

**BE IT REMEMBERED** that a Special Meeting of the City Council of Jackson, Mississippi, was called by a majority of the City Council Members and notices having been placed by the Clerk of Council at 10:00 a.m. Thursday, February 1, 2024 in the Clerk of Council’s Office, electronic notifications to all Council Members, on the City's website and on the public bulletin board in City Hall, relative to: (1) Order authorizing the Mayor to enter into a Memorandum of Understanding with the Friends of Russell C. Davis Planetarium, Inc. (“FRDP”) for accepting donations for the Planetarium, including the criteria for naming rights, endowment fund management, and donor recognitions. (2) Order revising the budget for FY 2023-2024 for the Jackson City Council and Office of the Clerk of Council. The meeting was convened in the Council Chambers located at 219 S. President Street at 11:00 a.m. on February 2, 2024 being the first Friday of said month, when and where the following things were had and done to wit:

**Present:** Council Members: Aaron Banks, Council President, Ward 6; Angelique Lee, Council Vice President, Ward 2; Vernon Hartley, Ward 5 and Virgi Lindsay, Ward 7. Directors: Safiya Omari, Chief of Staff; Fidelis Malembeka, Chief Financial Officer; Shanekia Mosley-Jordan, Clerk of Council and Sabrina Shelby, Chief Deputy Clerk of Council.

**Absent:** Ashby Foote, Ward 1; Kenneth I. Stokes, Ward 3 and Brian C. Grizzell, Ward 4.

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

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**President Banks** opened the meeting in memory of the following individuals:

- **In Memory of Kenneth Bolden**
- **In Memory of Kelvin Gentry**

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**ORDER AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE RUSSELL C. DAVIS PLANETARIUM, INC. (“FRDP”) FOR ACCEPTING DONATIONS FOR THE PLANETARIUM, INCLUDING THE CRITERIA FOR NAMING RIGHTS, ENDOWMENT FUND MANAGEMENT, AND DONOR RECOGNITIONS.**

**WHEREAS**, the Department of Human and Cultural Services desires to renovate the Russell C. Davis Planetarium (the “Planetarium”), which includes designing and the construction of exhibits in certain areas of the facility; and

**WHEREAS**, the Department of Human and Cultural Services cannot currently fund all of the needed renovations and installation of exhibits for the Planetarium; and

**WHEREAS**, the Friends of the Russell C. Davis Planetarium, Inc., a not-for-profit corporation duly existing under the laws of the state of Mississippi, is in the process of raising funds for the design and construction of the Planetarium and the exhibits therein as well as soliciting funds to be placed in an endowment fund, the income on which shall be used for the enhancement of and programs held or organized by the Planetarium; and

**WHEREAS**, the FRDP, in connection with the Community Foundation of Mississippi, will designate and identify the endowment fund, when established, as the **ENDOWMENT FUND OF FRIENDS OF THE RUSSELL C. DAVIS PLANETARIUM, INC.**; and

**WHEREAS**, the purpose of the endowment is to solicit contributions to be used for the design of exhibitions and construction of the Planetarium and the support of programs of the Planetarium and allow sponsors to make contributions for the benefit of the Planetarium; and

**WHEREAS**, the Department of Human and Cultural Services recommends that the governing authorities for the city authorize the mayor to enter into a Memorandum of Understanding with the Friends of the Russell C. Davis Planetarium, Inc.; and

**WHEREAS**, the purpose of the FRDP ENDOWMENT FUND is to provide a permanent income stream for the Russell C. Davis Planetarium and the charitable purpose of the FRDP so long as the FRDP is recognized as exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or any successor provision of federal tax law; and

**WHEREAS**, if it becomes unnecessary, undesirable, impractical, or impossible to utilize funds for such purposes, the FRDP shall have the right to use the funds for such charitable purposes as it deems appropriate; and

**WHEREAS**, the FRDP shall not make any determination that it is unnecessary, undesirable, impractical, or impossible to use the funds for the purpose set forth in this MOU without giving the city at least thirty (30) days prior written notice. Notice shall be deemed sufficient if mailed certified mail, return receipt requested, to the City Clerk for the city of Jackson; and

**WHEREAS**, the FRDP with the Community Foundation for Mississippi shall administer the FRDP ENDOWMENT FUND in accordance with the terms of the proposed MOU (which is attached and made part of the minutes), the Mississippi Uniform Prudent Management of Institutional Funds Act, the procedure from the administration of funds in the FRDP's governing instruments, as amended from time to time, and following the process for the administration of similar funds of the FRDP, including charges for FRDP services; and

**WHEREAS**, regardless of the amount of the donation, all Sponsors will receive recognition by listing the Sponsor's name on a sponsor wall within the Planetarium; and

**WHEREAS**, in addition to the sponsor wall, certain Sponsors will receive naming rights for a donation at a level that the City and FRDP have determined is sufficient to provide for recognition and signage as outlined in "Exhibit A," which is attached and made part of the minutes; and

**WHEREAS**, in grateful recognition of a sponsor's generosity, the FRDP will enter into a "Sponsorship Agreement" with all sponsors who make contributions: and

**WHEREAS**, the Sponsor's recognition and naming rights will be outlined in the "Sponsorship Agreement," which is attached and made part of the minutes; and

**WHEREAS**, the proposed naming of any physical structure or part thereof must be mutually acceptable to the FRDP and the Planetarium staff. Commencing as soon as possible after the completion of construction of the Planetarium and the installations of exhibits therein, the Name shall be placed in such Locations and shall be rendered in such script and style as shall be determined by the Planetarium staff in consultation with FRDP; and

**WHEREAS**, if FRDP and the Planetarium staff do not approve the naming, the Sponsorship Agreement shall be deemed null and void, and any payment(s) shall be timely returned to the Sponsor; and

**WHEREAS**, Sponsor agrees that if, in the sole discretion of the governing authorities of the City, as expressed in the City Council's minutes, by unanimous vote of the members present and voting, setting forth one or more of the following events:

1. In the event that the association of Sponsor with the location could bring the City or the Planetarium into disrepute (including but not limited to the filing of bankruptcy, the ceasing of operations, or otherwise causing the City potential harm, as viewed by the governing authorities of the city of Jackson), or
2. In the unlikely event the governing authorities for the city of Jackson determine in its reasonable and good faith opinion that circumstances have changed such that the Naming chosen by the Sponsor would adversely impact the reputation, mission, image, or integrity

of the city, or in the event of continued association with the Sponsor and the continuation of the Naming provided for herein.

**WHEREAS**, the Office of the City Attorney will modify the content of such agreement to conform to the specific contribution; and

**WHEREAS**, the governing authorities intend through this Order to set forth the terms and conditions upon which donors may contribute to the Planetarium and through which FRDP may solicit such contributions, including the terms and conditions governing the naming rights afforded to donors.

**IT IS, THEREFORE, ORDERED** that the Mayor is authorized to enter into a MOU with the FRDP for accepting donations for the Planetarium, including the criteria for naming rights, endowment fund management, and donor recognitions as outlined in this Order.

**IT IS FURTHER ORDERED**, that the Sponsorship Agreement is approved as to form, and the Office of the City Attorney may modify the content of such agreement to conform to the specific contribution.

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

Yeas – Banks, Hartley, Lee and Lindsay.

Nays – None.

Absent – Foote, Grizzell and Stokes.

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**ORDER REVISING THE BUDGET FOR FISCAL YEAR 2023-2024 FOR THE JACKSON CITY COUNCIL AND OFFICE OF THE CLERK OF COUNCIL.**

**WHEREAS**, certain unanticipated needs have arisen since the adoption of the Fiscal Year 2023-2024 budget; and

**WHEREAS**, the Fiscal Year 2024 City of Jackson budget should be amended to provide funding for these unanticipated needs; and

**WHEREAS**, the following line items are being revised and increased by the following amounts to provide funds for Data Processing and Equipment:

416006242 - \$40,000.00

**IT IS, THEREFORE, ORDERED** that the Fiscal Year 2023-2024 budget be revised in the amount of \$40,000.00, as follows to provide funds for Data Processing and Equipment.

| From Account # | To Account # | Amount      |
|----------------|--------------|-------------|
| 416006414      | 402006246    | \$40,000.00 |

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

Yeas – Banks, Hartley, Lee and Lindsay.

Nays – None.

Absent – Foote, Grizzell and Stokes.

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**President Banks** recognized **Council Member Hartley** who moved, seconded by **Vice President Lee** to add an item to the agenda: Discussion: Personnel Matter. The motion prevailed by the following vote:

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

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**President Banks** recognized **Vice President Lee** who moved, seconded by **Council Member Hartley** to go into Closed Session to discuss a Personnel Matter. The motion prevailed by the following vote:

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

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**President Banks** announced to the public that the Council voted to go into Closed Session to discuss a Personnel Matter.

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During Closed Session, **Council Member Hartley** moved and **Vice President Lee** seconded to go into Executive Session to discuss a Personnel Matter. The motion prevailed by the following vote:

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

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**President Banks** announced that the Council voted to go into Executive Session to discuss a **Personnel Matter – Vernon Hartley**.

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**Vice President Lee** moved, seconded by **Council Member Lindsay** to come out of Executive Session. The motion prevailed by the following vote:

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

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**President Banks** announced that the Council voted to come out of Executive Session and no action was taken.

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The meeting was closed in memory of the following individuals:

- **In Memory of Kenneth Bolden**
- **In Memory of Kelvin Gentry**

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There being no further business to come before the City Council, it was unanimously voted to adjourn until Special Council Meeting at 11:30 a.m. on February 13, 2024. At 11:19 a.m., the Council stood adjourned.

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SPECIAL MEETING OF THE CITY COUNCIL  
FRIDAY, FEBRUARY 2, 2024 11:00 A.M.

799

PREPARED BY:

Shanika Masley-Bondan  
CLERK OF COUNCIL

APPROVED:

A. B. L., 2/13/2024  
COUNCIL PRESIDENT DATE

[Signature]  
MAYOR

ATTEST:

Angela Harris  
CITY CLERK

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