



**SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF JACKSON, MISSISSIPPI  
JULY 12, 2023  
AGENDA  
4:00 PM**

**AGENDA ITEMS**

- 1. ORDER AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO ENTER INTO A STIPULATED ORDER WITH THE UNITED STATES OF AMERICA THROUGH THE ENVIRONMENTAL PROTECTION AGENCY AND THE STATE OF MISSISSIPPI THROUGH THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY IN *UNITED STATES OF AMERICA, ET AL. vs. THE CITY OF JACKSON, MISSISSIPPI*, CASE NO. 3:12-cv-790-HTW-LGI, U.S.S.D. MISS. (C.MARTIN, LUMUMBA)**

**ANNOUNCEMENTS**  
**ADJOURNMENT**

**ORDER AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO ENTER INTO A STIPULATED ORDER WITH THE UNITED STATES OF AMERICA THROUGH THE ENVIRONMENTAL PROTECTION AGENCY AND THE STATE OF MISSISSIPPI THROUGH THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY IN UNITED STATES OF AMERICA, ET AL. vs. THE CITY OF JACKSON, MISSISSIPPI, CASE NO. 3:12-cv-790-HTW-LGI, U.S.S.D. MISS.**

**WHEREAS**, the parties negotiated a Consent Decree in the matter of *United States of America, et al. vs. The City of Jackson, Mississippi*, Civil Action No. 3:12-cv-790 HTW-LGI, U.S.S.D. Miss. on March 1, 2013; and

**WHEREAS**, while the City has worked diligently to comply with the terms of the Consent Decree, due to severe financial constraints caused by a failed meter modernization project, the COVID-19 Pandemic, declining customer base for its Water-Sewer Utility, and the large proportion of customers with incomes at or below the poverty level, the City has not been able to comply with all the requirements of the Consent Decree; and

**WHEREAS**, beginning in 2018, the City has been negotiating with the Plaintiffs to modify the Consent Decree to improve the City's ability to comply and account for the challenges facing the City since the entry of the Consent Decree; and

**WHEREAS**, following the entry of an Interim Stipulated Order in *United States vs. City of Jackson, Mississippi*, Civil Action No. 3:22-cv-686-HTW-LGI, U.S.S.D. Miss. November 29, 2022, the parties to the Clean Water Act Consent Decree determined that the best interests of all parties would be served by placing the operation and maintenance of the City of Jackson's wastewater collection, transmission, and treatment systems ("WCTS") under the authority of an Interim Third-Party Manager ("ITPM"); and

**WHEREAS**, the proposed Stipulated Order would stay the existing Consent Decree while the Stipulated Order is in effect; and

**WHEREAS**, the proposed Stipulated Order would place the operation and maintenance of the City of Jackson's WCTS under the authority of Ted Henifin, who is currently the ITPM for the City's drinking water system (water treatment plants and distribution system) and Water-Sewer Business Administration (WSBA) Division, and who would be an officer of the Court, but would be required to advise, consult, and collaborate with the City of Jackson Public Works Director; and

**WHEREAS**, under the proposed Stipulated Order, the ITPM would be responsible for paying the cost of operation and maintenance of the WCTS and debt service payments as they come due from the revenue generated through customer billings; and

**WHEREAS**, the City would transfer to the ITPM ARPA matching funds used to obtain additional matching funds from Mississippi through the Municipality and County Water Infrastructure Grant Program for projects to improve the WCTS; and

**WHEREAS**, during the Stipulated Order, the ITPM would be focused on addressing 216 Emergency Sewer Failures, which are locations of known SSOs or other conditions indicative of sewer failure that have been prioritized for assessment and repair; and

(R. LEE, LUMUMBA)

**WHEREAS**, the ITPM would also prioritize repairs to the wastewater collection system in and around the Queen Lane subdivisions; and

**WHEREAS**, the ITPM would also work to complete a list of priority projects designated in the Stipulated Order during the term of the Stipulated Order; and

**WHEREAS**, the length of the Stipulated Order is anticipated to be four (4) years and, prior to its conclusion, the parties will create a transition plan and complete negotiations for a new or modified Consent Decree; and

**WHEREAS**, the Office of the City Attorney recommends that the governing authorities authorize the Office of the City Attorney to sign a Stipulated Order on behalf of the City contingent on concurrence by the U.S. Environmental Protection Agency and U.S. Department of Justice and contingent on a favorable memorandum concerning the Stipulated Order from the City's bond counsel.

**IT IS, THEREFORE, ORDERED** that the City Council Order of June 29, 2023 Authorizing the Office of the City Attorney Enter into a Stipulated Order with the United States, etc. is rescinded.

**IT IS FURTHER ORDERED** that the Office of the City Attorney is authorized to sign a Stipulated Order on behalf of the City in United States of America, et al. vs. The City of Jackson, Mississippi, Civil Action No. 3:12-cv-790 HTW-LGI, U.S.S.D. Miss., consistent with the terms of the Order presented to the governing authorities.

**IT IS FURTHER ORDERED** that the authority to sign the Stipulated Order is contingent on concurrence in the Stipulated Order by the U.S. Environmental Protection Agency and U.S. Department of Justice, and the Mississippi Department of Environmental Quality and contingent on a favorable memorandum concerning the Stipulated Order from the City's bond counsel.