



MAYORAL PROCLAMATION OF LOCAL EMERGENCY CITY OF JACKSON, MISSISSIPPI

WHEREAS, Section 33-15-17 (d) of the Mississippi Code of 1972, as amended, authorizes the Mayor of a municipality to proclaim the existence of a local emergency as defined in Section 33-15-5 of the Mississippi Code of 1972, as amended; and

WHEREAS, Section 33-15-5 (h) 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) 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, the Mayor previously declared an emergency due to the expiration of the City’s contract for the collection of residential solid waste which expired on September 30, 2021; and

WHEREAS, the City entered into an emergency contract for the collection of residential solid waste for a period of six (6) months to allow for the Mayor to conduct a second procurement process, pursuant to Mississippi purchasing law, for a permanent contract; and

WHEREAS, the City’s executive branch issued a new Request for Proposals for Solid Waste Collection and Hauling that scored the technical portion of the RFP without the evaluators knowing the identities of the proposers, consistent with state law-approved criteria for best practices for soliciting requests for proposals, Section 31-7-417 (2) of the Mississippi Code of 1972, as amended; and

WHEREAS, also consistent with state law-approved criteria for best practices for soliciting requests for proposals, Section 31-7-413 (2)(a) of the Mississippi Code of 1972, as amended, price as an evaluation factor was assigned a weight of thirty-five percent (35%); and

WHEREAS, the Request for Proposals solicited service and pricing for four (4) service options based on preferences expressed by the Mayor and by City Council members: (1) Once-

per-week collection without carts; (2) Once per week collection with 96-gallon carts; (3) Twice-per-week collection without carts; and (4) Twice per week collection with 96-gallon carts; and

WHEREAS, the Evaluation Committee rated the technical proposals, heard presentations after scoring the technical proposals, and then the price proposals were evaluated according to the formula provided in the Request for Proposals; and

WHEREAS, the Mayor, without knowing the best evaluated proposal for each of the four (4) service options, presented the best evaluated proposals for each of the four (4) service options and the corresponding prices to the City Council without disclosing the names of the successful proposers; and

WHEREAS, the Mayor, in relinquishing a degree of executive authority afforded him under the Mayor-Council form of government, requested in the Order presented to the City Council that the City Council make a recommendation on which of the four (4) proposals they preferred; and

WHEREAS, the City Council instead amended the order to remove the once-per-week service options and directed the Mayor to choose between the two remaining twice-per-week service options; and

WHEREAS, the monthly cost of the proposal for twice-per-week collection with a 96-gallon cart was \$756,000.00 and the cost of the proposal for twice-per-week collection without a cart was \$858,060.00 monthly, which was \$102,060.00 more than the cost with a cart; and

WHEREAS, the Mayor selected the less expensive of the two twice-per-week options, which was twice-per-week collection with a 96-gallon cart, at \$756,000.00 per month; and

WHEREAS, the Mayor presented this option to the City Council for their adoption at their January 18, 2022 City Council meeting, who then voted down this option; and

WHEREAS, the Mayor placed the residential solid waste collection contract on the agenda for discussion on January 25, 2022, requesting input from the City Council about their legitimate concerns about the adoption of the proposal for twice-per-week collection with 96-gallon carts; and

WHEREAS, based on the comments received from the City Council, the Mayor placed on the agenda a revised item on February 1, 2022 seeking authorization for the Mayor to enter into a residential solid waste collection contract for twice-per-week collection with a 96-gallon cart, which the City Council again voted down; and

WHEREAS, the City's current emergency contract for the collection of residential solid waste expires on March 31, 2022; and

WHEREAS, the Mayor has successfully procured a new contract through the process required under Section 31-7-13 (r) of the Mississippi Code of 1972, as amended, by advertising a Request for Proposals, however the City Council has consistently failed to approve the statutorily procured contract; and

WHEREAS, beginning April 1, 2022, the City will have no means by which to collect garbage from residences throughout the City, which garbage, if uncollected for the period of time that will be required to procure a permanent contract in accordance with Section 31-7-13 (r), will create throughout the City a risk of disease and cause unsanitary conditions contrary to the public health; and

WHEREAS, the failure to collect garbage and properly dispose of it at a permitted landfill will result in putrid, rotting food and other deleterious contaminants flowing into the City's municipal separate storm sewer system, which will cause water pollution to local creeks, streams, and waterways, including, but not limited to the Pearl River and Bogue Chitto Creek; and

WHEREAS, the failure to fulfill its statutory duty to properly collect and dispose of residential solid waste will expose the City to the risk of civil penalties at the rate of up to \$25,000 each day residential solid waste remains uncollected and to other legal action by the Mississippi Department of Environmental Quality; and

WHEREAS, pursuant to Section 33-15-17 (b), 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..." and

WHEREAS, in order to combat the dangers to the public health that will arise if residential garbage remains uncollected for six months or longer, while the City attempts to procure a contract for the collection of residential solid waste in accordance with Section 31-7-13 (r), the Mayor intends to contract on an emergency basis with Richard's Disposal, Inc. for the collection of residential solid waste beginning on April 1, 2022, continuing for period of one year or the procurement of a permanent contract complying with the requirements of Section 31-7-13 (r).

NOW, THEREFORE, I, Chokwe Antar Lumumba, Mayor of the City of Jackson, Mississippi, pursuant to the authority vested in me 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 declare a **local emergency** for the City of Jackson.

IT IS FURTHER ORDERED that this Proclamation shall be (1) promptly filed with the City Clerk; (2) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; and (3) distributed to others as necessary to ensure proper implementation of this Proclamation of Local Emergency.

IT IS FINALLY ORDERED that this Proclamation of Local Emergency is effective immediately, until such time as the next regular meeting of the City Council or a special meeting legally called to review and approve or disapprove the need for continuing this local emergency.

WITNESS MY HAND, on this 17 day of February, 2022 at 12:35 am/pm.



**CHOKWE A. LUMUMBA, MAYOR
CITY OF JACKSON, MISSISSIPPI**

ATTEST:



CITY CLERK