



WASTE MANAGEMENT

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October 18, 2022

Via Email and Hand Delivery

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

Dear President Foote:

First, let me thank you for the leadership you have provided to the City of Jackson during the dispute over the award of the solid waste contract. As you know, Waste Management of Mississippi, Inc. and the City of Jackson partnered successfully for many years to provide the citizens of Jackson with economical, safe and efficient solid waste collection services. We, therefore, were extremely disappointed when the Mayor refused to meet with us to even discuss our proposal in response to the October 2021 RFP. Eventually, it was necessary to redeploy our people and equipment. Our surplus trucks have been sent to Florida to help with hurricane relief efforts and our employees have been reassigned within the company.

Waste Management understands the Mayor and City Council remain at odds over the selection of a vendor to provide solid waste collection services to City residents. While Waste Management remains interested in providing residential services to Jacksonians, we cannot agree to provide services in the absence of a contract that meets Mississippi law.

We are aware of AG opinions that support the Council's position that it has the authority to enter into a solid waste collection agreement with a vendor without the mayor's recommendation, but we think the history of the litigation and subsequent court rulings make it improvident for Waste Management to enter into an agreement with the City based upon the last RFP.

In *Lumumba vs City Council, et al.*, in the Chancery Court of Hinds County, the Court ruled as follows:

- a) The Council has no authority to negotiate and/or execute a contract for the collection of residential solid waste, absent the existence of the exceptions in Miss. Code Ann. §21-8-19;

- b) The Council has no authority to amend the Mayor's order declaring an emergency, and instead, after the Mayor declares a local emergency the Council is required to approved or disapprove the proclamation; and,
- c) The Mayor had the authority to find independent contractors/vendors who can provide necessary emergency services and present contracts to the Council for approval;
- d) Only the Mayor may negotiate a contract for solid waste disposal on behalf of the City of Jackson;
- e) Whether a contract binding the City of Jackson for solid waste disposal is negotiated through the RFP process or pursuant to emergency authority under Miss Code Section 33-15-17(b), the contract is not a binding contract that is enforceable against the City of Jackson unless and until it has been properly approved by the Council.

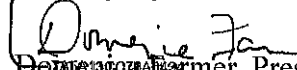
This ruling remains in effect and, therefore, remains the law with respect to this dispute unless overruled by a higher court. An article appeared last week in the local news saying the City Council has agreed to allow Waste Management to take over garbage collection in the City on or before January 1, 2023. To be clear, President Foote, no such agreement exists between Waste Management and the City Council. Further, the Mayor's response to this report was clear and unambiguous:

"Once again, the council fails to understand the law and the limitations of their office. They do not hold any positions that allow them to present a contract to Waste Management or any other vendor."

Waste Management cannot agree to enter into an agreement with the City until these differences are resolved and another RFP is issued. We hope the City will consider issuing another RFP that will allow Waste Management and other vendors to fairly participate and be considered for providing solid waste collection services to the City. In the meantime, please accept our thanks for your support and leadership.

Sincerely,

DocuSigned by:



Doreen Farmer, President

Waste Management of Mississippi, Inc.

cc: Angelique C. Lee
Kenneth I. Stokes
Brian C. Grizzell
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