City of Jackson.

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

President Foote recognized **Jacqueline Gardner, Forensic Coordinator of Jackson Police Department**, who provided a brief overview of said item.

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

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

Nays – None.

Absent – Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A 48-MONTH RENTAL AGREEMENT WITH ADVANTAGE BUSINESS SYSTEMS INC. FOR A DIGITAL IMAGING SYSTEM WITH MAINTENANCE TO BE USED IN THE BRIDGES AND DRAINAGE SECTION IN THE INFRASTRUCTURE MANAGEMENT DIVISION OF THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Bridges and Drainage section Division of the Public Works Department desires to enter into a 48-month rental agreement of a copier machine; and

WHEREAS, Advantage Business Systems provides a Konica Minolta Bizhub 450i Digital Copier with auxiliary equipment through State of Mississippi Contract #8200062059; and

WHEREAS, the Advantage Business Systems has an office located in the City of Jackson, Mississippi; and

WHEREAS, it is the recommendation of the Department of Public Works that a contract is approved with Advantage Business Systems.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute the necessary document with Advantage Business Systems providing for the 48-month rental for a Konica Minolta Bizhub 450i Digital Copier with auxiliary equipment at the cost of \$148.00 per month to include a copy charge of \$0.0079 (Black and White), and a maintenance fee of \$23.70 for labor, parts, toner and drum, except paper or staples.

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

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

Nays – None.

Absent – Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A 48-MONTH RENTAL AGREEMENT WITH ADVANTAGE BUSINESS SYSTEM FOR A DIGITAL IMAGING SYSTEM WITH MAINTENANCE TO BE USED IN THE INFRASTRUCTURE MANAGEMENT DIVISION SECTION OF PUBLIC WORKS DIVISION OF THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Infrastructure Management Division of the Public Works Department desires to enter into a 48-month rental agreement of a copier machine; and

WHEREAS, Advantage Business Systems provides a Konica Minolta Bizhub 450i Digital Copier with auxiliary equipment through State of Mississippi Contract #8200062059 at a cost of \$132.00 per month and a maintenance charge of \$0.0079 per black and white copy; and

WHEREAS, the Advantage Business Systems has an office located in the City of Jackson, Mississippi; and

WHEREAS, it is the recommendation of the Department of Public Works that a contract is approved with Advantage Business Systems.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute an agreement with Advantage Business Systems providing for a 48-month rental for a Konica Minolta Bizhub 450i Digital Copier with auxiliary equipment at a cost of \$132.00 per month plus a maintenance cost of \$0.0079 per black and white copy.

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

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

Nays – None.

Absent – Stokes.

ORDER RATIFYING A CONTRACT WITH HEMPHILL CONSTRUCTION COMPANY, INC. FOR SANITARY SEWER EMERGENCY REPAIR WORK AT FOREST AVENUE AND WATKINS DRIVE AND AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1/FINAL AND AUTHORIZING FINAL PAYMENT AND PUBLICATION OF THE NOTICE OF COMPLETION.

WHEREAS, a sanitary sewer line that crosses Forest Avenue and Watkins Drive recently failed in two locations resulting in sewer overflowing out of a manhole into the street and roadside ditch; and

WHEREAS, due to the severity of the failures, the City of Jackson needed to hire a contractor to make the necessary repairs to the sewer line and the street; and

WHEREAS, because of these public safety and environmental dangers, the Mayor invoked the emergency procurement process, pursuant to Section 31-7-13 (k), a copy of which is attached to this Order and made a part of these minutes; and

WHEREAS, pursuant to the emergency procurement process, sealed bids were solicited from three contractors, and a contract was executed with Hemphill Construction Company, Inc., the lowest and best bid of the three sealed bids, for an amount not to exceed \$344,995.00, a copy of which is attached to this Order and made a part of these minutes.

WHEREAS, upon completion of the work, the total charges were \$339,410.00, resulting a reduction in the contract amount of \$5,585.00.

IT IS, THEREFORE, ORDERED that the contract with Hemphill Construction Company, Inc. for an amount not to exceed \$344,995.00 for emergency sanitary sewer repair work at Forest Avenue and Watkins Drive is ratified.

IT IS FURTHER ORDERED that the Mayor is authorized to execute Change Order #1/Final to the contract of Hemphill Construction Company, Inc. reducing the contract amount by \$5,585.00 to a final contract amount of \$339,410.00.

IT IS FURTHER ORDERED that payment in the amount of \$339,410.00 is authorized to Hemphill Construction Company, Inc. for emergency sanitary sewer repair work at Forest Avenue and Watkins Drive.

IT IS FURTHER ORDERED that the Municipal Clerk publish the Notice of Completion for emergency sanitary sewer repair work at Forest Avenue and Watkins Drive.

Emergency Procurement Process

**DECLARATION INVOKING THE EMERGENCY
PROCUREMENT PROCEDURE**

I. REQUEST

There is an ongoing sanitary sewer overflow located in the intersection of Forest Avenue and Watkins Drive. This SSO appears to be caused by a sanitary sewer line collapse. This SSO is located close to Hico Park. The SSO poses a hazard to human health and the environment. Until such time as a new Water and Sewer Term Bid is let and awarded, emergency repairs such as this that were formerly repaired under the Term Bid will need to be repaired under the emergency procurement process as funding becomes available.

This cost of this will be done using funds received from the Infrastructure Modernization Tax.

Accordingly, I request that you declare that this situation constitutes an "emergency" as that term is defined in Section 31-7-1 of the Mississippi Code Annotated of 1972, as amended, and authorize a contract to make repairs to the sewer line near the intersection of Forest Avenue and Watkins Drive, pursuant to Section 31-7-13 (k) of the Mississippi Code Annotated of 1972, as amended.

As background information to assist in your determination that an emergency exists, I have attached a memorandum from Mary D. Carter, Deputy Director, Water-Sewer Operations. I have also obtained the review and approval of the Office of the City Attorney, the Chief Financial Officer, and the Chief Administrative Officer as evidenced by the signatures below.

Martin King
Director, Department of Public Works

DATE 1/31/23

II. REVIEWED AND APPROVED


Tony Martin
City Attorney

6/27/22
DATE


Fidelis Malambaka
Chief Financial Officer

06/28/22
DATE


Louis Wright
Chief Administrative Officer

06/23/22
DATE

III. DECLARATION OF EMERGENCY

I hereby determine that a sewer collapse causing an ongoing sanitary sewer overflow constitutes an emergency as that term is defined under Section 31-7-1 of the Mississippi Code Annotated of 1972, as amended, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the City of Jackson, Mississippi and its citizens, and that a contract to make repairs to the sanitary sewer line near the intersection of Forest Avenue and Watkins Drive, is authorized pursuant to Section 31-7-13 (k) of the Mississippi Code Annotated of 1972, as amended.

According, this request is approved, effective June 15, 2022.


CHOKWE A. LUMUMBA
Mayor

6/30/2022
DATE

Vice President Lee moved adoption; Council Member Lindsay seconded.

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

Nays – None.

Absent – Stokes.

President Foote requested that Agenda Item No. 20 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER AUTHORIZING THE MAYOR TO TERMINATE FOR CONVENIENCE THE ENGINEERING SERVICES AGREEMENT WITH CROWN ENGINEERING, PLLC FOR THE WEST CAPITOL STREET PROJECT (BOLING STREET TO PRENTISS STREET).

WHEREAS, on August 7, 2019, the City of Jackson entered into an engineering services agreement with Crown Engineering, PLLC, for West Capitol Street Project from Boling Street to Prentiss Street; and

WHEREAS, the project has been suspended for several months now due to negotiations over the terms of a change order necessary to complete the project, which has been approved by the City Council; and

WHEREAS, due to the delay and the approved change order, the City Engineer recommends terminating the contract for convenience on ten (10) days' notice in accordance with the terms of the contract.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to terminate for convenience the engineering services agreement with Crown Engineering, PLLC, for the West Capitol Street Project (Boling Street to Prentiss Street), pursuant to the terms of the engineering services agreement.

Vice President Lee moved adoption; Council Member Lindsay seconded.

Yeas – Foote, Grizzell, Lee and Lindsay.

Nays – Banks and Hartley.

Absent – Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH SOUTHERN CONSULTANTS, INC. FOR THE WEST CAPITOL STREET PROJECT (BOLING STREET TO PRENTISS STREET).

WHEREAS, the City of Jackson desires to engage the services of an engineering firm to complete construction engineering and inspection services for the remainder of the West Capitol Street Project from Boling Street to Prentiss Street; and

WHEREAS, the City Engineer is recommending Southern Consultants, Inc. to perform necessary construction engineering and inspection services for the project; and

WHEREAS, the scope of the construction phase services requires Southern Consultants, Inc. to make period visits to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the Contract Documents and construction schedule; and

WHEREAS, during such visits and on the basis of these on-site observations as an experienced and qualified design professional, Southern Consultants, Inc. will keep the City Engineer informed as to the progress of the work, will endeavor to guard the owner against deficiencies in the work of the Contractor, and will notify the City Engineer if the observed work fails to conform to the Contract Documents; and

WHEREAS, during construction, Southern Consultants, Inc. will schedule and conduct monthly progress meetings with the City Engineer, the Contractor and any subcontractors at the construction site to discuss progress, project schedules, problems, conflicts and observations of Southern Consultants, Inc., Contractor or the City Engineer; and

WHEREAS, Southern Consultants, Inc. shall also prepare a construction progress report monthly in a format acceptable to the City Engineer, which progress report shall be submitted by the tenth of each month for the preceding months of work and shall accompany the Southern Consultant's and Contractor's monthly application for payment; and

WHEREAS, Southern Consultants, Inc. shall provide one or more full-time Resident Project Representatives who shall supplement the periodic visits to the construction site by one of Southern Consultants, Inc.'s licensed engineers; and

WHEREAS, the Resident Project Representative shall:

(1) Liaison:

- a. Serve as Southern Consultants, Inc.'s liaison with Contractor working principally through the Contractor's field superintendent.
- b. Assist the Contractor in the Contractor's dealing with the various local agencies having jurisdiction over the Project in order to complete service connections to public utilities and facilities.
- c. Assist Southern Consultants, Inc. in obtaining from the City Engineer additional details or information when required at the job site for proper execution of the work.

(2) Approvals: When required, assist Southern Consultants, Inc. in obtaining from the Contractor a list of his proposed suppliers and subcontractors.

(3) Samples: Assist Southern Consultants, Inc. in obtaining field samples of materials delivered to the site that are required to be furnished and keep record of actions taken by Southern Consultants, Inc.

(4) Shop Drawings:

- a. Receive approved shop drawings and other submissions from Southern Consultants, Inc.; record data received; maintain a file of the drawings and submissions.
- b. Alert the Contractor's field superintendent when the Resident Project Representative observes materials or equipment being installed before approval of shop drawings or samples, where such are required, and advise Southern Consultants, Inc. when the Resident Project Representative believes it necessary to disapprove work as failing to conform to the Contract Documents.

(5) Review of Work, Inspection and Tests:

- a. Conduct on-site observations of the work in progress to assist Southern Consultants, Inc. in determining that the Project is proceeding in accordance with the Contract Documents.
- b. Verify that tests, which are required by the Contract Documents, are conducted and that the Contractor maintains adequate records thereof; observe, record, and report to Southern Consultants, Inc. appropriate details related to the test procedures and start-ups.
- c. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project; record the outcome of these inspections and report to Southern Consultants, Inc.

(6) Interpretation of Contract Documents:

Transmit to the Contractor Southern Consultants, Inc.'s interpretations of the Contract Documents.

(7) Modifications: Consider and evaluate the Contractor's suggestions for modifications to drawings or specifications and report them with recommendations to Southern Consultants, Inc.

(8) Records:

- a. Maintain at the job site orderly files for reproductions of original Contract Documents including all addenda, change orders and additional drawings issued subsequent to the award of the contract, Southern Consultants, Inc.'s interpretations of the Contract Documents, progress reports and other Project related documents.
- b. Keep a diary or log book, recording hours on the job site, weather conditions, list of visiting officials, daily activities, decisions, observations in general and specific observations in more detail as in the case of observing procedures.
- c. Record names, addresses and telephone numbers of all Contractors, subcontractors and major material suppliers.
- d. Maintain a set of drawings on which changes authorized by the Southern Consultants, Inc. are noted and deliver to Southern Consultants, Inc. at the completion of the Project.

(9) Reports:

- a. Furnish to Southern Consultants, Inc. periodic reports, as required, of progress of the Project and the Contractor's compliance with the approved construction schedule.
- b. Consult with Southern Consultants, Inc. in advance of scheduled major tests or start of important phases of the Project.

(10) Payment Requisition: Review applications for payment with the Contractor for compliance with the established procedure for their submission and forward them with recommendations to Southern Consultants, Inc., noting particularly their relation to the work completed, and materials and equipment delivered at the site.

(11) Completion:

- a. Prior to final inspection, submit to the Contractor a list of observed items requiring correction and verify that each correction has been made.
- b. Conduct final inspection in the company of Southern Consultants, Inc. and the owner. Prepare a final list of items to be corrected and submit this list to the Contractor.
- c. Verify that all items on final list have been corrected and make recommendations to Southern Consultants, Inc. concerning acceptance.

WHEREAS, Southern Consultants, Inc. has provided a cost estimate of \$210,000.00 to provide construction engineering and inspection services for the project; and

WHEREAS, the costs incurred in the performance of these Services shall not exceed the lump sum amount of \$210,000.00 without formally amending the Agreement prior to incurring additional costs and payment shall be made on a lump sum basis of \$35,000.00 per month up to six months, should the project be completed in less than six months, the final amount shall be reduced accordingly.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute an engineering inspection services agreement with Southern Consultants, Inc. for the West Capitol Street Project (Boling Street to Prentiss Street) including the customary terms and the scope of work set forth above for an amount not to exceed \$210,000.00 without formally amending the agreement prior to incurring additional costs.

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

President Foote recognized **Robert Lee, Interim Public Works Director**, who provided a brief overview of said item.

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

Yeas – Foote, Grizzell, Lee and Lindsay.

Nays – Banks and Hartley.

Absent – Stokes.

ORDER AUTHORIZING PAYMENT FOR ADDITIONAL LEGAL SERVICES DURING FISCAL YEAR 2023 TO SUSAN RICHARDSON, ESQ. AND THE LAW FIRM OF KILPATRICK TOWNSEND & STOCKTON LLP FOR REPRESENTATION OF THE CITY OF JACKSON IN UNITED STATES OF AMERICA, ET AL. vs. THE CITY OF JACKSON, MISSISSIPPI, CASE NO. 3:12-cv-790 TSL-MTP, U.S.D.C., S.D. MISS. AND OTHER RELATED MATTERS.

WHEREAS, the City continues to require additional representation in the matter, specifically, assistance, and legal advice and counsel in negotiating a modification of the Consent Decree and matters relating thereto because the modification negotiations are ongoing; and

WHEREAS, the City continues meeting with U.S.E.P.A. twice each month to discuss compliance progress under the existing Clean Water Act Consent Decree and to negotiate a modification to that existing Consent Decree; and

WHEREAS, the City continues its negotiations with U.S.E.P.A. and MDEQ, particularly work on the City's Long-Term Financial Model and the specific injunctive relief language that will implement the City's strategies for the Consent Decree modification; and

WHEREAS, the estimated fees for Fiscal Year 2023, beginning October 1, 2022 and ending September 30, 2023 are \$102,000.00, which includes a 35% rate discount from Ms. Richardson's standard rate; and

WHEREAS, the Department of Public Works recommends the authorization of the additional fees for Fiscal Year 2023 in the amount of \$102,000.00.

IT IS, THEREFORE, ORDERED that payments made to Susan Richardson, Esq. and the law firm of Kilpatrick Townsend & Stockton LLP for representation of the City in Clean Water Act Consent Decree modification negotiations and for other related services shall not exceed \$102,000.00 for Fiscal Year 2023, beginning October 1, 2022 and ending September 30, 2023 without further approval by the City Council.

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

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

Nays – None.

Absent – Stokes.

There came on for consideration, Agenda Item No. 22:

ORDER AUTHORIZING THE PAYMENT OF ATTORNEY'S FEES ON BEHALF OF JACKSON POLICE OFFICERS DARRELL MCDUFFIE AND DARRELL ROBINSON, IN THE MATTER OF SHELIA RAGLAND, AS THE ADMINISTRATRIX OF THE ESTATE OF MARIO CLARK, DECEASED, AND ON BEHALF OF THE WRONGFUL DEATH HEIRS OF MARIO CLARK, DECEASED VS. THE CITY OF JACKSON, JAMES DAVIS, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, ANTHONY THOMPSON, IN HIS INDIVIDUAL CAPACITY, DARRELL ROBINSON, IN HIS INDIVIDUAL CAPACITY, DARRELL MCDUFFIE, IN HIS INDIVIDUAL CAPACITY, AND ENEKE SMITH, IN HER INDIVIDUAL AND OFFICIAL CAPACITY, AND JOHN DOES 1-4; IN THE UNITED STATES FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF MISSISSIPPI; CIVIL ACTION NO.: 3:22-cv-69- DPJ-FKB. President Foote stated said item would be taken up later in the meeting during Executive Session.

There came on for consideration, Agenda Item No. 23:

ORDER AUTHORIZING ATTORNEY FRANCIS SPRINGER TO REPRESENT FORMER JACKSON POLICE OFFICERS ENEKE SMITH AND ANTHONY THOMPSON AND THE FIRM DANKS, MILLER AND CORY FIRM TO REPRESENT FORMER JACKSON POLICE OFFICERS DARRELL ROBINSON AND DARRELL MCDUFFIE, IN THE MATTER OF SHELIA RAGLAND, AS THE ADMINISTRATRIX OF THE ESTATE OF MARIO CLARK, DECEASED, AND ON BEHALF OF THE WRONGFUL DEATH HEIRS OF MARIO CLARK, DECEASED VS. THE CITY OF JACKSON, JAMES DAVIS, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, ANTHONY THOMPSON, IN HIS INDIVIDUAL CAPACITY, DARRELL ROBINSON, IN HIS INDIVIDUAL CAPACITY, DARRELL MCDUFFIE, IN HIS INDIVIDUAL CAPACITY, AND ENEKE SMITH, IN HER INDIVIDUAL AND OFFICIAL CAPACITY, AND JOHN DOES 1-4; IN THE UNITED STATES FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF MISSISSIPPI; CIVIL ACTION NO.: 3:22-cv-69-DPJ-FKB. President Foote stated said item would be taken up later in the meeting during Executive Session.

ORDER REVIEWING AND CONTINUING AUGUST 29, 2022 STATE OF EMERGENCY.

WHEREAS, on August 29, 2022, the Mayor issued a proclamation of emergency as a result of (1) excessive rainfall and extreme flooding, (2) the March 7, 2020 Safe Drinking Water Act (SDWA) Emergency Administrative Order (EAO); (3) the February 2021 system-wide failure due to extreme water conditions that caused pipes to freeze and lose pressure; (4) the July 1, 2021 SDWA Administrative Order of Consent (AOC); (5) the July 29, 2022 Boil Water Notice which existed for more than thirty (30) days; and (6) the August 25, 2022 flooding of the Pearl River, which lead to problems with treating water at the O.B. Curtis Water Plant; and

WHEREAS, Section 33-15-17(d) of the Mississippi Code allows the mayor of a municipality to proclaim a local emergency and authorizes the governing body of a municipality to review and approve or disapprove the need for continuing the local emergency at its first regular meeting following such proclamation or at a special meeting; and

WHEREAS, Section 33-15-5 (h) of the Mississippi Code defines an emergency as “any occurrence, or threat thereof, whether natural, technological, or man-made, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to loss of property;” and

WHEREAS, Section 33-15-5 (g) of the Mississippi Code 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, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the political subdivision and require the combined forces of other subdivisions or of the state to combat;” and

WHEREAS, pursuant to Section 33-15-17 (b) of the Mississippi Code, the City “is authorized to exercise the powers vested under [Section 33-15-1, et seq.,] in 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...and the expenditure of public funds....

NOW THEREFORE IT IS ORDERED that we the governing body of the City of Jackson, Mississippi, pursuant to the authority vested in the body by Section 33-15-17(d) of the Mississippi Code of 1972, as amended, and in the public interest and for the general welfare of the City of Jackson, do hereby approve of the continued need for a civil emergency for the entire City of Jackson for the reasons set forth in this Order.

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

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

Nays – None.

Absent – Stokes.

* * * * *

ORDER APPOINTING JOHN WILLIAMS AS DEPUTY COUNCIL CLERK ON A PART-TIME BASIS.

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 Deputy Clerk of the Council; and

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

IT IS HEREBY ORDERED that shall be appointed to serve as Deputy Clerk of the Council with part-time service commencing on July 6, 2021.

IT IS HEREBY ORDERED that the compensation to be paid *John Williams* upon commencement of his service as Deputy Clerk of the Council shall be \$15.23 per hour at a maximum of 20 hours per week or \$15,838.16 annually excluding any applicable fringe benefits.

IT IS HEREBY ORDERED that *John Williams*' 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 *John Williams* 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 *John Williams* as Deputy Clerk of the Council.

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

President Foote recognized **Shanekia Jordan, Clerk of Council**, who provided a brief overview of said item.

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

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

Nays – None.

Absent – Stokes.

* * * * *

ORDER REVIEWING AND CONTINUING STATE OF EMERGENCY.

WHEREAS, on February 18, 2020, the Jackson City Council, pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, as amended, passed an Order Declaring the Need to Continue the State of Emergency that was issued on February 13, 2020 by Chokwe A. Lumumba, Mayor of the City of Jackson, Mississippi; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that flood waters and wide spread drainage system issues had affected several Jackson creeks, including, but not limited to: Belhaven Creek; Bogue Chitto Creek; Canney Creek; Eubanks Creek; Hanging Moss Creek; Lynch Creek; Purple Creek; Three Mile Creek; Town Creek; Travon Creek; and White Oak Creek; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that the flood waters and wide spread drainage system issues caused extensive damages to homes, business, public property, and threatened the safety of the citizens and property of the City of Jackson, Mississippi, requiring the exercise of extraordinary measures; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that all efforts should be taken to protect people and property in consideration of the health, safety, and welfare of the City's residents and the protection of their property within the affected areas; and

WHEREAS, the Jackson City Council, on March 17, 2020; April 14, 2020; May 12, 2020, June 9, 2020, July 7, 2020, August 4, 2020, September 1, 2020, September 29, 2020, October 27, 2020, November 24, 2020, December 22, 2020, January 19, 2021, February 17, 2021, March 30, 2021, April 27, 2021, May 25, 2021, June 22, 2021, July 20, 2021, August 31, 2021, September 28, 2021, October 26, 2021, November 23, 2021, December 21, 2021, January 25, 2022, February 15, 2022, March 29, 2022, April 26, 2022, May 24, 2022, June 21, 2022, July 19, 2022, August 30, 2022, September 27, 2022, October 25, 2022, November 22, 2022 and December 20, 2022 pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, reviewed the need for and continued the local emergency; and

WHEREAS, pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, as amended, the Jackson City Council has again reviewed the need for continuing the local emergency and determined that the emergency should be continued.

IT IS, THEREFORE, HEREBY ORDERED that said Order Declaring the Need to Continue the Declared State of Emergency as delineated by the Jackson City Council, remains in full force and effect and shall be reviewed again in thirty (30) days in accordance with Section 33-15-17(8(d) of the Mississippi Code of 1972, as amended.

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

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

Nays – None.

Absent – Stokes.

There came on for consideration, Agenda Item No. 23:

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH OCTAGON GROUP, LLC TO PROVIDE LOBBYING SERVICES TO THE CITY OF JACKSON FOR THE YEAR COMMENCING JANUARY 18, 2023. Said item was pulled by the Administration.

President Foote recognized **Council Member Grizzell** who moved, seconded by **Council Member Hartley** to add an item to the agenda on an emergency basis: Order modifying the order amending the fiscal year 2022-2023 budget of the City of Jackson to provide for the transfer of funds to the tort claims fund.

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

Nays – None.

Absent – Stokes.

There came on as the Emergency Agenda Item: **ORDER MODIFYING THE ORDER AMENDING THE FISCAL YEAR 2022-2023 BUDGET OF THE CITY OF JACKSON TO PROVIDE FOR THE TRANSFER OF FUNDS TO THE TORT CLAIMS FUND:** Hearing no objections, the Clerk read the following:

ORDER MODIFYING THE ORDER AMENDING THE FISCAL YEAR 2022-2023 BUDGET OF THE CITY OF JACKSON TO PROVIDE FOR THE TRANSFER OF FUNDS TO THE TORT CLAIMS FUND.

WHEREAS, pursuant to Miss. Code Ann. § 11-46-17(2) each governmental entity other than political subdivisions shall participate in a comprehensive plan of self-insurance or one or more policies of liability insurance or combination of the two (2), all to be administered by the Department of Finance and Administration; and

WHEREAS, pursuant to Miss. Code Ann. § 11-46-17(2), each governmental entity participating in the plan shall make payments to the board in such amounts, times and manner determined by the board as the board deems necessary to provide sufficient funds to be available for payment by the board of the costs it incurs in providing coverage for the governmental entity; and

WHEREAS, pursuant to Miss. Code Ann. § 11-46-17(2) each governmental entity of the state other than the political subdivisions thereof participating in the plan procured by the board shall be issued by the board a certificate of coverage whose form and content shall be determined by the board but which shall have the effect of certifying that, in the opinion of the board, each of such governmental entities is adequately insured; and

WHEREAS, on or about December 12, 2022, the Tort Claims Board confirmed the City of Jackson Tort Fund was underfunded in the amount of \$1,140,929.00 for Fiscal Year 2022-2023; and

WHEREAS, the City of Jackson Budget needs to be amended to provide funding for these unbudgeted needs by moving funds from fund balance where they are needed to fund additional, unfunded needs of the Tort Fund; and

WHEREAS, the City of Jackson has worked with the Tort Claims Board to develop a payment plan to pay the underfunded balance in installments; and

WHEREAS, on January 17, 2023, the Jackson City Council approved an Order amending the budget of the City of Jackson to transfer funds in the amount of \$400,000.00 from the General Fund; and

WHEREAS, the City of Jackson and the Tort Claims Board have agreed that after transfer of the first installment, the remaining balance will be budgeted for payment in Fiscal Year 2023-2024 beginning October 1, 2023; and

WHEREAS, it is in the best interest of the City of Jackson to modify the prior Order transferring funds to cover the first installment to the Tort Claims Board; and

IT IS, THEREFORE, ORDERED that the Fiscal Year 2022-2023 Budget of the City of Jackson be amended as follows:

<u>To/From</u>	<u>Fund/Account Number</u>	<u>Amount</u>
From:	001-5899 General Fund 1	\$400,000.00
To:	001-40792-6765	\$400,000.00
From:	018-5911	\$400,000.00
To:	018-51820-6722	\$400,000.00

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

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

There came on for Discussion, Agenda Item No. 28:

DISCUSSION: PERS: President Foote requested an update on status of the proposed changes to the City’s PERS contribution. **President Foote** recognized **Fidelis Malembeka, Chief Financial Officer**, who gave a brief overview on the PERS increase for employers.

There came on for Discussion, Agenda Item No. 29:

DISCUSSION: UPDATE HOLDING FACILITY: President Foote requested an update on the status of the holding facility. **President Foote** recognized **Captain George Jimerson of Jackson Police Department**, who gave a brief overview of the condition of the holding facility.

There came on for Discussion, Agenda Item No. 30:

DISCUSSION: DISCUSSION: POT HOLES (STREET): President Foote stated said item would be tabled due to the absence of **Council Member Stokes**.

There came on for Discussion, Agenda Item No. 31:

DISCUSSION: DISCUSSION: TIRES: President Foote stated said item would be tabled due to the absence of Council Member Stokes.

There came on for Discussion, Agenda Item No. 32:

DISCUSSION: UPDATE ON BOBBY RUSH DR.: President Foote recognized Council Member Hartley, who requested an update on the status of the renaming of Ellis Ave. to Bobby Rush Drive. President Foote recognized Robert Lee, Interim City Engineer, who gave a brief overview of renaming Ellis Ave to Bobby Rush Drive.

There came on for Discussion, Agenda Item No. 33:

DISCUSSION: STATUS OF SIGN DEPARTMENT/LIABILITIES (STREET SIGNS DIRECTIONAL ARROWS): President Foote recognized Council Member Hartley, who requested an update on the status of the City of Jackson Sign Department. President Foote recognized Robert Lee, Interim City Engineer, who gave a brief overview of the Signs Department.

There came on for Discussion, Agenda Item No. 34:

DISCUSSION: LACK OF POLICE PRESENCE – SPEEDING AND RECKLESS DRIVING: President Foote recognized Council Member Grizzell, who expressed concerns regarding speeding and reckless driving in school zones. President Foote recognized James Davis, Chief of Jackson Police Department, who requested that Captain Mark Hodges, Special Operations of Jackson Police Department, provide a brief overview of police presence in school zones during school hours.

There came on for Discussion, Agenda Item No. 35:

DISCUSSION: PROPERTY TRANSFERS WITH REVERSIONARY INTERESTS THAT REQUIRE CONSTRUCTION: President Foote recognized Catoria Martin, City Attorney, who recommended that said item be discussed in Executive Session.

There came on for Discussion, Agenda Item No. 36:

DISCUSSION: REVIEW AND CONTINUATION OF COVID-19 LOCAL EMERGENCY: President Foote and the City Council members discussed to continue the emergency.

MONTHLY FINANCIAL REPORTS AS REQUIRED ACCORDING TO SECTION 21-35-13 OF THE MISSISSIPPI CODE ANNOTATED OF 1972. President Foote stated that all City Council members had received the monthly financial report for review.

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, JANUARY 31, 2023 10:00 A.M.

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President Foote recognized **Council Member Grizzell** who moved, seconded by **Council Member Hartley** to go into Closed Session to discuss Agenda Items 22, 23 and 35. The motion prevailed by the following vote:

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

Nays – None.

Absent – Stokes.

President Foote 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 Grizzell** moved, seconded by **Council Member Hartley** to go into Executive Session regarding “Pending Litigation”.

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

Nays – None.

Absent – Stokes.

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

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

Nays – None.

Absent – Stokes.

President Foote 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 Items No. 22 and 23 as follows:

President Foote requested that Agenda Item No. 23 be moved forward on the Agenda. Hearing no objections, the following was discussed:

ORDER AUTHORIZING ATTORNEY FRANCIS SPRINGER TO REPRESENT FORMER JACKSON POLICE OFFICERS ENEKE SMITH AND ANTHONY THOMPSON AND THE FIRM DANKS, MILLER AND CORY FIRM TO REPRESENT FORMER JACKSON POLICE OFFICERS DARRELL ROBINSON AND DARRELL MCDUFFIE, IN THE MATTER OF SHELIA RAGLAND, AS THE ADMINISTRATRIX OF THE ESTATE OF MARIO CLARK, DECEASED, AND ON BEHALF OF THE WRONGFUL DEATH HEIRS OF MARIO CLARK, DECEASED VS. THE CITY OF JACKSON, JAMES DAVIS, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, ANTHONY THOMPSON, IN HIS INDIVIDUAL CAPACITY, DARRELL ROBINSON, IN HIS INDIVIDUAL CAPACITY, DARRELL MCDUFFIE, IN HIS INDIVIDUAL CAPACITY, AND ENEKE SMITH, IN HER INDIVIDUAL AND OFFICIAL CAPACITY, AND JOHN DOES 1-4; IN THE UNITED STATES FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF MISSISSIPPI; CIVIL ACTION NO.: 3:22-cv-69-DPJ-FKB.

WHEREAS, on February 12, 2022, Shelia Ragland filed a federal civil rights lawsuit against the City of Jackson, Mississippi, James Davis, in his individual and official capacity, Anthony Thompson, in his individual capacity, Darrell Robinson, in his individual capacity, Darrell McDuffie, in his individual capacity, and Eneke Smith, in her individual and official capacity, and other unidentified police officers from an alleged incident that occurred on or about February 14, 2019; and

WHEREAS, the Plaintiff, Shelia Ragland, et al has sued Officer Eneke Smith in both her official and individual capacities; and

WHEREAS, the Plaintiff, Shelia Ragland, et al has sued Officers Anthony Thompson, Darrell Robinson and Darrell McDuffie in their individual capacities; and

WHEREAS, the Office of the City Attorney believes there is a high risk of a conflict of interest in the representation of Officers Smith and Thompson in both their official and individual capacity inasmuch as the statutory and legal requirements of immunity for the City and an individual police officer differ greatly under current legal precedent in such civil rights litigation; and

WHEREAS, the City has a statutory obligation to provide defense counsel for its officers and other employees; and

WHEREAS, Former Jackson Police Officers Smith, Thompson, Robinson and McDuffie desire to be represented by Counsel as follows: Attorney Francis Springer to represent Eneke Smith and Anthony Thompson, and the Firm Danks, Miller and Cory to represent Darrell Robinson and Darrell McDuffie; and

WHEREAS, both law firms ordinarily and regularly represent law enforcement officers with the City of Jackson with a contractual agreement with PBA; and

WHEREAS, Attorney Springer and the Danks, Miller and Cory firm have agreed to represent the officers for the same discounted hourly rate of \$150.00 per hour provided to members of the PBA.

IT IS, THEREFORE, ORDERED that the City is hereby authorized to pay Attorney Francis Springer for the representation of Former Jackson Police Officers Eneke Smith and Anthony Thompson in the matter of Shelia Ragland et al. v. City of Jackson, Mississippi et al. at an hourly rate of \$150.00 per hour.

IT IS, THEREFORE, ORDERED that the City is hereby authorized to pay the firm of Danks, Miller and Cory for the representation of Former Jackson Police Officers Darrell Robinson and Darrell McDuffie in the matter of Shelia Ragland et al. v. City of Jackson, Mississippi et al. at an hourly rate of \$150.00 per hour.

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

President Foote recognized **Catoria Martin, City Attorney**, who stated that an amendment was needed in said order. The order needed to be amended to read in Section 10, as follows: "IT IS THEREFORE, ORDERED that the City is hereby authorized to pay the firm of Danks, Miller and Cory firm for the representation of Former Jackson Police Officers Darrell Robinson and Darrell McDuffie in the matter of Shelia Ragland et al. v. City of Jackson, Mississippi et al. at an hourly rate of \$150.00 per hour not to exceed \$2,500.00.

President Foote recognized **Council Member Lindsay** who moved; seconded by **Council Member Grizzell**, to amend said order to reflect the changes as stated by **City Attorney Catoria Martin**. The motion prevailed by the following vote:

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

Nays – None.

Absent – Stokes.

Thereafter, **President Foote** called for a vote on said Order as amended:

ORDER AUTHORIZING ATTORNEY FRANCIS SPRINGER TO REPRESENT FORMER JACKSON POLICE OFFICERS ENEKE SMITH AND ANTHONY THOMPSON AND THE FIRM DANKS, MILLER AND CORY FIRM TO REPRESENT FORMER JACKSON POLICE OFFICERS DARRELL ROBINSON AND DARRELL MCDUFFIE, IN THE MATTER OF SHELIA RAGLAND, AS THE ADMINISTRATRIX OF THE ESTATE OF MARIO CLARK, DECEASED, AND ON BEHALF OF THE WRONGFUL DEATH HEIRS OF MARIO CLARK, DECEASED VS. THE CITY OF JACKSON, JAMES DAVIS, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, ANTHONY THOMPSON, IN HIS INDIVIDUAL CAPACITY, DARRELL ROBINSON, IN HIS INDIVIDUAL CAPACITY, DARRELL MCDUFFIE, IN HIS INDIVIDUAL CAPACITY, AND ENEKE SMITH, IN HER INDIVIDUAL AND OFFICIAL CAPACITY, AND JOHN DOES 1-4; IN THE UNITED STATES FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF MISSISSIPPI; CIVIL ACTION NO.: 3:22-cv-69-DPJ-FKB.

WHEREAS, on February 12, 2022, Shelia Ragland filed a federal civil rights lawsuit against the City of Jackson, Mississippi, James Davis, in his individual and official capacity, Anthony Thompson, in his individual capacity, Darrell Robinson, in his individual capacity, Darrell McDuffie, in his individual capacity, and Eneke Smith, in her individual and official capacity, and other unidentified police officers from an alleged incident that occurred on or about February 14, 2019; and

WHEREAS, the Plaintiff, Shelia Ragland, et al has sued Officer Eneke Smith in both her official and individual capacities; and

WHEREAS, the Plaintiff, Shelia Ragland, et al has sued Officers Anthony Thompson, Darrell Robinson and Darrell McDuffie in their individual capacities; and

WHEREAS, the Office of the City Attorney believes there is a high risk of a conflict of interest in the representation of Officers Smith and Thompson in both their official and individual capacity inasmuch as the statutory and legal requirements of immunity for the City and an individual police officer differ greatly under current legal precedent in such civil rights litigation; and

WHEREAS, the City has a statutory obligation to provide defense counsel for its officers and other employees; and

WHEREAS, Former Jackson Police Officers Smith, Thompson, Robinson and McDuffie desire to be represented by Counsel as follows: Attorney Francis Springer to represent Eneke Smith and Anthony Thompson, and the Firm Danks, Miller and Cory to represent Darrell Robinson and Darrell McDuffie.

WHEREAS, both law firms ordinarily and regularly represent law enforcement officers with the City of Jackson with a contractual agreement with PBA; and

WHEREAS, Attorney Springer and the Danks, Miller and Cory firm have agreed to represent the officers for the same discounted hourly rate of \$150.00 per hour provided to members of the PBA.

IT IS, THEREFORE, ORDERED that the City is hereby authorized to pay Attorney Francis Springer for the representation of Former Jackson Police Officers Eneke Smith and Anthony Thompson in the matter of Shelia Ragland et al. v. City of Jackson, Mississippi et al. at an hourly rate of \$150.00 per hour.

IT IS, THEREFORE, ORDERED that the City is hereby authorized to pay the firm of Danks, Miller and Cory for the representation of Former Jackson Police Officers Darrell Robinson and Darrell McDuffie in the matter of Shelia Ragland et al. v. City of Jackson, Mississippi et al. at an hourly rate of \$150.00 per hour not to exceed \$2,500.00.

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

Nays – None.

Absent – Stokes.

ORDER AUTHORIZING THE PAYMENT OF ATTORNEY'S FEES ON BEHALF OF JACKSON POLICE OFFICERS DARRELL MCDUFFIE AND DARRELL ROBINSON, IN THE MATTER OF SHELIA RAGLAND, AS THE ADMINISTRATRIX OF THE ESTATE OF MARIO CLARK, DECEASED, AND ON BEHALF OF THE WRONGFUL DEATH HEIRS OF MARIO CLARK, DECEASED VS. THE CITY OF JACKSON, JAMES DAVIS, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, ANTHONY THOMPSON, IN HIS INDIVIDUAL CAPACITY, DARRELL ROBINSON, IN HIS INDIVIDUAL CAPACITY, DARRELL MCDUFFIE, IN HIS INDIVIDUAL CAPACITY, AND ENEKE SMITH, IN HER INDIVIDUAL AND OFFICIAL CAPACITY, AND JOHN DOES 1-4; IN THE UNITED STATES FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF MISSISSIPPI; CIVIL ACTION NO.: 3:22-cv-69- DPJ-FKB.

WHEREAS, on February 12, 2022, Shelia Ragland filed a federal civil rights lawsuit against the City of Jackson, Mississippi, James Davis, in his individual and official capacity, Anthony Thompson, in his individual capacity, Darrell Robinson, in his individual capacity, Darrell McDuffie, in his individual capacity, and Eneke Smith, in her individual and official capacity, and other unidentified police officers from an alleged incident that occurred on or about February 14, 2019; and

WHEREAS, the Plaintiff, Shelia Ragland, et al has sued Officers Darrell McDuffie and Darrell Robinson in their individual capacities; and

WHEREAS, the Office of the City Attorney believes there is a high risk of a conflict of interest in the representation of Officers McDuffie and Robinson in their individual capacities inasmuch as the statutory and legal requirements of immunity for the City and an individual police officer differ greatly under current legal precedent in such civil rights litigation; and

WHEREAS, the City has a statutory obligation to provide defense counsel for its officers and other employees; and

WHEREAS, Officers McDuffie and Robinson desire to be represented by Counsel, Attorney Michael Cory; and

WHEREAS, Attorney Cory has agreed to represent Officers Smith and Thompson for the same discounted hourly rate of \$150.00 per hour.

IT IS, THEREFORE, ORDERED that the City is hereby authorized to pay Attorney Michael Cory for the representation of Officers McDuffie and Robinson in the matter of Shelia Ragland et al. vs. City of Jackson, et al. at an hourly rate of \$150.00 per hour.

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

Yeas – Foote, Grizzell, Lee and Lindsay.

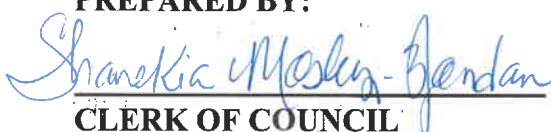
Nays – None.

Abstention – Banks and Hartley


Absent – Stokes.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the Special Council Meeting at 2:00 p.m. on February 3, 2023. At 12:23 p.m., the Council stood adjourned.

PREPARED BY:


CLERK OF COUNCIL

APPROVED:


COUNCIL PRESIDENT **DATE** 2/28/2023


MAYOR

ATTEST:


CITY CLERK
