

**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 September 20, 2016, being the third Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Tyrone Hendrix, President, Ward 6; Ashby Foote, Ward 1; Melvin Priester, Jr., Ward 2; Kenneth Stokes, Ward 3; De'Keither Stamps, Ward 4; Charles Tillman, Ward 5 and Margaret Barrett-Simon, Vice-President, Ward 7. Directors: Tony Yarber, Mayor; Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Alices Lattimore, Deputy City Clerk; Monica Joiner, City Attorney and James Anderson, Special Assistant to the City Attorney.

Absent: None.

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The meeting was called to order by **President Tyrone Hendrix**.

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The invocation was offered by **Minister Samuel Tinsley**.

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The following individuals were introduced during the meeting:

- **Essie English**
- **Bobby Rush**
- **Willie Jones**
- **Harold Miller**

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**President Hendrix** requested that Agenda Item No. 42 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

**President Hendrix** recognized **Council Member Stokes** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MRS. BERTHA ELLIS AS AN OUTSTANDING CITIZEN WITH A SINCERE HEART TO EMPOWER PEOPLE**. Accepting the Resolution with appropriate remarks was **Mrs. Bertha Ellis**.

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**President Hendrix** recognized the following individuals who provided public comments during the meeting:

- **Jay Sparling** expressed gratitude for having the opportunity to be able to work with the City on its waste water.
- **Lorenzo Miller** expressed concerns regarding the closing of Grove Park golf course, Fannie Lou Hammer Library and the Golden Key Community Center.
- **Gladys Bunzy** expressed concerns regarding re-instating the sick leave for Jatran employees.
- **Scott Crawford** expressed concerns regarding the extension of the ADA consent decree with the DOJ for two (2) years and restoring sick leave to Jatran employees.

- **Joyce Jackson** expressed concerns regarding Grove Park and Golden Key Community Center.
- **Leon Wilson** provided information regarding the Grove Park golf clinic and the need to keep it open.
- **Claude McCants** expressed concerns regarding Grove Park.
- **Jesse Allen** expressed concerns regarding Grove Park.
- **Juanita Brown** expressed concerns regarding Grove Park.
- **Willie Jones** provided information regarding the Lady Driver's Golf Club and the importance of keeping Grove Park in operation.
- **Baba Lukata** expressed concerns regarding the way patrons are treated at certain convenience stores.
- **Tina McBride** expressed concerns regarding the closing of Grove Park.
- **William Allen** expressed concerns regarding Grove Park.
- **Thomas Cheatham** expressed concerns regarding Grove Park golf course.
- **Demetrius Williams** expressed concerns regarding the de-funding of the Jackson Arts Council.
- **Theresa Kennedy** expressed concerns regarding Greater Jackson Arts Council funding from the City of Jackson.
- **Tammy Golden** provided information outlining services provided by the Greater Jackson Arts Council and urged the City to continue providing funding.
- **Enoch Sanders** expressed concerns regarding the closing of certain City facilities.
- **Stacey Ferreri** expressed concerns regarding the defunding of the Greater Jackson Arts Council.
- **Bo Brown** expressed concerns regarding the closing of Grove Park.

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**ORDER ACCEPTING PAYMENT OF \$2,274.00 FROM AT&T SERVICES, INC. ON BEHALF OF ITS DRIVER CHOTCIE KIDD AS A PROPERTY DAMAGE SETTLEMENT.**

**IT IS HEREBY ORDERED** by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment in the amount of \$2274.00 as a property damage settlement for damage sustained to the City of Jackson vehicle PC-1767 on March 31, 2016.

**Council Member Stokes** moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

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**ORDER ACCEPTING PAYMENT OF \$45,560.14 FROM ALLSTATE INSURANCE COMPANY ON BEHALF OF ITS INSURED {BRITTANY DAVIS} AS A PROPERTY DAMAGE SETTLEMENT.**

**IT IS HEREBY ORDERED** by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment in the amount of \$45,560.14 as a property damage settlement for damage sustained to a City of Jackson vehicle {TK-681} on April 11, 2016.

**Council Member Stokes** moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

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**ORDER AUTHORIZING THE ACCEPTANCE OF MONETARY DONATIONS TO THE JACKSON FIRE DEPARTMENT.**

**WHEREAS**, various individuals and entities have seen to make monetary donations to the Jackson Fire Department ("JFD") in the aggregate amount of Seventy-Five Dollars and Sixty- Eight Cents (\$75.68); and

**WHEREAS**, the aforementioned donations were given for the specific purpose(s) of purchasing Safety Education materials (\$25.00), and \$50.68 to the JFD Emergency Service Division; and

**WHEREAS**, it is necessary to for the governing authorities to formally accept the aforementioned donated funds and authorize the afore-mentioned amounts be spent in accordance with the donators wishes.

**IT IS THEREFORE ORDERED** that the acceptance the above-mentioned donated funds are hereby authorized and/or ratified.

**Council Member Stokes** moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- None.

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**President Hendrix** recognized **Council Member Stamps** who requested that Agenda Item No. 37 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

**RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI IN SUPPORT OF A PARDON ON BEHALF OF THE PETITIONER MR. RANER PHILLIP ADAMS, PURSUANT TO CONSIDERATION BY THE JUSTICE DEPARTMENT OF THE UNITED STATES OF AMERICA.**

**WHEREAS**, the City Council of Jackson, Mississippi finds it befitting to publicly recognize those individuals who have demonstrated an ability to lead a responsible and productive life for a significant period after conviction, evidenced through financial and employment stability, responsibility toward family, reputation in the community, participation in community service and charitable and other meritorious activity; and

**WHEREAS**, Mr. Rander Philip Adams was convicted of two counts of distribution of cocaine pursuant to 28 Usc section 841 and was sentenced to serve 135 months (11 years 3 months). Mr. Adams was released after serving 117 months (9 years 8 months). He received an early release due to his good behavior, having received no incidents reports during his time served, and completion of the FBOP R DAP drug program; and

**WHEREAS**, throughout the years following his conviction, Mr. Adams has been a model citizen, conducting himself in a manner worthy of recognition. Mr. Adams along with his loving wife Mrs. Janice Adams has been devoted to giving back to their community through their annual "Dog Gone Dition" Festival. This festival has been ongoing for the past six (6) years and provides back-to-school supplies, voter registration, free food, fun activities, and live entertainment for the Washington Addition Community; and

**WHEREAS**, prior to his conviction Mr. Adams attended Tougaloo College where he capitulated the name "Randy Wildman Brown". He finished his college career at Jackson State University class of 1975. He was the first student "air personality" to host a Saturday morning blues show. He is now famous for his work at 90.1 WMPR. Randy "Wildman" Brown now demonstrates his vast knowledge and abilities in the broadcast industry which is heard daily from his voice production skills in WMPR's ads. Lastly Randy "Wildman" Brown made a re-acquaintance with the late Senator Jones in 2007, where he began his production of his first musical project as a solo artist.

**THEREFORE, BE IT RESOLVED**, that the City Council of Jackson, Mississippi respectfully requests the President of the United States, upon the recommendation of the Justice Department, to exercise his Constitutional power of pardon for Mr. Rander Phillip Adams.

**Council Member Tillman** moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- None.

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**ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI  
REQUIRING MANDATORY SEXUAL HARASSMENT PREVENTION  
TRAINING FOR ALL CITY EMPLOYEES.**

**WHEREAS**, the City of Jackson, Mississippi is committed to providing and maintaining a comfortable, productive work environment that is free from discrimination in any form; and

**WHEREAS**, the City's sexual harassment policy applies to all City employees, including supervisors and non-supervisory employees, and prohibits harassment in any form, including verbal, non-verbal, physical, and visual harassment; and

**WHEREAS**, the City Council of Jackson, Mississippi deems it important to ensure that every employee is aware of the high standards of conduct, can readily identify improper employee conduct, and remains familiar with the process for filing a complaint, grievance procedures, and disciplinary action steps.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI**, that an ordinance mandating sexual harassment prevention training for all city employees is in the best interest of the City of Jackson and is hereby adopted to read as follows: Employee Sexual Harassment Prevention Training.

Every employee of the City of Jackson, Mississippi shall complete an initial online or in-person sexual harassment prevention training course as part of employee orientation and shall complete an annual sexual harassment prevention training course thereafter. In-person sexual harassment prevention training courses shall be conducted by the Equal Employment Opportunity Officer or the Human Resources Training Coordinator within the Department of Personnel. The training course shall include education as to:

- a. Standards of conduct;
- b. City policies and prohibitions against sexual harassment;
- c. Improper employee conduct and forms of sexual harassment;
- d. Complaint procedures;
- e. Grievance procedures; and
- f. Disciplinary action steps.

**Council Member Stokes** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- None.

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**Council Member Stamps** left the meeting.

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**ORDER APPROVING CLAIMS NUMBER 10458 TO 10791, APPEARING AT PAGES 1605 TO 1656 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$6,136,592.79 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that claims numbered 10458 to 10791 appearing at pages 1605 to 1656, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$6,136,592.79 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:

<b>FROM:</b>	<b>TO ACCOUNTS PAYABLE FUND</b>
1% INFRASTRUCTURE TAX	622.00
2008 GO STREET CONSTRUCTION FD	81.10
2012 ED BYRNE MEMORIAL JUSTICE	170.95
AMERICORP CAPITAL CITY REBUILD	386.66
BUSINESS IMROV FUND (LANDSCP)	41,072.67
CAPITAL CITY REVENUE FUND	1,739.71
DISABILITY RELIEF FUND	89,781.18
EARLY CHILDHOOD (DAYCARE)	5,743.66
EMPLOYEES GROUP INSURANCE FUND	141,023.67
FIRE PROTECTION	4,276.17
GENERAL FUND	2,730,246.64
HAIL DAMAGE MARCH 2013	9,173.45
HOME PROGRAM FUND	510,915.37
HOUSING COMM DEV ACT (CDBG) FD	112,267.88
LANDFILL/SANITATION FUND	662,996.11
MADISON SEWAGE DISP OP & MAINT	1,110.95
NCSC SENIOR AIDES	67.98
P E G ACCESS- PROGRAMMING FUND	7,673.63
PARKS & RECR FUND	78,059.06
REPAIR & REPLACEMENT FUND	20,000.00
SAMSHA- 1 U79 SMO61630-01	210.60
SEIZURE & FORFEITED PROP-STATE	200.00
STATE TORT CLAIMS FUND	3,412.00
TECHNOLOGY FUND	29,406.79
THALIA MARA HALL BFA/08-374-AI	87,864.79
TRANSPORTATION FUND	144,836.42
WATER/SEWER CAPITAL IMPR FUND	342,201.80
WATER/SEWER OP & MAINT FUND	1,109,666.55
WIRELESS RADIO COMMUNCATN FUND	1,385.00

**TOTAL**

**\$6,136,592.79**

**President Hendrix** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Hendrix and Priester.  
Nays- Foote, Stokes and Tillman.  
Absent- Stamps.

**Note-** Said item died for a lack of majority votes.

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**Council Member Tillman** left the meeting.

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**President Hendrix** recognized **James Anderson**, Special Assistant to the City Attorney, who reminded Council of the consequences of the City not paying claims that has been submitted for payment for work performed on behalf of the City.

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Thereafter, **Council Member Priester** moved to reconsider the Claims Docket. **President Hendrix** seconded to re-consider the Claims Docket. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Stokes.  
Nays- None.  
Absent- Stamps and Tillman.

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**Council Member Stokes** left the meeting.

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**President Hendrix** requested that the Clerk re-read the Order:

**ORDER APPROVING CLAIMS NUMBER 10458 TO 10791, APPEARING AT PAGES 1605 TO 1656 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$6,136,592.79 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that claims numbered 10458 to 10791 appearing at pages 1605 to 1656, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$6,136,592.79 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
1% INFRASTRUCTURE TAX	622.00
2008 GO STREET CONSTRUCTION FD	81.10
2012 ED BYRNE MEMORIAL JUSTICE	170.95
AMERICORP CAPITAL CITY REBUILD	386.66
BUSINESS IMROV FUND (LANDSCP)	41,072.67
CAPITAL CITY REVENUE FUND	1,739.71
DISABILITY RELIEF FUND	89,781.18
EARLY CHILDHOOD (DAYCARE)	5,743.66
EMPLOYEES GROUP INSURANCE FUND	141,023.67

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, SEPTEMBER 20, 2016 10:00 A.M.**

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FIRE PROTECTION	4,276.17
GENERAL FUND	2,730,246.64
HAIL DAMAGE MARCH 2013	9,173.45
HOME PROGRAM FUND	510,915.37
HOUSING COMM DEV ACT (CDBG) FD	112,267.88
LANDFILL/SANITATION FUND	662,996.11
MADISON SEWAGE DISP OP & MAINT	1,110.95
NCSC SENIOR AIDES	67.98
P E G ACCESS- PROGRAMMING FUND	7,673.63
PARKS & RECR FUND	78,059.06
REPAIR & REPLACEMENT FUND	20,000.00
SAMSHA- 1 U79 SMO61630-01	210.60
SEIZURE & FORFEITED PROP-STATE	200.00
STATE TORT CLAIMS FUND	3,412.00
TECHNOLOGY FUND	29,406.79
THALIA MARA HALL BFA/08-374-AI	87,864.79
TRANSPORTATION FUND	144,836.42
WATER/SEWER CAPITAL IMPR FUND	342,201.80
WATER/SEWER OP & MAINT FUND	1,109,666.55
WIRELESS RADIO COMMUNCATN FUND	1,385.00

**TOTAL** **\$6,136,592.79**

**Council Member Priester** moved adoption; **Council Member Barrett-Simon** seconded.

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**President Hendrix** recognized **Council Member Foote** who moved to remove payments to IMS Engineers. Said item died for lack of a second.

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**Council Member Stamps** returned to the meeting.

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Thereafter, **President Hendrix** called for a vote on the Claims Docket:

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Stokes and Tillman.

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**Council Member Tillman** returned to the meeting.

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**ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 10458 TO 10791 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that payroll deduction claims numbered 10458 to 10791 inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$169,088.03 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:

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, SEPTEMBER 20, 2016 10:00 A.M.**

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<b>FROM:</b>	<b>TO ACCOUNTS PAYABLE FUND</b>	<b>TO PAYROLL FUND</b>
GENERAL FUND		1,975,309.19
PARKS & RECR FUND		62,193.45
LANDFILL FUND		13,863.36
SENIOR AIDES		2,320.84
WATER/SEWER OPER & MAINT		200,068.90
PAYROLL FUND		870.00
PAYROLL	169,088.03	
EARLY CHILDHOOD		31,544.08
HOUSING COMM DEV		4,883.98
TITLE III AGING PROGRAMS		3,739.61
AMERICORP CAPITAL CITY REBUILD		1,434.00
TRANSPORTATION FUND		8,619.99
T-WARNER PA/GA FUND		4,187.50
SAMSHA		2,406.79

**TOTAL** **\$2,311,441.69**

**Council Member Priester** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

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**Council Member Stamps** left the meeting and **Council Member Tillman** returned to the meeting.

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**RESOLUTION DECLARING THE INTENT AND NECESSITY FOR THE SALE AND ISSUANCE OF A TAX ANTICIPATION NOTE BY THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI, ACTING FOR AND ON BEHALF OF SAID CITY, IN A TOTAL PRINCIPAL AMOUNT OF SIXTEEN MILLION AND NO/100THS DOLLARS (\$16,000,000) FOR THE PURPOSE OF PROVIDING PAYMENT FOR AND DEFRAYING THE CURRENT EXPENSES OF SUCH CITY IN ANTICIPATION OF THE AD VALOREM TAXES TO BE COLLECTED FOR FISCAL YEAR 2017; PRESCRIBING THE FORM AND DETAILS OF SAID NOTE; AUTHORIZING THE PUBLICATION OF A NOTICE OF NOTE SALE IN CONNECTION WITH SAID NOTE AND THE PREPARATION AND DISTRIBUTION OF INFORMATION AND MATERIALS RELATED TO THE SALE AND ISSUANCE OF SAID NOTE; AND FOR RELATED PURPOSES.**

**WHEREAS**, the City Council of the City of Jackson, Mississippi (the "Governing Body"), acting for and on behalf of the City of Jackson, Mississippi (the "City") are authorized by Sections 21-33-301, et seq., including specifically, Section 21-33-325, Mississippi Code of 1972, as amended (the "Act") to borrow money in anticipation of the ad valorem taxes to be collected for the then current fiscal year for the purpose of providing payment of the current expenses of the City; and

**WHEREAS**, the Act provides that the amount to be borrowed in anticipation of such ad valorem taxes shall not exceed fifty percent (50%) of the anticipated, but then uncollected, revenue to be produced by the then current tax levy or levies, against which such money is borrowed; and

**WHEREAS**, the Governing Body is advised that it is reasonably necessary and desirable and in the public interest, in order to provide payment for the current expenses of the City, for the City to borrow in anticipation of taxes the aggregate principal amount of Sixteen Million and No/100ths Dollars (\$16,000,000); and

**WHEREAS**, said borrowing shall be for the sole purpose of providing payment for and defraying current expenses in the General Fund of the City for Fiscal Year 2017 in the amount of Sixteen Million Dollars (\$16,000,000) (the "Project"); and

**WHEREAS**, said dollar amount represented in the Project is less than fifty percent (50%) of the anticipated, but not yet collected, revenue to be produced by the current tax levy or levies, against which such money is borrowed; and

**WHEREAS**, pursuant to the Act, the City may pledge that such negotiable tax anticipation note shall be paid out of the first moneys collected by reason of the current tax levy or levies, in anticipation of which such money is borrowed and in an amount sufficient to pay the principal of and interest on said negotiable tax note in full by not later than March 15, 2017; and

**WHEREAS**, the Project is in accordance with the provisions of the Act; and

**WHEREAS**, it is necessary and desirable and in the public interest to issue said negotiable tax anticipation note in the aggregate principal amount of Sixteen Million and No/100ths Dollars (\$16,000,000) for purposes of providing funds for the Project, pursuant to and in accordance with the Act, and to secure the payment thereof by a pledge that said negotiable tax anticipation note shall be paid out of the first money collected by reason of the current tax levy or levies, in anticipation of which such money is borrowed and in an amount sufficient to pay the principal of and interest on said negotiable tax anticipation note; and

**WHEREAS**, the Governing Body is authorized and empowered by the Act to issue a tax anticipation note of the City for the purposes set forth herein and there are no other available funds on hand or available from regular sources of income for such purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:**

**SECTION 1.** This resolution is adopted pursuant to the Act and the Constitution and laws of the State of Mississippi and all recitations hereinabove made are found and adjudicated to be true and correct.

**SECTION 2.** Pursuant to the Act, the Governing Body, acting for and on behalf of the City, does hereby find and determine that the sale and issuance of the City of Jackson Tax Anticipation Note in a principal amount of Sixteen Million and No/100ths Dollars (\$16,000,000) (the "Note") is necessary and advisable and conforms to the Act, and does hereby declare its intention to and authorizes the sale and issuance of the Note.

**SECTION 3.** The aggregate principal amount of the Note does not exceed fifty percent (50%) of the anticipated, but uncollected, revenue to be produced by the current tax levy or levies, against which such money is borrowed.

**SECTION 4.** The Note is to be issued for the purpose of financing the Project, as authorized by the Act.

**SECTION 5.** The Note is to be issued pursuant to the Act and this and subsequent resolutions of the Governing Body and will be an obligation of the City payable as to principal and interest out of and secured by the first moneys collected by reason of the current tax levy or levies, in anticipation of which such Note is issued and in an amount sufficient to pay the principal of and interest on the Note in full by not later than March 15, 2017.

**SECTION 6.** The City shall offer the Note for sale subject to the provisions of Section 13 hereof, the date, time and terms of sale to be as set forth in the "Notice of Note Sale" relating to the Note, which Notice of Note Sale and "Proposal for Purchase" shall be in substantially the following forms:

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NOTICE OF NOTE SALE

**\$16,000,000**  
**CITY OF JACKSON, MISSISSIPPI**  
**TAX ANTICIPATION NOTE, SERIES 2016**

**NOTICE IS HEREBY GIVEN** that the City Council (the "Governing Body") of the City of Jackson, Mississippi (the "City") will receive sealed bids in the Office of the City Clerk in the City Hall of the City located at 219 South President Street, Jackson, MS 39205 until the hour of 4:00 p.m. on October 4, 2016, at which time said bids will be publicly opened by the City Clerk and read for the purchase at not less than par of \$16,000,000 City of Jackson, Mississippi Tax Anticipation Note, Series 2016 (the "Note").

The Note will be dated and bear interest from the date of its delivery at the rate of interest specified in the proposal submitted by the successful bidder in accordance with this Notice of Note Sale; will be delivered in the denomination of \$16,000,000; will be numbered R-1; will be issued in registered form; and will mature on or before March 15, 2017.

The Note will be secured by a pledge by the City of the first moneys collected by reason of the City's current tax levy or levies, in anticipation of which this Note will be issued.

The Note will be issued pursuant to the provisions of Sections 21-33-301, et seq., including specifically, Section 21-33-325, Mississippi Code of 1972, as amended (the "Act"). The Note is being issued for the purpose of providing payment for and defraying the current expenses in the General Fund of the City in the amount of Sixteen Million and No/100ths Dollars (\$16,000,000), as authorized by the Act.

The Note is to be sold at par and is to be awarded to the bidder complying with the terms hereof and offering to purchase the Note at the lowest rate of interest to the City. The Note shall bear only one rate of interest as specified in the proposal, which it will bear from its date of delivery to its maturity date on or before March 15, 2017. The rate of interest on the Note shall not exceed the maximum interest rate of eleven percent (11%) per annum, as provided in Mississippi Code Section 75-17-105. Bidders must acknowledge in their respective proposals that, contemporaneously with or prior to delivery of the Note, the City shall receive from the successful bidder a document in form and substance satisfactory to the City to the effect that:

- a) the successful bidder is purchasing the Note for its own account for the purpose of investment and not with a view towards distribution or resale;
- b) the bidder has knowledge and experience in financial matters and it is capable of evaluating the merits and risks of purchasing the Note;
- c) the bidder has read and fully understands the resolutions under which the Note is issued;
- d) the bidder has had an opportunity to obtain and has received from the City all of the information, documents and materials, which it regards as necessary to evaluate the merits and risks of its purchase of the Note;
- e) the bidder recognizes that neither Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., ("Special Counsel"), Banks Law & Associates, LLC ("Issuer's Counsel"), Kipling Jones & Company, Inc. ("Financial Advisor") nor Hutchinson, Shockey, Erley & Co. ("Bidding Agent") is responsible for any information contained in or omitted from materials regarding the City and the Note and acknowledges that it does not look to Special Counsel, Issuer's Counsel, Financial Advisor, or Bidding Agent to obtain such information on its behalf; and
- f) while it has no present intention to resell or otherwise dispose of all or any part of the Note purchased by it, the bidder assumes responsibility for disclosing all material information in compliance with all applicable federal and state security laws in the event of its resale of the Note.

All proposals must be enclosed in a sealed envelope and should be addressed to the Governing Body, at their offices located at 219 South President Street, Jackson, Mississippi 39567, attention: City Council, City of Jackson, Mississippi, and worded on the outside, in substance, "Proposal for City of Jackson, Mississippi Tax Anticipation Note, Series 2016". **ALL PROPOSALS MUST BE UNCONDITIONAL AND, AS A CONDITION PRECEDENT TO THE CONSIDERATION OF ITS PROPOSAL, EACH BIDDER MUST ENCLOSE WITH IT, AS A GOOD FAITH DEPOSIT, A CERTIFIED OR CASHIER'S CHECK DRAWN UPON A BANK LOCATED WITHIN THE STATE OF MISSISSIPPI PAYABLE TO THE ORDER OF THE CITY OF JACKSON, MISSISSIPPI FOR THREE HUNDRED TWENTY THOUSAND AND NO/100THS DOLLARS (\$320,000.00).** No interest will be allowed on any good faith deposit. Proposals will be accepted or rejected by the Governing Body on the date above shown for the sale of the Note. When a proposal is rejected by the Governing Body, the good faith deposit accompanying said proposal will be returned to the bidder. When a proposal is accepted by the Governing Body, the good faith deposit accompanying said proposal will be applied as partial payment for the Note or, if the successful bidder fails to comply with this agreement to purchase the Note, will be retained as liquidated damages. Pending the application of the good faith deposit of the successful bidder as aforesaid, such deposit may be invested in direct obligations of, or obligations guaranteed by the United States of America or in repurchase agreements with banks fully secured by such obligations, and the City shall be entitled to any income from any such investment.

The Governing Body reserves the right to reject any or all proposals as well as the right to waive any irregularity or informality in any proposal. All proposals shall be submitted on a Proposal for Purchase which may be obtained from the City's Director of Administration, Ms. Michelle Battee-Day, 200 South President Street, Warren Hood Building, Suite 608, Jackson, MS 39201; Phone: 601-960-1005.

In the opinion of Special Counsel, assuming compliance by the City with certain tax covenants, under existing statutes, regulations, rulings and court decisions, interest on the Note is excluded from gross income for federal income tax purposes. Furthermore, interest on the Note is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, interest on the Note is taken into account in determining adjusted current earnings for purposes of computing the alternative minimum tax imposed on corporations. Special Counsel will express no other opinion regarding other federal tax consequences resulting from the ownership, receipt or accrual of interest on or disposition of the Note. In addition, Special Counsel is further of the opinion that under and pursuant to the Act, the Note and interest thereon are exempt from all income taxes imposed by the State of Mississippi.

The final approving opinion of Special Counsel related to the validity and the tax exemption of the Note, together with a non-litigation certificate of the City dated the date of delivery of the Note, and a transcript of the proceedings relating to the Note will be delivered to the successful bidder without charge.

The successful bidder will be given at least seven (7) business days advance notice of the proposed date of delivery of the Note when that date has been tentatively determined. The Note will be delivered in Jackson, Mississippi or such other place as the Governing Body shall designate and payment therefore shall be made in federal or other immediately available funds.

The successful bidder shall have the right, at its option, to cancel its agreement to purchase the Note if the Note to be delivered by the City in accordance with the preceding paragraph is not tendered for delivery within sixty (60) days from the date of sale thereof, and in such event the City shall return to said bidder its good faith deposit without interest. The City shall have the right, at its option, to cancel its agreement to sell the Note if within five (5) days after the tender of the Note for delivery the successful bidder shall not have accepted delivery of and paid for the Note, and in such event the City shall retain the successful bidder's good faith deposit as liquidated damages.

Further information may be obtained from the City's Director of Administration, Ms. Michelle Battee-Day, 200 South President Street, Warren Hood Building, Suite 608, Jackson, MS 39201; Phone: 601-960-1005.

DATED: September 24, 2016

CITY OF JACKSON, MISSISSIPPI

By: /s/Kristi Moore  
City Clerk

**PROPOSAL FOR PURCHASE**

**\$16,000,000  
CITY OF JACKSON, MISSISSIPPI  
GENERAL OBLIGATION NOTE, SERIES 2016**

\_\_\_\_\_, 2016

City Council  
City of Jackson  
219 South President Street  
Jackson, Mississippi 39205

Ladies and Gentlemen:

For Sixteen Million Dollars (\$16,000,000) principal amount City of Jackson, Mississippi Tax Anticipation Note, Series 2016 (the "Note"), dated as of its delivery, and bearing interest at the rate specified below, we will pay the City of Jackson, Mississippi (the "City") the aggregate par value thereof. The principal of the Note will be payable as set forth in the Notice of Note Sale relating to the Note dated September 24, 2016 (the "Notice of Note Sale").

The Note shall bear interest from the date of its delivery at the rate of \_\_\_\_\_ percent per annum. This proposal is subject to all the terms and conditions of the Notice of Note Sale, which notice by this reference thereto is hereby made a part hereof. We hereby acknowledge that we will fully comply with the terms and requirements of the Notice of Note Sale.

**A CERTIFIED OR CASHIER'S CHECK, DRAWN UPON A BANK LOCATED WITHIN THE STATE OF MISSISSIPPI, PAYABLE TO THE ORDER OF THE CITY OF JACKSON, MISSISSIPPI, IN THE AMOUNT OF THREE HUNDRED TWENTY THOUSAND AND NO/100THS DOLLARS (\$320,000.00)** accompanies this proposal as evidence of good faith and said good faith deposit shall be returned to the undersigned if this proposal is not accepted, or if the City should fail to deliver said Note to the undersigned in accordance with the terms of the Notice of Note Sale; otherwise said good faith deposit shall be held by the City and shall be applied as and when the Note is delivered and paid for under the terms of this proposal, as partial payment therefor, or be applied as and for liquidated damages in the event that the undersigned fails to take up and pay for the Note. Pending the application of the good faith deposit of the successful bidder as aforesaid, such deposit may be invested in direct obligations of, or obligations guaranteed by, the United States of America or in repurchase agreements with banks fully secured by such obligations, and the City shall be entitled to any income from any such investment.

This proposal is for immediate acceptance.

Bidder \_\_\_\_\_

By \_\_\_\_\_  
[Print Name]

\_\_\_\_\_  
[Signature]

Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

(Note: No addition to or alteration in this proposal is to be made, and any erasure may cause a rejection of this proposal. Proposals must be filed with the City Council of the City of Jackson, Mississippi in the Office of the City Clerk in the City Hall located at 219 South President Street, Jackson, Mississippi 39205 attention: Kristi Moore, City Clerk, sealed and worded on the outside, in substance, "Proposal for City of Jackson, Mississippi Tax Anticipation Note, Series 2016", before 4:00 o'clock p.m., Mississippi time, on October 4, 2016. No interest will be allowed the bidder on the good faith deposit which accompanies this proposal.)

**ACCEPTANCE**

The above proposal accepted by the City Council of the City of Jackson, Mississippi, this the 4th day of October, 2016, and receipt of the within mentioned check is hereby acknowledged.

**CITY OF JACKSON, MISSISSIPPI**

By \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Return of the good faith check is hereby acknowledged.

By \_\_\_\_\_

Title \_\_\_\_\_

**SECTION 7.** The Note shall be dated as of its delivery; shall bear interest from said date at the rate of interest specified in the proposal submitted by the successful bidder for the Note in accordance with the Notice of Note Sale, but not to exceed eleven percent (11%) per annum, computed on the basis of a 360-day year consisting of twelve (12) thirty (30) day months; shall mature on or before March 15, 2017; and shall be payable as to principal and interest out of and secured by the first moneys collected by reason of the City's current tax levy or levies, in anticipation of which this Note will be issued.

The Note shall be issued in registered form in a single denomination of Sixteen Million Dollars (\$16,000,000) and shall be numbered R-1. The Note will not be subject to redemption prior to maturity.

The principal of the Note shall be payable in lawful monies of the United States of America as the same shall become due at a bank or banks to be designated by the City (the "Paying and Transfer Agent"). Interest will be payable by check or draft drawn upon the Paying and Transfer Agent made payable to the registered owner named in and mailed to the address of the registered owner as it shall appear on the registration books of the City kept and maintained by the Paying and Transfer Agent.

**SECTION 8.** Pursuant to the authority granted by the Act and the Registered Bond Act, being Sections 31-21-1 et seq., Mississippi Code of 1972, as amended and supplemented from time to time (the "Registered Bond Act"), the Note shall be executed by the manual signature of the Mayor and the official seal of the City shall be affixed or otherwise reproduced thereon, attested by the Clerk of the City (the "Clerk"), and the Note shall be authenticated by the Paying and Transfer Agent. The Paying and Transfer Agent shall authenticate the Note by executing the Certificate of Registration and Authentication thereon and the Note shall not be valid or become obligatory for any purpose until such certificate shall have been duly executed by the Paying and Transfer Agent. Such certificate, when duly executed on behalf of the City, shall be conclusive evidence that the Note so authenticated has been duly authenticated and delivered. The Note shall be delivered to the Purchaser upon payment of the purchase price therefor in accordance with the terms and conditions of their sale and award and this resolution. Prior to or simultaneously with the delivery by the Paying and Transfer Agent of the Note, the City shall file with the Paying and Transfer Agent: (a) a copy, certified by the Clerk, of the transcript of proceedings of the Governing Body in connection with the authorization, sale and issuance of the Note; and (b) an authorization to the Paying and Transfer Agent, signed by the Mayor, to authenticate and deliver the Note to the Purchaser. At delivery, the Paying and Transfer Agent shall authenticate the Note and deliver it to the Purchaser upon payment of the purchase price of the Note to the City in accordance with this resolution. When the Note shall have been executed as herein provided, it shall be registered as an obligation of the City in a book maintained for that purpose, and the Clerk shall cause to be imprinted upon the Note, over her signature and seal, her certificate in substantially the form set out in Section 9 hereof.

**SECTION 9.** The form of the Note, the certificates to appear on the Note and the Certificate of Registration and Authentication shall be in substantially the following forms and the Mayor and the City Clerk be and are hereby authorized and directed to make such changes, insertions and omissions therein as may in their opinions be required:

**[FORM OF NOTE]**

**THE SALE, ASSIGNMENT, REPLACEMENT OR TRANSFER  
OF THIS NOTE IS SUBJECT TO THE RESTRICTIONS IMPOSED  
THEREON BY THE WITHIN MENTIONED RESOLUTION**

**Registered**

**No. R-1**

**\$16,000,000**

**UNITED STATES OF AMERICA  
CITY OF JACKSON, MISSISSIPPI  
TAX ANTICIPATION NOTE,  
SERIES 2016**

The City of Jackson, Mississippi (the "City") for value received, hereby promises to pay to \_\_\_\_\_, as registered holder hereof, or its legal representatives or registered assigns as hereinafter provided (the "Registered Holder") at the times and in the amount set forth below, the principal sum of

**SIXTEEN MILLION DOLLARS**

in any coin or currency of the United States of America which, on the date of payment thereof is legal tender for the payment of public and private debts, and to pay in like coin or currency, interest thereon from and including the date hereof at the rate of \_\_\_\_% per annum. Principal of and interest on the Note will be payable by check or draft of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ (the "Paying and Transfer Agent") made payable to the Registered Holder of this Note. Interest on this Note will be computed on the basis of a 360-day year consisting of twelve (12) thirty (30) day months. Principal of and interest on this Note will be payable at the principal corporate trust office of the Paying and Transfer Agent on or before March 15, 2017.

At the option of the City, the principal amount of this Note may be supplied by multiple advances, as needed by the City. In such event, interest shall begin to accrue on the principal amount of each advance only from the date of each such advance. Each such advance will be recorded by the Registered Holder in the place provided therefore on this Note, along with the date of such advance.

This Note is issued pursuant to the authority of and in full compliance with Sections 21-33-301, et seq., including specifically, Section 21 33-325, Mississippi Code of 1972, as amended and supplemented from time to time (the "Act") and resolutions duly adopted by the City Council of the City on September 22, 2016 and October 4, 2016 (collectively, the "Resolution"). This Note is subject to all terms and conditions of the Resolution. Terms not otherwise defined herein shall have the same meanings ascribed to them in the Resolution.

This Note is issued to raise money for the purpose of providing payment for and defraying current expenses in the General Fund of the City for Fiscal Year 2017 in the amount of Sixteen Million Dollars (\$16,000,000).

This Note shall be payable as to principal and interest out of and secured by the first moneys collected by reason of the current tax levy or levies, in anticipation of which this Note is issued.

This Note will not be subject to redemption prior to maturity.

If the date for payment of the principal of or interest on this Note shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the normal day of payment.

This Note may be transferred or exchanged by the Registered Holder hereof in person or by his attorney duly authorized in writing at the principal office of the Paying and Transfer Agent, but only in the manner, subject to the limitations in the Resolution, and upon surrender and cancellation of this Note. Upon such transfer or exchange, a new note of like amount, tenor and maturity will be issued.

The City and the Paying and Transfer Agent may deem and treat the Registered Holder hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the City nor the Paying and Transfer Agent shall be affected by any notice to the contrary.

It is hereby certified and recited that all acts, conditions and things required to exist, to happen, and to be performed precedent to and in the issuance of this Note exist, have happened and have been performed in regular and due form and time as required by the laws and the provisions of the Constitution of the State of Mississippi applicable thereto, and that the issuance of this Note does not violate any constitutional or statutory limitation or provision.

This Note shall bind the City and its successors and assigns, and the benefits hereof shall inure to the Registered Holder hereof and its successors and assigns.

**IN WITNESS WHEREOF**, the City of Jackson, Mississippi has issued this Note and has caused the same to be executed by the Mayor of the City and attested by the City Clerk of the City and its seal to be impressed hereon, all as of the \_\_\_\_ day of October, 2016.

(SEAL)

**CITY OF JACKSON, MISSISSIPPI**

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**CERTIFICATE OF REGISTRATION AND AUTHENTICATION**

This is the Note described in the within mentioned Resolution of the City Council of the City of Jackson, Mississippi.

\_\_\_\_\_, as Paying and  
Transfer Agent

By \_\_\_\_\_  
Authorized Signatory

Date of Registration and Authentication: \_\_\_\_\_

**REGISTRATION CERTIFICATE**

**STATE OF MISSISSIPPI  
COUNTY OF HINDS**

I, the undersigned City Clerk of the City of Jackson, Mississippi, do hereby certify that the within Note has been registered as an obligation of said City pursuant to law in a record kept in my office for that purpose.

(SEAL)

\_\_\_\_\_  
City Clerk of the City of Jackson, Mississippi

**VALIDATION CERTIFICATE**

**STATE OF MISSISSIPPI )**

) ss:

**COUNTY OF HINDS )**

I, the undersigned City Clerk of the City of Jackson, Mississippi, do hereby certify that the issuance of the Note has been validated and confirmed by decree of the Chancery Court of the First Judicial District of Hinds County, Mississippi, rendered on the \_\_\_\_ day of October, 2016 pursuant to the Act and that the within Bond has been registered in the registration records kept and maintained for that purpose.

\_\_\_\_\_  
City Clerk of the City of Jackson, Mississippi

**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

the within Note and does hereby irrevocably constitute and appoint \_\_\_\_\_ as registrar and transfer agent to transfer the within Note on the records kept for registration thereof with full power of substitution in the premises.

Signature guaranteed:

\_\_\_\_\_  
(Bank, Trust Company or Paying Agent)

\_\_\_\_\_  
(Authorized Officer)

Date of Assignment: \_\_\_\_\_

Insert Social Security Number or other Tax Identification Number of Assignee

\_\_\_\_\_  
\_\_\_\_\_

NOTICE: The signature to this Assignment must correspond with the name of the registered holder as it appears upon the face of the within Note in every particular, without any alteration whatever, and must be guaranteed by a commercial bank or trust company or a member of a national securities exchange who is a member of a Medallion Signature Guarantee Program.

**[END OF FORM OF NOTE]**

**SECTION 10.** Baker, Donelson, Bearman, Caldwell & Berkowitz, PC is hereby designated as Special Counsel to the City ("Special Counsel") in connection with the sale and issuance of the Note. Banks Law & Associates, LLC is hereby selected to serve as issuer's counsel to the City in connection with the sale and issuance of the Note ("Issuer's Counsel"). Kipling Jones & Co. is hereby designated as Financial Advisor to the City (the "Financial Advisor") in connection with the sale and issuance of the Note. Hutchinson, Shockey, Erley & Co. is hereby designated as the bidding agent for the City (the "Bidding Agent") in connection with the sale and issuance of the Note.

**SECTION 11.** The City Clerk and Special Counsel are hereby authorized and directed to cause the Notice of Note Sale to be published two (2) times, the first publication of which shall not be less than ten (10) days prior to the date of the sale of the Note, in The Mississippi Link, Jackson, Mississippi, a newspaper published in Hinds County, Mississippi and/or the Clarion Ledger, Jackson, Mississippi, a newspaper published in Hinds County, Mississippi.

**SECTION 12.** Special Counsel shall obtain from the publisher of the aforesaid newspapers the customary publisher's affidavit proving publication of the Notice of Note Sale for the time and in the manner required by law, and such proof of publication shall be filed in the Clerk's office and exhibited before the Governing Body at the hour and date for the receipt of proposals for the purchase of the Note.

**SECTION 13.** The Mayor of the City (the "Mayor"), Interim Director of Administration of the City, the Financial Advisor and the Bidding Agent are hereby authorized and directed to cause to be prepared, distributed and furnished to prospective bidders for the Note, and to other interested persons, such materials and information concerning the City as may be convenient to the public sale of the Note.

**SECTION 14.** The Mayor, acting for and on behalf of the City and with the assistance of the Financial Advisor and Bidding Agent, is hereby authorized and directed to make all final determinations necessary in connection with (a) the selection of the Paying and Transfer Agent, and (b) is otherwise authorized to make all final determinations necessary to structure and sale the Note; provided, however, that such determinations shall be subject to ratification by the Governing Body.

**SECTION 15.** The City hereby declares its official intent to reimburse itself from the proceeds of the Note for expenses incurred with respect to the Project subsequent to the date of this resolution. This resolution is intended as a declaration of official intent under Treasury Regulation Section 1.150-2. The Note will not exceed the total principal amount of Sixteen Million Dollars (\$16,000,000).

**SECTION 16.** As authorized by the Act, the Note shall be submitted to validation in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Sections 31-13-1 et seq., Mississippi Code of 1972, as amended and supplemented from time to time, and to that end a certified transcript of all proceedings and other documents relating to the sale and issuance of the Note forthwith shall be prepared and forwarded to the State's Bond Attorney by Issuer's Counsel and the City Clerk.

**SECTION 17.** In the event any scrivener's errors shall be discovered in this Resolution after the adoption hereof but prior to the issuance of the Note, the City hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution prior to the issuance of the Note.

**SECTION 18.** If any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

Council Member \_\_\_\_\_ seconded the motion to adopt the foregoing resolution, and the question being put to a vote, the result was as follows:

- Council Member Ashby Foote voted: \_\_\_\_\_
- Council Member Melvin Priester, Jr. voted: \_\_\_\_\_
- Council Member Kenneth I. Stokes voted: \_\_\_\_\_
- Council Member De'Keither Stamps voted: \_\_\_\_\_
- Council Member Charles Tillman voted: \_\_\_\_\_
- Council Member Tyrone Hendrix voted: \_\_\_\_\_
- Council Member Margaret Barrett-Simon voted: \_\_\_\_\_

The motion having received the affirmative vote of a majority of the members of the Governing Body present, being a quorum of said Governing Body, the President of the Governing Body declared the motion carried and the resolution adopted this 22nd day of September, 2016.

**Council Member President** moved adoption; **President Hendrix** seconded.

- Yeas- Barrett-Simon, Foote, Priester and Tillman.
- Nays- Hendrix.
- Absent- Stamps and Stokes.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACTUAL AGREEMENT WITH THE JACKSON MEDICAL MALL COMMUNITY DEVELOPMENT CORPORATION FOR THE 2016-17 FISCAL YEAR FOR THE SENIOR TRANSPORTATION PROGRAM OF THE CITY OF JACKSON.**

**WHEREAS**, the City of Jackson, Mississippi ("City of Jackson"), implemented the Senior Transportation Program in 1972, and has continued the provision of said services since that time; and

**WHEREAS**, in Fiscal Year 2015-16 the City of Jackson served 466 persons in the Senior Transportation Program; and

**WHEREAS**, the Central Mississippi Planning and Development District/Area Agency on Aging has informed the City of Jackson that it is eligible to receive federal funds in the amount of One Hundred Twenty Five Thousand and One Hundred and Fifteen Dollars (\$125,115); and

**WHEREAS**, Mississippi Department of Transportation has informed the City of Jackson that it is eligible to receive federal funds in the amount of Two Hundred Fourteen Thousand and Eight Hundred and Eighty Five Dollars (\$214,885); and

**WHEREAS**, the City must provide a twenty – five percent (25%) local cash match in the amount of Forty One Thousand Seven Hundred and Five Dollars (\$41,705) for the grant with Central Mississippi Planning and Development District/Area Agency on Aging; and One Hundred Fifty Eight Thousand Two Hundred Ninety Five Dollars (\$158,295) for the operation of the Senior Transportation Program; for a total local cash match in the amount of Two Hundred Thousand Dollars (\$200,000).

**IT IS HEREBY ORDERED** that the Mayor be authorized to execute a Contractual Agreement with the Jackson Medical Mall Community Development Corporation for the Senior Transportation Program for the period of October 1, 2016 through September 30, 2017.

**IT IS FURTHER ORDERED** that the local match of Two Hundred Thousand Dollars (\$200,000) be provided from the General Fund.

**Council Member Priester** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

\*\*\*\*\*

**Council Member Stamps** returned to the meeting.

\*\*\*\*\*

**ORDER AUTHORIZING MAYOR TO EXECUTE SUBGRANT AGREEMENT WITH SENIOR SERVICE AMERICA, INC. (SSAI) IN THE AMOUNT OF \$233,850.00 FOR THE CITY TO SPONSOR A SENIOR AIDES PROGRAM FOR SIX MONTHS FOR PERIOD JULY 1, 2016 THROUGH DECEMBER 31, 2016 FOR THE 2016 FISCAL YEAR.**

**WHEREAS**, the City of Jackson has implemented a Senior AIDES Program since 1972; and

**WHEREAS**, the Senior AIDES Program offers part-time employment training opportunities to low income individuals fifty five (55) years of age or older; and

**WHEREAS**, the City has been awarded \$233,850.00 in grant funding to further the Senior AIDES Program for a six month period beginning July 1, 2016 through December 31, 2016 for fiscal year 2016; and

**WHEREAS**, a match of \$30,338 is required from the City of Jackson; and

**WHEREAS**, the program will enroll senior citizens in a four county service area: Hinds, Rankin, Scott, and Warren.

**THEREFORE, BE IT ORDERED** that the Mayor be authorized to execute a subgrant agreement with SSAI in the amount of \$ 233,850.00 for a six month period beginning July 1, 2016 through December 31, 2016 to sponsor a Senior AIDES Program for the 2016 fiscal year.

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**Council Member Tillman** moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

\*\*\*\*\*

**ORDER AUTHORIZING MAYOR TO EXECUTE FINAL CLOSEOUT DOCUMENTS FOR GRANT RELATED TO THE SENIOR SERVICE AMERICA PROGRAM FOR THE TWELVE MONTH PERIOD COMMENCING JULY 1, 2015 AND ENDING JUNE 30, 2016.**

**WHEREAS**, the City of Jackson was awarded the sum of \$467,701.00 by Senior Service America, Inc., (SSAI) to sponsor and administer the Senior AIDES Program for Hinds, Rankin, Scott, and Warren Counties for the program year commencing July 1, 2015 and ending June 30, 2016; and

**WHEREAS**, a match \$60,677 of was required from the local sponsor and administering entity; and

**WHEREAS**, the costs expended by the City of Jackson for the program totaled \$473,908.00, and the City provided matching funds in the amount of \$ 60,677.00; and

**WHEREAS**, the City has received from SSAI funds totaling \$ 473,908.00.

**IT IS HEREBY ORDERED** that the Mayor be authorized to execute any and all documents related to the closeout of the City of Jackson's Senior AIDES Program for the year 2015-2016.

**Council Member Tillman** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

\*\*\*\*\*

**ORDER RATIFYING THE CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS WITH ROUTEMATCH SOFTWARE, INC. TO PROVIDE CLOUD SERVICES FOR THEIR SOFTWARE SCHEDULING SYSTEM UTILIZED BY JATRAM.**

**WHEREAS**, in 2011, the City of Jackson, Department of Planning and Development, Transit Services Division purchased scheduling software from RouteMatch Software, Inc. to improve the overall efficiency of paratransit and special transportation; and

**WHEREAS**, the Department of Transportation, Transit services division has determined that the use of Cloud services with the current RouteMatch system is needed to continue to provide the overall efficiencies needed for the paratransit and special transportation service; and

**WHEREAS**, RouteMatch Software, Inc. will provide annual hosting of the Cloud Service for six (6) users; and

**WHEREAS**, the original agreement executed in 2011 under Exhibit B-3, Schedule of Fees for Additional Licenses and Services quotes costs of the additional work being requested by the City; and

**WHEREAS**, the transit services division has determined that RouteMatch Software, Inc. is the best vendor to provide the necessary service with the current scheduling software system for a cost not to exceed \$14,400.00; and

**WHEREAS**, FTA grant funds are available to cover the cost with 20% local match required of the City.

**IT IS, THEREFORE, ORDERED** that the City Council hereby ratifies the prior agreement and authorizes the Mayor execute any and all necessary agreements and documents with RouteMatch Software, Inc. for an amount not to exceed \$14,400.00 for upgrade Cloud Service to the scheduling software.

**Council Member Stamps** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

\*\*\*\*\*

**ORDER AUTHORIZING THE TRANSFER OF FUNDS FROM DATA PROCESSING EQUIPMENT TO APPROPRIATIONS TO OTHER FUNDS FOR THE REIMBURSEMENT OF LAPTOPS ON THE 2013 HOMELAND SECURITY GRANT.**

**WHEREAS**, the City of Jackson Fire Department is in need of funds to reimburse the City for the laptops not covered by the 2013 Homeland Security Grant; and

**WHEREAS**, the present City of Jackson Fire Department has identified funds to cover the cost of these laptops.

**IT IS, HEREBY, ORDERED** that the funds in the amount of \$6,562.00 be transferred from Data Processing Equipment Account number 001.441.70.6847 to Appropriations to Other Funds 001.441.70.6753.

**IT IS FURTHERED ORDERED** that the transfer of funds be used for the reimbursement of laptops from the 2013 Homeland Security Grant.

**Council Member Barrett-Simon** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

\*\*\*\*\*

**ORDER AUTHORIZING AN EXTENSION OF THE INTEGRATED SUPPLY AGREEMENT WITH GENUINE PARTS COMPANY D/B/A NAPA AUTO PARTS FOR A PARTS INVENTORY SUPPLY SYSTEM FOR THE CITY'S GARAGES.**

**WHEREAS**, the City of Jackson has a contract with Genuine Parts Company d/b/a NAPA Auto Parts to maintain a small inventory of parts at the Municipal and Fire garages for the equipment it services; and

**WHEREAS**, the contract is for a four-year term that commenced on September 24, 2012 and will end on September 23, 2016; and

**WHEREAS**, pursuant to Section 3 of said contract, the term of the contract may be extended for successive one-year terms; and

**WHEREAS**, the Department of Public works recommends that the City extend the contract with Genuine Parts Company d/b/a NAPA Auto Parts for one year.

**IT IS, THEREFORE ORDERED** that the Mayor is authorized to execute a one-year contract extension with Genuine Parts Company d/b/a NAPA Auto Parts.

**Council Member Tillman** moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Priester, Stamps and Tillman.  
Nays- Hendrix.  
Absent- Stokes.

\*\*\*\*\*

**ORDER ACCEPTING AN ENGINEERING SERVICES AGREEMENT WITH ALLEN ENGINEERING AND SCIENCE, INC., FOR STORMWATER MANAGEMENT PROFESSIONAL ENGINEERING SERVICES, CITY PROJECT NUMBER 15B5015.901.**

**WHEREAS**, the Department of Public Works desires to have stormwater management professional engineering services to assist the City with developing and implementing stormwater management programs; and

**WHEREAS**, Allen Engineering and Science, Inc., a local full-service environmental engineering, consulting and planning company located in Jackson, Mississippi, submitted their firms Statement of Qualifications based on a solicitation for professional engineering services by the Department of Public Works; and

**WHEREAS**, Allen Engineering and Science, Inc., has submitted a proposal based on its Statement of Qualifications to provide the City of Jackson stormwater management professional engineering services at a cost not to exceed \$374,000.00; and

**WHEREAS**, the Department of Public Works recommends the City of Jackson enter into an Engineering Services Agreement with Allen Engineering and Science, Inc., in the amount not to exceed \$374,000.00, for stormwater management professional engineering services, City Project Number 15B5015.901.

**IT IS, THEREFORE, ORDERED** that an engineering services agreement with Allen Engineering and Science, Inc., in an amount not to exceed \$374,000.00, for stormwater management professional engineering services, City Project Number 15B5015.901 is accepted.

**Council Member Barrett-Simon** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

\*\*\*\*\*

**ORDER AUTHORIZING THE TRANSFER OF GENERAL FUNDS FROM FUEL USAGE TO MOTOR VEHICLE REPAIR MAINTENANCE AND AUTO AND TRUCK.**

**WHEREAS**, the City of Jackson Police Department is responsible for repairing its own vehicles and towing; and

**WHEREAS**, the City of Jackson Police Department is in need of funds in the amount of \$30,000.00 to cover the cost of maintenance, repairs, and towing for the remainder of this fiscal year; and

**WHEREAS**, the City of Jackson Police Department has identified funds in General Fund Account number 442-20-6215 Fuel Usage to cover the cost of these services.

**IT IS, THEREFORE, ORDERED** that funds in the amount of \$25,000.00 be transferred from General Fund Account number 442-40-6215 Fuel Usage to 442-40-6213 Motor Vehicle Repair.

**IT IS FURTHER ORDERED** that funds in the amount of \$5,000.00 be transferred from General Fund Account number 442-40-6215 Fuel Usage to 442-20-6465 Auto and Truck.

**Council Member Tillman** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

\*\*\*\*\*

**ORDER ACCEPTING THE BID OF HEMPHILL CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF THE TRAFFIC CALMING PROJECT, FEDERAL AID PROJECT NUMBER TCSP-0250-00(046)/103924, CITY PROJECT NUMBER 31500, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID COMPANY SUBJECT TO THE CONCURRENCE OF THE MISSISSIPPI TRANSPORTATION COMMISSION.**

**WHEREAS**, the City of Jackson solicited sealed, competitive bids for the construction of the Traffic Calming Project; and

**WHEREAS**, two bids were submitted to the City Clerk on August 23rd, 2016; and

**WHEREAS**, the bid of Hemphill Construction Company, Inc. in the amount of \$341,589.20 was the lowest bid received; and

**WHEREAS**, the Public Works Department recommends that the governing authorities deem the bid of Hemphill Construction Company, Inc. in the amount of \$341,589.20, for the Traffic Calming Project to be the lowest and best bid; and

**WHEREAS**, the awarding of the bid shall be subject to the concurrence of the Mississippi Transportation Commission; and

**WHEREAS**, during the life of the project, it will be necessary for the Mayor to execute various no-cost documents as part of the administration and construction of the project.

**IT IS, THEREFORE, ORDERED** that the bid of Hemphill Construction Company, Inc. for the construction of the Traffic Calming Project, Federal Aid Project Number TCSP-0250-00(046)/103924, City Project Number 31500 in the amount of \$341,589.20, is accepted as the lowest and best bid.

**IT IS FURTHER ORDERED** that the Mayor is authorized to execute and the City Clerk is authorized to attest a contract with Hemphill Construction Company, Inc. for the construction of the Traffic Calming Project, Federal Aid Project Number TCSP-0250-00(046)/103924, City Project Number 31500 in the amount of \$341,589.20.

**IT IS FURTHER ORDERED** that the Mayor be authorized to execute any and all no-cost item documents necessary for the administration and construction of the Traffic Calming Project, Federal Aid Project Number TCSP-0250-00(046)/103924, City Project Number 31500 and to submit the same to MDOT as needed.

**Council Member Tillman** moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

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**ORDER AUTHORIZING CHANGE ORDER NO.1/FINAL TO THE CONTRACT OF UTILITY CONSTRUCTORS, INC. FOR THE DERRICK STREET BRIDGE REPLACEMENT, CITY PROJECT NO. 16B4500.301.**

**WHEREAS**, on May 3, 2016 the City of Jackson accepted Utility Constructors, Inc.'s bid of \$298,000.00 for the Derrick Street Bridge Replacement, City Project No. 16B4500.301; and

**WHEREAS**, the contract work involved removing and replacing the existing bridge structure on Derrick Street within the City of Jackson corporate limits; and

**WHEREAS**, Change Order No. 1/Final represents a 7.3% decrease to the current contract amount due to the adjustment of quantities and the removal or addition of items; and

**WHEREAS**, a final field inspection was held by the Department of Public Works, and the Department recommends acceptance of the project; and

**WHEREAS**, the current contract amount is \$298,000.00 and the decreased contract amount will be \$21,800.00; and

**WHEREAS**, the Department of Public Works recommends final payment in the amount of \$24,230.31 to Utility Constructors, Inc.; and

**WHEREAS**, the bonding company SureTec Insurance Company, Attorney-in-fact, surety on performance of the said contract, has authorized release and payment of all money due under said contract.

**IT IS, THEREFORE, ORDERED** that Change Order No. 1/Final to the contract of Utility Constructors, Inc., decreasing the contract amount by \$21,800.00 to a final contract amount of \$276,200.00 is authorized.

**IT IS FURTHER ORDERED** that the City make final payment in the amount of \$24,230.31 and release all securities held to Utility Constructors, Inc. for all the work completed and materials furnished under this contract and that the City Clerk publish the Notice of Completion of the Derrick Street Bridge Replacement Project, City Project No. 16B4500.301.

**Council Member Priester** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Stokes.

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**ORDER AUTHORIZING CHANGE ORDER NO.1/FINAL TO THE CONTRACT OF UTILITY CONSTRUCTORS, INC. FOR THE HANGING MOSS ROAD BRIDGE REPLACEMENT, CITY PROJECT NO. 15B4501.201.**

**WHEREAS**, on January 26, 2016 the City of Jackson accepted Utility Constructors, Inc.'s bid of \$339,828.00 for the Hanging Moss Road Bridge Replacement, City Project No. 15B4501.201; and

**WHEREAS**, the contract work involved removing and replacing the existing bridge structure on Hanging Moss Road within the City of Jackson corporate limits; and

**WHEREAS**, Change Order No. 1/Final represents a 6% decrease to the current contract amount due to the adjustment of quantities and the removal or addition of items; and

**WHEREAS**, a final field inspection was held by the Department of Public Works, and the Department recommends acceptance of the project; and

**WHEREAS**, the current contract amount is \$339,828.00 and the decreased contract amount will be \$20,857.60; and

**WHEREAS**, the Department of Public Works recommends final payment in the amount of \$10,866.11 to Utility Constructors, Inc.; and

**WHEREAS**, the bonding company SureTec Insurance Company, Attorney-in-fact, surety on performance of the said contract, has authorized release and payment of all money due under said contract.

**IT IS, THEREFORE, ORDERED** that Change Order No. 1/Final to the contract of Utility Constructors, Inc., decreasing the contract amount by \$20,857.60 to a final contract amount of \$318,970.40 is authorized.

**IT IS FURTHER ORDERED** that the City make final payment in the amount of \$10,866.11 and release all securities held to Utility Constructors, Inc. for all the work completed and materials furnished under this contract and that the City Clerk publish the Notice of Completion of the Hanging Moss Bridge Replacement Project, City Project No. 15B4501.201.

**Council Member Tillman** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Stokes.

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**Council Member Stamps** left the meeting.

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**AMENDED RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THOSE DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION WITH THE APPLICATION FOR THE DRINKING WATER SYSTEMS IMPROVEMENTS REVOLVING LOAN FUND PROGRAM THROUGH THE LOCAL GOVERNMENTS AND RURAL WATER SYSTEMS IMPROVEMENTS BOARD AND NAMING THE PUBLIC WORKS DIRECTOR OR THE MAYOR AS THE AUTHORIZED REPRESENTATIVES.**

**WHEREAS**, the Department of Public Works for the City of Jackson previously identified the following critical projects for the Drinking Water Systems Improvements Revolving Loan Fund (DWSIRLF) loan from the Local Governments and Rural Water Systems Improvements Board and submitted a ranking request for the Fiscal Year 2016 funding cycle; and

**WHEREAS**, the Local Governments and Rural Water Systems Improvements Board has listed the City of Jackson's improvement projects as part of the Fiscal Year 2016 Mississippi Drinking Water Systems Improvements Revolving Loan Fund Program Priority List with a 20 year loan repayment schedule at an interest rate of 1.95% and up to \$500,000 in principal forgiveness before the repayment schedule is prepared; and

**WHEREAS**, in order to apply for such a loan, the City must submit a DWSIRLF Loan application package in compliance with DWSIRLF Program Regulations; and

**WHEREAS**, such regulations require that the City provide as part of such package a certified copy of a resolution which authorizes submission of the application and which designates an authorized representative to execute the application and to be the authorized representative for the project.

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**NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of Jackson:**

**SECTION 1.** That the submission of a DWSIRLF Loan application package is hereby authorized, with the proceeds from such loan to be used to finance and implement DWSIRLF Loan Program project DWI- L250008-01.

**SECTION 2.** That Mayor Tony T. Yarber is authorized to execute and file an application for a DWSIRLF loan on behalf of City of Jackson, Mississippi with full authority to execute all documents pertaining to the project.

**SECTION 3.** That the Public Works Director of the City of Jackson or the Mayor of the City of Jackson are hereby designed to be the authorized representatives of the project.

**Council Member Barrett-Simon** moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Tillman.

Nays- None.

Absent- Stamps and Stokes.

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**Council Members Stamps and Stokes** returned to the meeting.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE HINDS COUNTY BOARD OF SUPERVISORS TO RELOCATE WATERLINES OWNED AND MAINTAINED BY THE CITY OF JACKSON LOCATED IN UNINCORPORATED AREAS OF HINDS COUNTY.**

**WHEREAS**, the Hinds County Board of Supervisors would like to relocate certain waterlines owned and maintained by the City of Jackson in unincorporated areas of Hinds County for the purpose or road improvements; and

**WHEREAS**, the County's Engineer for the project Waggoner Engineering met with the Department of Public Works Engineering staff concerning the relocation of the waterlines; and

**WHEREAS**, the Department of Public Works Engineering staff reviewed the plans, and provided comments to Waggoner Engineering regarding pipe material specifications, cost, and construction procedures to be required; and

**WHEREAS**, the County's Engineer for the project Waggoner Engineering has agreed to the recommendations provided by City Engineering staff to be included within the plans and specifications for the waterline relocation; and

**WHEREAS**, the purpose of the interlocal agreement is to establish an agreement whereby the City of Jackson will allow Hinds County to relocate portions of the City's waterline for road improvements; and

**WHEREAS**, the County will provide all contract labor and funding resources in an amount of \$300,000 or more from the 2007 SWAP Funds; and

**WHEREAS**, in accordance with the Interlocal Cooperation Act of 1974, Section 17-13-1, et seq. of the Mississippi Code of 1972, as amended, it is necessary to enter into an interlocal agreement in order for the City to commit to providing the described services; and

**WHEREAS**, the Department of Public Works recommends that the governing authorities enter into this proposed Interlocal Agreement.

**IT IS, THEREFORE, ORDERED** that the Mayor is authorized to execute an Interlocal Agreement with the Hinds County Board of Supervisors to relocate City owned and maintained waterlines for the purpose of road improvements to unincorporated areas in Hinds County.

**President Hendrix** moved adoption; **Council Member Tillman** seconded.

Yeas- Foote, Hendrix, Stamps and Tillman.  
Nays- Stokes.  
Abstention- Barrett-Simon.  
Recusal- Priester.  
Absent-None.

Note- **Council Member Priester** recused himself from voting and left the room.

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**Council Member Priester** returned to the meeting.

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**ORDER AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT OF DOZER, LLC, FOR THE READY MIX BRIDGE REPLACEMENT, CITY PROJECT NO. 15B4505.701.**

**WHEREAS**, the Ready Mix bridge is located on the southwest end of the Woodrow Wilson Avenue Bridge and crosses Town Creek Tributary No. 3; and

**WHEREAS**, the contract work involved removing and replacing the existing bridge structure that crosses Town Creek Tributary No. 3 within the City of Jackson corporate limits; and

**WHEREAS**, the City of Jackson entered into a contract with Dozer, LLC, in the amount of \$267,500.00, said contract was approved by the City Council on May 3, 2016 for the Ready Mix Bridge Replacement; and

**WHEREAS**, Dozer, LLC, removed the existing bridge structure and discovered a 16 inch waterline crossing Town Creek Tributary No. 3; and

**WHEREAS**, Dozer, LLC, has provided the City of Jackson with a proposal that would increase the original bid from \$267,750.00 to \$291,950.00; and

**WHEREAS**, Change Order No. 1 represents a 9.0% increase to the current contract amount due to the adjustment of quantities and addition of items due the discovery of the 16 inch waterline; and

**WHEREAS**, the Department of Public Works recommends Change Order No. 1 to the contract of Dozer, LLC, for the Ready Mix Bridge Replacement Project, City Project No. 15B4505.701.

**IT IS, THEREFORE, ORDERED** that Change Order No. 1 to the contract of Dozer, LLC, increasing said contract in the amount by \$24,200.00 to a final contract amount of \$291,950.00 for the Ready Mix Bridge Replacement, City Project No. 15B4505.701 is approved, and the Mayor is authorized to execute Change Order No. 1 to said contract with Dozer, LLC.

**Council Member Stokes** moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- None.

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**ORDER AUTHORIZING FINAL PAYMENT TO THE CONTRACT OF EUTAW CONSTRUCTION COMPANY, INC., AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CLOSE OUT THE PROJECT, AND AUTHORIZING PUBLICATION OF NOTICE OF COMPLETION OF CAPITOL STREET IMPROVEMENT PROJECT, FEDERAL AID PROJECT NUMBER TCSP-8312-00(001)LPA/106058-701000, CITY PROJECT NUMBER 10B4004-701.**

**WHEREAS**, the City of Jackson received bids on December 18, 2012, for the construction of Capitol Street Improvements Project with Eutaw Construction Company, Inc. being the lowest and best bidder; and

**WHEREAS**, a final inspection was held by Mississippi Department of Transportation and City of Jackson personnel on May 14, 2015; a landscaping final inspection was held on October 16, 2015, at the end of the growing season and deemed to be in substantial completion on April 9, 2015, with a release from all maintenance issued on December 17, 2015; and the Surety, Travelers Casualty and Surety Company of America has authorized release and payment of all monies due under this contract; and

**WHEREAS**, the final payment of \$194,947.65 results in a final project cost of \$4,878,299.28, a decrease of \$801,774.84 that resulted from the deletion of a proposed roundabout at Congress Street and an underrun of certain dirt related pay items and other various quantity changes during construction; and

**WHEREAS**, the Department of Public Works recommends approval of the final payment and the acceptance of said project.

**IT IS, THEREFORE, ORDERED** that final payment to the contract of Eutaw Construction Company, Inc., in the amount of \$194,947.65 and representing a decrease in the amount of \$801,774.84 in the contract price is hereby authorized.

**IT IS FURTHER ORDERED**, that publication of the Notice of Completion and the execution of any and all documents necessary to close out the project is authorized for the Capitol Street Improvement Project, Federal Aid project TCSP-8312-00(001)LPA/106058-701000, City Project No. 10B4004-701.

**Council Member Barrett-Simon** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.

Nays- Stokes.

Absent- None.

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**ORDER AUTHORIZING THE MAYOR AND/OR CITY ATTORNEY TO PROCEED WITH RESOLUTION OF CLAIM(S) REGARDING SICK LEAVE RELATED TO THE ARBITRATION AND 49 USC §5333(b) THE "13(C) AGREEMENT" GRIEVANCE FILED BY THE JATLAN UNION LOCAL ATU 1208 AGAINST THE CITY AND NATIONAL TRANSIT EXPRESS (NEXT) AND TO EXECUTE ANY AND ALL DOCUMENTS WITH THE RESPECTIVE PARTIES IN RESOLVING ALL ISSUES RELATED TO SICK LEAVE.**

**WHEREAS**, on October 1, 2015 NEXT took over as the management company for the City's transit system JATLAN pursuant to an agreement properly authorized and executed by the City and NEXT ; and

**WHEREAS**, during this transition, issues arose regarding the implementation of sick leave for those employees who were employed with the previous management company and subsequently became employed by NEXT; and

**WHEREAS**, the JATLAN Union ATU Local 1208 notified the City and NEXT that a grievance had been submitted to arbitration including but not limited to issues related to sick leave implementation; and

**WHEREAS**, the Office of the City Attorney was contacted in July 2016, and advised by union counsel that all matters with the exception of the sick leave matter had been substantially resolved by the Union and NEXT and worked diligently to come to an amicable resolution for all parties; and

**WHEREAS**, the City as pursuant to the 13 (C) Agreement the City is ultimately responsible for insuring that any changes to the system are not significantly detrimental to the benefits of employees of the transit system; and

**WHEREAS**, the Office of the City Attorney is recommending that it is in the best interest of the City to settle and resolve all matters related to the sick leave benefits of the JATLAN union employees.

**IT IS HEREBY ORDERED** that the City of Jackson, Mississippi, by and through its Mayor and the Office of the City Attorney, be authorized to execute any and all necessary documents for the resolution of all matters pertaining to resolution of the JATLAN union employees sick leave benefits.

**Council Member Barrett-Simon** moved adoption; **Council Member Stokes** seconded.

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**President Hendrix** recognized **James Anderson**, Special Assistant to the City Attorney, who stated that an Executive Session would be needed in order to discuss the details of said item.

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Thereafter, **Council Members Barrett-Simon** and **Stokes** withdrew their motion and second due to said item would be discussed during Executive Session.

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**President Hendrix** announced that Agenda Items No. 25, 26,27,28,29,30,31,32 and 38 would be discussed in Executive Session.

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**President Hendrix** recognized **Council Member Stamps** that stated that Agenda Item No. 33, 34, 35 and 36 would be tabled until the next Regular Council meeting to be held on October 4, 2016 at 6:00 p.m.

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**President Hendrix** requested that Agenda Items No. 39, 40 and 41 be moved forward on the Agenda. Hearing no objections, the following was discussed:

**DISCUSSION: CONVENIENCE STORES:** **President Hendrix** recognized **Council Member Stokes** who expressed concerns regarding the abuse of constituents at a particular convenience store located off of Medgar Evers Blvd.

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**DISCUSSION: NIGHT OUT OBSERVANCE:** **President Hendrix** recognized **Council Member Stokes** who expressed concerns regarding when National Night Out would be observed within the City of Jackson.

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**DISCUSSION: CONSTITUENTS CONCERNS:** President Hendrix recognized Council Member Stamps who stated that his concerns had been discussed during public comments.

\*\*\*\*\*

Council Member Foote left the meeting.

\*\*\*\*\*

Council Member Stamps moved and Council Member Priester seconded to consider going into Executive Session to discuss Agenda Items No. 25-32 and 38 regarding personnel matters and litigation. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- Foote.

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Council Member Stamps moved, seconded by Council Member Priester to go into Executive Session to discuss agenda items regarding personnel matters and litigation. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Hendrix, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- Foote.

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President Hendrix announced to the public that the Council voted to go into Executive Session to discuss personnel matters and litigation.

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Council Member Stokes left the meeting after voting to go into Executive Session.

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Council Member Stamps moved and Council Member Barrett-Simon seconded to come out of Executive Session. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Foote.

Note- Council Member Foote left the meeting before coming out of Executive Session.

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President Hendrix announced to the public that the Council voted to come out of Executive Session and the following action had been taken on Agenda Items No. 25, 26, 27, 28, 29, 30, 31, 32 and 38:

**ORDER AUTHORIZING THE MAYOR AND/OR CITY ATTORNEY TO PROCEED WITH RESOLUTION OF CLAIM(S) REGARDING SICK LEAVE RELATED TO THE ARBITRATION AND 49 USC §5333(b) THE "13(C) AGREEMENT" GRIEVANCE FILED BY THE JATLAN UNION LOCAL ATU 1208 AGAINST THE CITY AND NATIONAL TRANSIT EXPRESS (NEXT) AND TO EXECUTE ANY AND ALL DOCUMENTS WITH THE RESPECTIVE PARTIES IN RESOLVING ALL ISSUES RELATED TO SICK LEAVE.**

**WHEREAS**, on October 1, 2015 NEXT took over as the management company for the City's transit system JATRAM pursuant to an agreement properly authorized and executed by the City and NEXT ; and

**WHEREAS**, during this transition, issues arose regarding the implementation of sick leave for those employees who were employed with the previous management company and subsequently became employed by NEXT; and

**WHEREAS**, the JATRAM Union ATU Local 1208 notified the City and NEXT that a grievance had been submitted to arbitration including but not limited to issues related to sick leave implementation; and

**WHEREAS**, the Office of the City Attorney was contacted in July 2016, and advised by union counsel that all matters with the exception of the sick leave matter had been substantially resolved by the Union and NEXT and worked diligently to come to an amicable resolution for all parties; and

**WHEREAS**, the City as pursuant to the 13 (C) Agreement the City is ultimately responsible for insuring that any changes to the system are not significantly detrimental to the benefits of employees of the transit system; and

**WHEREAS**, the Office of the City Attorney is recommending that it is in the best interest of the City to settle and resolve all matters related to the sick leave benefits of the JATRAM union employees.

**IT IS HEREBY ORDERED** that the City of Jackson, Mississippi, by and through its Mayor and the Office of the City Attorney, be authorized to execute any and all necessary documents for the resolution of all matters pertaining to resolution of the JATRAM union employees sick leave benefits.

**Council Member Priester** moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Stokes.

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**ORDER AUTHORIZING THE MAYOR AND/OR CITY ATTORNEY TO PROCEED WITH RESOLUTION OF CLAIM(S) WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO A CONSENT DECREE ON BEHALF OF THE CITY OF JACKSON, MISSISSIPPI IN THAT CERTAIN MATTER REGARDING A FAIR HOUSING COMPLAINT FILED BY PHIL MASSEY D/B/A URBAN REHAB, INC.**

**WHEREAS**, on November 3, 2014 the United States Department of Justice notified the City that they had initiated an investigation of the City of Jackson's Land Use Practices under the Federal Fair Housing Act as amended, 42 U.S.C. Section 3601 et. seq. and Title II of the Americans with Disabilities Act; and

**WHEREAS**, on April 12, 2016 the United States of America (USA) notified the City that the investigation has been concluded and that the Principal Deputy Assistant Attorney General for the Civil Rights Division had authorized the filing of a complaint against the City; and

**WHEREAS**, the USA along with the City agreed to the suspension of the running of the statute of limitation regarding the filing of the complaint to allow time for agreed resolution of said matter; and

**WHEREAS**, the Office of the City Attorney, along with the USA have been negotiating for an extended period in an effort to reach a mutually agreeable resolution to said litigation; and

**WHEREAS**, the result of said negotiations is the proposed Consent Decree for a term of five (5) years; and

**WHEREAS**, the Office of the City Attorney is recommending that the adoption of the proposed Consent Decree is in the best interest of the City and will result in the resolution of the issues regarding said litigation.

**IT IS HEREBY ORDERED** that the City of Jackson, Mississippi, by and through its Mayor and the Office of the City Attorney, be authorized to execute any and all necessary documents for the adoption of said Consent Decree pertaining to the Phil Massey, d/b/a Urban Rehab, Inc., fair housing.

**Council Member Priester** moved adoption; **President Hendrix** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Tillman.

Nays- Stamps.

Absent- Stokes.

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**ORDER AUTHORIZING THE MAYOR AND/OR CITY ATTORNEY TO EXECUTE A JOINT MOTION TO EXTEND AND REVISE CONSENT DECREE ON BEHALF OF THE CITY OF JACKSON, MISSISSIPPI IN THAT CERTAIN MATTER STYLED SCOTT CRAWFORD, ET. AL. AND THE UNITED STATES OF AMERICA VERSUS THE CITY OF JACKSON AND CITY OF JACKSON PUBLIC TRANSPORTATION SYSTEM (JATRAM), IN THE UNITED STATES DISTRICT COURT, CAUSE NUMBER 3:08-CV-586-TSL-JCS.**

**WHEREAS**, on September 28, 2008, the Plaintiffs filed their complaint against the City of Jackson (City) and City of Jackson Public Transportation System (JATRAM) alleging multiple violations of Title II of the American With Disabilities Act, Section 504, regarding the City's provision of public transportation services; and

**WHEREAS**, on June 23, 2009 the United States of America (USA) filed an unopposed Motion to Intervene and subsequently on July 27, 2009 filed its Complaint in Intervention; and

**WHEREAS**, the Office of the City Attorney, along with Plaintiff's counsel and the Department of Justice negotiated and reached a mutually agreeable resolution to said litigation by way of a consent decree; and

**WHEREAS**, the initial consent decree was authorized by the City Council and subsequently entered into on March 30, 2010 for an initial term of five (5) years; and

**WHEREAS**, the initial consent decree was subsequently extended by agreement of all parties and extended for an additional eighteen (18) months on March 10, 2015; and

**WHEREAS**, due to service issues occurring during the last year at JATRAM all parties are in agreement that the City needs additional time to fully comply with the terms of the Consent decree and subsequently desire to extend said Agreement for an additional two (2) years; and

**WHEREAS**, the Office of the City Attorney is recommending that the execution of the proposed Joint Motion to Extend and Revise Consent Decree is in the best interest of the City.

**IT IS HEREBY ORDERED** that the City of Jackson, Mississippi, by and through its Mayor and the Office of the City Attorney, be authorized to execute any and all necessary documents for an additional two (2) year extension of said Consent Decree pertaining to the Scott Crawford, et. al and United States of America versus City of Jackson and City of Jackson Public Transit System (JATRA), in the United States District Court of America, Cause Number 3:08-CV-586-TSL-JCS.

**Council Member Priester** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Tillman.  
Nays- Stamps.  
Absent- Stokes.

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**ORDER AUTHORIZING FULL AND FINAL SETTLEMENT OF ALL CLAIMS IN THE MATTER OF "MARTIN MCCUBBINS VS. CITY OF JACKSON, MISSISSIPPI", COUNTY COURT; CAUSE NO. 251-13-3085CIV.**

**WHEREAS**, on July 28, 2013, the City of Jackson was named as Defendants in the lawsuit styled, "Martin McCubbins vs. City of Jackson" filed in the Hinds County Court, Cause No. 251-13-3085CIV; and

**WHEREAS**, the complaint alleges that Martin McCubbins was falsely arrested by the City of Jackson's Police Department on or about May 22, 2012 and suffered physical and emotional damages; and

**WHEREAS**, in January of 2015, a trial was held in this matter and the City was found liable for the Plaintiff's damages in the amount of \$20,000.00 for false arrest, \$20,000.00 for emotional distress, \$26,000.00 for medical bills, \$750.00 for attorneys fee, and \$50.00 for expungement for a total of 66, 800.00 plus 8% interest until the judgment is satisfied; and

**WHEREAS**, the City appealed the award of medical bills in the amount of \$26,000.00 to the Hinds County Circuit Court.

**WHEREAS**, the parties have reached a compromise and agreed to a settlement of \$45,100.00 and dismissal of the appeal.

**WHEREAS**, the Office of the City Attorney recommends that it is in the best interest of the City of Jackson, Mississippi that the City of Jackson settle this matter in the amount not to exceed \$45,100.00.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, by the City Council for the City of Jackson, Mississippi that the City should and is hereby authorized to settle this matter not to exceed \$45,100.00 to Martin McCubbins and his attorney Charles Mullins, Esq. of Coxwell & Associates, PLLC, in this matter.

**President Hendrix** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix and Tillman.  
Nays- None.  
Recusal- Priester.  
Absent- Stamps and Stokes.

Note- **Council Member Stamps** left the room prior to voting.

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**ORDER AUTHORIZING FULL AND FINAL SETTLEMENT OF ALL CLAIMS  
IN THE MATTER OF "JAMES RUSSELL VS. CITY OF JACKSON" HINDS  
COUNTY CIRCUIT COURT; CAUSE NO. 15-613.**

**WHEREAS**, on March 24, 2015, the Plaintiff filed a Complaint in the matter styled "JAMES RUSSELL vs. THE CITY OF JACKSON, MISSISSIPPI", Hinds County Circuit Court Cause No. 15-613; and

**WHEREAS**, the Plaintiff and the City having reached a proposed settlement; and

**WHEREAS**, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiff and his attorney, William Ballard, Ballard Law, PLLC., in return for a complete release of the City and Entry of an Agreed Order of Dismissal; and

**WHEREAS**, such Settlement Agreement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi; and

**WHEREAS**, based on the economic value to the City and without admitting any liability, it is in the best interest of the City of Jackson, Mississippi that the City of Jackson resolve this matter in an amount not to exceed \$105,000.00.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi pay a total sum not to exceed \$105,000.00 to James Russell and his attorney, William Ballard in return for a complete release of the City from any and all liability.

**Council Member Foote** moved adoption; **President Hendrix** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Tillman.

Nays- Stamps.

Absent- Stokes.

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**ORDER AUTHORIZING FULL AND FINAL SETTLEMENT OF ALL CLAIMS  
IN THE MATTER OF "PRO-LIFE MISSISSIPPI, ET AL VS. CITY OF  
JACKSON, MISSISSIPPI, ET AL" UNITED STATES DISTRICT COURT;  
CAUSE NO. 3:14-CV-568 CWR-FKB.**

**WHEREAS**, on July 23, 2014, the Plaintiffs filed a Complaint in the matter styled "PRO-LIFE MISSISSIPPI, JOHN BREKEEN, LAURA DURAN, DOUG LANE, RONALD NEDERHOED, BERKELEY OSTRANDER, and CALVIN ZASTROW vs. THE CITY OF JACKSON, MISSISSIPPI, et al", United States District Court Cause No. 3:14CV-568 CWR-FKB; and

**WHEREAS**, the Plaintiffs and the City having reached a proposed settlement; and

**WHEREAS**, the Office of the City Attorney is recommending that the City fully and finally resolve this matter with the Plaintiffs and their attorneys, Steve C. Thornton, Catherine W. Short, and Allison K. Aranda, in return for a complete release of the City and Entry of an Agreed Order of Dismissal subject to the entry of a Consent Decree, in the United States District Court; and

**WHEREAS**, such Settlement Agreement shall not constitute an admission of liability on the part of the City of Jackson, Mississippi; and

**WHEREAS**, based on the economic value to the City and without admitting any liability, it is in the best interest of the City of Jackson, Mississippi that the City of Jackson resolve this matter in an amount not to exceed \$2,500.00 and the entry of a Consent Decree, to be presented in the United States District Court.

**NOW, THEREFORE, IT IS HEREBY ORDERED** by the City Council of the City of Jackson, Mississippi, that the City of Jackson, Mississippi pay a total sum not to exceed \$2,500.00 to Pro-Life Mississippi et al. and their attorneys, Steve C. Thornton, Catherine W. Short, and Allison K. Aranda in return for a complete release of the City from any and all liability.

**President Hendrix** moved adoption; **Council Member Barrett-Simon** seconded.

Yeas- Barrett-Simon, Foote, Hendrix, Priester and Tillman.  
Nays- Stamps.  
Absent- Stokes.

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**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI  
AUTHORIZING THE RETENTION OF OUTSIDE COUNSEL FOR THE CITY  
OF JACKSON IN THE LAWSUIT STYLED "KIMBERLY V. BRACEY VS. CITY  
OF JACKSON, MISSISSIPPI, ET AL., UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO.: 3:16-  
CV-657-DPJ-FKB".**

**WHEREAS**, the City of Jackson, Mississippi was named as a defendant in the lawsuit styled "Kimberly V. Bracey vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that a conflict does exist between the City Attorney's Office and the City of Jackson; and

**WHEREAS**, the City Attorney has agreed to recuse herself from litigation in the lawsuit styled "*Kimberly V. Bracey vs. City of Jackson, et al.*"; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that it is in the best interest of the City of Jackson to defend this lawsuit by retaining the independent legal counsel of \_\_\_\_\_; and

**WHEREAS**, the governing authorities have determined that such representation by outside counsel shall be limited to the City of Jackson, and shall not include the representation of Mayor Tony Yarber individually or in his official capacity; and

**WHEREAS**, Mayor Tony Yarber has retained a private attorney for representation in the lawsuit styled, "Kimberly V. Bracey vs. City of Jackson, Mississippi, et al."; and

**WHEREAS**, the attorneys with \_\_\_\_\_ are highly experienced with the subject matter involved in this case and have agreed to perform services for the City at an hourly rate between \$\_\_\_\_\_ and \$\_\_\_\_\_ per hour, based on the skill and experience of the assigned counsel for the charge tasked.

**IT IS, THEREFORE, ORDERED** that the firm of \_\_\_\_\_ is retained as the independent legal counsel of the City of Jackson at an hourly rate between \$\_\_\_\_\_ and \$\_\_\_\_\_ per hour based upon the skill and experience of the assigned counsel for the charged task for the purpose of defending the City of Jackson in the lawsuit styled "Kimberly V. Bracey vs. City of Jackson, Mississippi, et al.,"

**BE IT FURTHER ORDERED** that the attorney's fees and other expenses of litigation, including but not limited to expert witness fees, court reporter fees, copying, faxes, and long-distance telephone calls shall not exceed \$\_\_\_\_\_ without further approval of the City Council of Jackson, Mississippi.

**Council Member Tillman** moved adoption; **Council Member Barrett-Simon** seconded.

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**President Hendrix** moved and **Council Member Priester** seconded to amend said order to insert Phelps Dunbar LLP as legal counsel, an hourly rate between \$365 and \$145 per hour and removing the last "BE IT FURTHER ORDERED" paragraph. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

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**President Hendrix** called for a vote on said item as amended:

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AUTHORIZING THE RETENTION OF OUTSIDE COUNSEL FOR THE CITY OF JACKSON IN THE LAWSUIT STYLED "KIMBERLY V. BRACEY VS. CITY OF JACKSON, MISSISSIPPI, ET AL., UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO.: 3:16-CV-657-DPJ-FKB".**

**WHEREAS**, the City of Jackson, Mississippi was named as a defendant in the lawsuit styled "Kimberly V. Bracey vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that a conflict does exist between the City Attorney's Office and the City of Jackson; and

**WHEREAS**, the City Attorney has agreed to recuse herself from litigation in the lawsuit styled "*Kimberly V. Bracey vs. City of Jackson, et al.*"; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that it is in the best interest of the City of Jackson to defend this lawsuit by retaining the independent legal counsel of Phelps Dunbar; and

**WHEREAS**, the governing authorities have determined that such representation by outside counsel shall be limited to the City of Jackson, and shall not include the representation of Mayor Tony Yarber individually or in his official capacity; and

**WHEREAS**, Mayor Tony Yarber has retained a private attorney for representation in the lawsuit styled, "Kimberly V. Bracey vs. City of Jackson, Mississippi, et al."; and

**WHEREAS**, the attorneys with Phelps Dunbar LLP are highly experienced with the subject matter involved in this case and have agreed to perform services for the City at an hourly rate between \$365 and \$145 per hour, based on the skill and experience of the assigned counsel for the charge tasked.

**IT IS, THEREFORE, ORDERED** that the firm of Phelps Dunbar LLP is retained as the independent legal counsel of the City of Jackson at an hourly rate between \$365 and \$145 per hour based upon the skill and experience of the assigned counsel for the charged task for the purpose of defending the City of Jackson in the lawsuit styled "Kimberly V. Bracey vs. City of Jackson, Mississippi, et al."

Yeas- Barrett-Simon, Foote, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Stokes.

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**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI  
AUTHORIZING THE RETENTION OF OUTSIDE COUNSEL FOR THE CITY  
OF JACKSON IN THE LAWSUIT STYLED "LARA E. GILL VS. CITY OF  
JACKSON, MISSISSIPPI, ET AL., UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO.: 3:16-CV-  
654-HTW-LRA".**

**WHEREAS**, the City of Jackson, Mississippi was named as a defendant in the lawsuit styled "Lara E. Gill vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that a conflict does exist between the City Attorney's Office and the City of Jackson; and

**WHEREAS**, the City Attorney has agreed to recuse herself from litigation in the lawsuit styled "Lara E. Gill vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that it is in the best interest of the City of Jackson to defend this lawsuit by retaining the independent legal counsel of \_\_\_\_\_; and

**WHEREAS**, the attorneys with \_\_\_\_\_ are highly experienced with the subject matter involved in this case and have agreed to perform services for the City at an hourly rate between \$\_\_\_\_\_ and \$\_\_\_\_\_ per hour, based on the skill and experience of the assigned counsel for the charge tasked.

**IT IS, THEREFORE, ORDERED** that the firm of \_\_\_\_\_ is retained as the independent legal counsel of the City of Jackson at an hourly rate between \$\_\_\_\_\_ and \$\_\_\_\_\_ per hour based upon the skill and experience of the assigned counsel for the charged task for the purpose of defending the City of Jackson in the lawsuit styled "Lara E. Gill vs. City of Jackson, Mississippi, et al."

**BE IT FURTHER ORDERED** that the attorney's fees and other expenses of litigation, including but not limited to expert witness fees, court reporter fees, copying, faxes, and long-distance telephone calls shall not exceed \$\_\_\_\_\_ without further approval of the City Council of Jackson, Mississippi.

**President Hendrix** moved adoption; **Council Member Priester** seconded.

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**President Hendrix** moved, seconded by **Council Member Priester** to amend said order to insert Bradley Arant Boult Cummings LLP as legal counsel, add an hourly rate between \$255 and \$185 per hour and remove the last "BE IT FURTHER ORDERED" paragraph. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Foote and Stokes.

Note- **Council Member Foote** left the meeting and was absent during voting.

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

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI  
AUTHORIZING THE RETENTION OF OUTSIDE COUNSEL FOR THE CITY  
OF JACKSON IN THE LAWSUIT STYLED "LARA E. GILL VS. CITY OF  
JACKSON, MISSISSIPPI, ET AL., UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO.: 3:16-CV-  
654-HTW-LRA".**

**WHEREAS**, the City of Jackson, Mississippi was named as a defendant in the lawsuit styled "Lara E. Gill vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that a conflict does exist between the City Attorney's Office and the City of Jackson; and

**WHEREAS**, the City Attorney has agreed to recuse herself from litigation in the lawsuit styled "Lara E. Gill vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that it is in the best interest of the City of Jackson to defend this lawsuit by retaining the independent legal counsel of Bradley Arant Boult Cummings LLP; and

**WHEREAS**, the attorneys with Bradley Arant Boult Cummings LLP are highly experienced with the subject matter involved in this case and have agreed to perform services for the City at an hourly rate between \$255 and \$185 per hour, based on the skill and experience of the assigned counsel for the charge tasked.

**IT IS, THEREFORE, ORDERED** that the firm of Bradley Arant Boult Cummings LLP is retained as the independent legal counsel of the City of Jackson at an hourly rate between \$255 and \$185 per hour based upon the skill and experience of the assigned counsel for the charged task for the purpose of defending the City of Jackson in the lawsuit styled "Lara E. Gill vs. City of Jackson, Mississippi, et al.,"

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Tillman.

Nays- None.

Absent- Foote and Stokes.

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**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI  
AUTHORIZING THE RETENTION OF OUTSIDE COUNSEL FOR THE CITY  
OF JACKSON IN THE LAWSUIT STYLED "TINA BIANCHINI VS. CITY OF  
JACKSON, MISSISSIPPI, ET AL., UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO.: 3:16-CV-  
510-DPJ-FKB."**

**WHEREAS**, the City of Jackson, Mississippi was named as a defendant in the lawsuit styled "Tina Bianchini vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that a conflict does exist between the City Attorney's Office and the City of Jackson; and

**WHEREAS**, the City Attorney has agreed to recuse herself from litigation in the lawsuit styled "Tina Bianchini vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that it is in the best interest of the City of Jackson to defend this lawsuit by retaining the independent legal counsel of \_\_\_\_\_; and

**WHEREAS**, the attorneys with \_\_\_\_\_ are highly experienced with the subject matter involved in this case and have agreed to perform services for the City at an hourly rate between \$\_\_\_\_\_ and \$\_\_\_\_\_ per hour, based on the skill and experience of the assigned counsel for the charge tasked.

**IT IS, THEREFORE, ORDERED** that the firm of \_\_\_\_\_ is retained as the independent legal counsel of the City of Jackson at an hourly rate between \$ \_\_\_\_\_ and \$ \_\_\_\_\_ per hour based upon the skill and experience of the assigned counsel for the charged task for the purpose of defending the City of Jackson in the lawsuit styled "Tina Bianchini vs. City of Jackson, Mississippi, et al."

**BE IT FURTHER ORDERED** that the attorney's fees and other expenses of litigation, including but not limited to expert witness fees, court reporter fees, copying, faxes, and long-distance telephone calls shall not exceed \$ \_\_\_\_\_ without further approval of the City Council of Jackson, Mississippi.

**President Hendrix** moved adoption; **Council Member Tillman** seconded.

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**President Hendrix** moved and **Council Member Priester** seconded to amend said order to insert Bradly Arant Boulton Cummings LLP as legal counsel, add an hourly rate between \$255 and \$185 per hour and remove the last "BE IT FURTHER ORDERED" paragraph. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Foote and Stokes.

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

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI  
AUTHORIZING THE RETENTION OF OUTSIDE COUNSEL FOR THE CITY  
OF JACKSON IN THE LAWSUIT STYLED "TINA BIANCHINI VS. CITY OF  
JACKSON, MISSISSIPPI, ET AL., UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF MISSISSIPPI, CIVIL ACTION NO.: 3:16-CV-  
510-DPJ-FKB."**

**WHEREAS**, the City of Jackson, Mississippi was named as a defendant in the lawsuit styled "Tina Bianchini vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that a conflict does exist between the City Attorney's Office and the City of Jackson; and

**WHEREAS**, the City Attorney has agreed to recuse herself from litigation in the lawsuit styled "Tina Bianchini vs. City of Jackson, et al."; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that it is in the best interest of the City of Jackson to defend this lawsuit by retaining the independent legal counsel of Bradley Arant Boulton Cummings LLP; and

**WHEREAS**, the attorneys with Bradley Arant Boulton Cummings LLP are highly experienced with the subject matter involved in this case and have agreed to perform services for the City at an hourly rate between \$255 and \$185 per hour, based on the skill and experience of the assigned counsel for the charge tasked.

**IT IS, THEREFORE, ORDERED** that the firm of Bradley Arant Boulton Cummings LLP is retained as the independent legal counsel of the City of Jackson at an hourly rate between \$255 and \$185 per hour based upon the skill and experience of the assigned counsel for the charged task for the purpose of defending the City of Jackson in the lawsuit styled "Tina Bianchini vs. City of Jackson, Mississippi, et al."

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Tillman.  
Nays- None.  
Absent- Foote and Stokes.

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The following reports/announcements were provided during the meeting:

- **Council Member Stamps** announced that a Ward 4 Town Hall meeting would be held on September 22, 2016 at 6:00 p.m. at Siwell Middle School.
- **Council Member Tillman** announced that October Fest would be held on October 22, 2016 at Jayne Avenue Park from 12:00 p.m. until 5:00 p.m.

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Council Meeting to be held at 6:00 p.m. on Tuesday, October 4, 2016 and at 3:33 p.m., the Council stood adjourned.

ATTEST:

*Kristi Moore*

\_\_\_\_\_  
CITY CLERK

APPROVED:

*[Signature]* 9/23/16  
\_\_\_\_\_  
MAYOR                      DATE