



November 23, 2022

Transmitted via Hand Delivery and Email

Ashby Foote
Council President
Jackson City Hall
219 S. President St.
Jackson, MS 39201

RE: *October 11, 2022 Agenda Item No. 41 Statement of Votes*

President Foote,

I am in receipt of your October 20, 2022 Memo regarding actions taken by the City Council on October 11, 2022. It is my understanding these actions took place during a “council only” executive session which excluded both the administration and the City Attorney.

Please see attached [Exhibit A] for the original “Agenda Item No. 41” which appeared in the October 11, 2022 agenda packet. From my review, it appears there were significant edits conducted during the executive session. The City Council attempted to revise Agenda Item No. 41, to modify the actions taken by the City Council during the January 4, 2022 meeting. Please see attached [Exhibit B] for an excerpt of actions taken on Agenda Item No. 13 as reflected in the January 4, 2022 minutes.

The January 4, 2022 meeting minutes state, “President Lindsay recognized Council Member Banks who moved; seconded by Vice President Lee, **to allow the Mayor to make a selection between the two (2) vendors**, vendors 2 and 3 (options 2 and 4) and bring a recommendation back to the Council...”

The January 4, 2022 minutes also state “**any participation by council members in contract negotiations** being conducted by the mayor and employees under the mayor’s supervision **would be within the sole discretion of the mayor.**”

Since January 4, 2022, as stated in your October 11, 2022 Order, “there has been constant litigation”. Please see attached [Exhibit C] the final and binding Opinion and Judgment issued by Justice Jess. H. Dickinson, Special Chancellor in *Lumumba vs City Council, et al.*, 22-cv-281, in the Chancery Court of Hinds County which states, “The **Council has no authority to negotiate and/or execute a contract for the collection of residential solid waste**, absent the existence of the exceptions in Miss. Code Ann. §21-8-19;...[t]he Mayor has the authority to find independent contractors/vendors who can provide necessary emergency services and present contracts to the Council for approval. **Only the Mayor may negotiate a contract for solid waste disposal** on behalf of the City of Jackson. Whether a contract binding the City of Jackson for solid waste disposal is negotiated through the RFP process or pursuant to emergency authority under Miss Code Section 33-15-17(b), the contract is not a binding contract that is

enforceable against the City of Jackson unless and until it has been properly approved by the Council.”

Please see attached [Exhibit D] correspondence received by you and other City Council members on October 18, 2022, from Waste Management of Mississippi, Inc. In that letter, Waste Management states “we cannot agree to provide services in the absence of a contract that meets Mississippi law.” Waste Management references Justice Dickinson’s Opinion, and states “[t]his ruling remains in effect and, therefore, **remains the law with respect to this dispute....**”

It is clear from the statements of your “independent counsel” to the press immediately after the October 11, 2022 executive session, that we cannot go back in time to January 4, 2022, when neither I, nor presumably, the City Council, had knowledge of the identities of each solid waste vendor. **As referenced in the press and in Waste Management’s letter, but surprisingly not in your October 11, 2022 Order,** “the City Council has agreed to allow Waste Management to take over garbage collection in the City on or before January 1, 2023.”

Simply put, the **City Council does not have the authority to “authorize” Waste Management to take over garbage collection.** The City of Jackson issued a Request for Proposals over a year ago to select a solid waste collection vendor. I, in my sole discretion, provided the City Council an opportunity to participate in the selection process on January 4, 2022. Unfortunately, even after I exercised that discretion in allowing you to participate, you were still unwilling to award a contract to the most advantageous proposer, Richard’s Disposal Inc.

As you, yourself have stated several times over the last few months, it is time for us to move forward and focus on other issues, in my opinion, much more important issues, affecting the City. Waste Management has made it clear that they “cannot enter into an agreement with the City” under the terms of the October 2021 RFP. The cost of fuel has increased twenty percent (20%) over the last year, and **the City of Jackson must make decisions which align with our budgetary restraints.** Please see attached [Exhibit E] correspondence received from Richard’s Disposal Inc., the most advantageous proposer, confirming their willingness to honor the prices submitted over a year ago, prior to the increase in fuel costs and inflation.

The City of Jackson is currently spending \$808,035.00 per month for solid waste collection. If the City had entered into a six (6) year contract for solid waste collection with Richard’s Disposal Inc. in April 2022, the **City would have saved approximately \$416,280.00 to date.** Over a twelve (12) month period, the City would save \$624,420.00. Not only would a six (6) year agreement with Richard’s Disposal Inc. save the City money, it would also provide citizens with a 96-gallon cart for \$52,035.00 less per month than what the City is currently paying.

Although Waste Management has walked away, Richard’s Disposal Inc. has continued to collect garbage in the City of Jackson, even when the City Council refused to pay them for providing a necessary service to our citizens. As Mayor, I performed my statutory duty to negotiate an affordable contract with the most advantageous proposer. **I invite you to meet with me to discuss your duty as City Council President.**



Chokwe A. Lumumba
Mayor

cc: Angelique Lee (email only)
Kenneth Stokes (email only)
Brian Grizzell (email only)
Vernon Hartley (email only)
Aaron Banks (email only)
Virgi Lindsay (email only)
Torri Martin, City Attorney (email only)