

# More than a Contract

## *Black Self-Determination and People's Assemblies in Jackson, Mississippi*

### *Epilogue*

GAYLEN MOORE, LACHAUN BANKS, HOLLIE RUSSON GILMAN, JORRIT DE JONG, AND ARCHON FUNG

Jackson's third RFP for solid waste collection, issued in October 2021, requested pricing for four collection options: once-a-week with a 96-gallon cart, once-a-week without a cart, twice-a-week with a 96-gallon cart, and twice-a-week without a cart. In a shift from previous RFPs, the review committee scored the technical and pricing components of the contracts blind. Mayor Chokwe Antar Lumumba brought the scores to the regular council meeting on January 4, 2022, requesting their guidance on how to proceed. (See Appendix 9 in the case for the scores.)

The council ruled out the once-a-week options. The monthly cost of the winning bid for twice-a-week collection without a cart was \$858,060. The monthly cost of the winning bid for twice-a-week collection *with* a cart, surprisingly, was \$686,250. The latter bid had a significantly lower score than the higher-cost bidder, but the weighting of costs in the scoring formula put the lowest-cost bid on top. Council members complained about a lack of visibility into the details of the other scoring criteria, but instead of pressing for more information about possible differences in service plans and quality, they focused most of their questions on the carts. The administration explained that the RFP had stipulated that vendors would replace damaged or stolen carts free of charge, and that residents unable to manage a large cart could use different receptacles. Finally, the council voted to recommend that the mayor choose between the two winning bids for the twice-a-week option. The mayor chose the cheapest option, which included carts. It was Richard's Disposal's bid.

The council voted down the contract with Richard's, 4-3, on January 18 and again on January 25. The contract was revised, then voted down again on February 1, at which point the mayor declared an emergency and negotiated an emergency one-year contract with Richard's. "All we want is two-day-a-week pickup," said Council member Vernon Hartley.<sup>1</sup> "That's it. No bells and whistles. We want a continuity of services. We don't want missed garbage. We want a continuation of a smooth flow the way we had, because everything else is broken." Richard's, he claimed, was serving as a front company for the same group of subcontractors that had come together to respond to the prior emergency. "What I'm hearing is that Waste Management (WM) had to do more than this company had to do. And that's why there's a \$12 million discrepancy." (Discrepancies in the two companies' service plans and technical proposals were reflected in their scores and rankings prior to costs.)

At the February 24 special city council meeting, the council challenged the mayor's emergency declaration and again attempted to establish its own emergency contract with WM. Council members Aaron Banks and Kenneth Stokes expressed concern that WM would sue the city and skepticism that the city attorney could go toe to toe with its corporate attorneys. This was a bridge too far for Omari, who had seen firsthand the time and effort Attorney Catoria Martin had put into developing and explaining the RFP and drawing up the contract. The heated exchange between the chief of staff and Council member Stokes that ensued is detailed in the first part of the case. WM filed suit against the city the next day.

## Accusations Fly

At the February 28 press conference, Omari asked that the council hold Stokes accountable for his behavior. "The activist in me would still be out with my megaphone and my picket sign, and all of that. The chief of staff me—the government me—made a statement. It was a very civil statement."<sup>2</sup> The mayor then addressed reporters, choosing his words carefully: "What I am saying, plainly and simply, is that I believe certain members of our council—I *believe* certain members of our council have accepted bribes and are steering a contract."<sup>3</sup> Stokes called the accusation "nothing but lies," and added that the mayor "must stop smoking that dope."<sup>4</sup> (The mayor flatly denied having ever taken drugs.)

The city council called a special meeting on March 4 to vote on a "Resolution of the city council of Jackson, Mississippi, expressing extreme disapproval of Mayor Chokwe Antar Lumumba's comments toward certain city council members during a February 28, 2022 press conference."<sup>5</sup> Council member Angelique Lee made a statement: "I know the citizens of Jackson are very concerned about what's happening with the state of their leadership. And we have the state legislature, members of Congress looking at us. We are currently asking for millions and millions of dollars. So, I just ask both of us as council members and administration to try to set an example where we can show the state and Congress that we can be good stewards of their money, of this money, and can work together. . . . I'm making a plea for both sides to come together to work together to move this city forward."<sup>6</sup>

Council member Brian Grizzell agreed on this point, but added a blunt critique of the resolution, which he felt was one-sided: "We got to work together. . . . This is not going to do anything but keep this going. This is petty. This is an ego trip in my opinion."<sup>7</sup> Council member Banks claimed it was not one-sided, because no one had made any accusations about the mayor. Rukia Lumumba, seated in the gallery, protested out loud and was promptly shut down. Council member Stokes, for his part, stated: "I've been called a lot of things since I've been a member of this council . . . but I have never been called a liar. When Kenny Stokes says something, he can prove it. And whatever I say, I stand by it 100 percent." Grizzell voted against the resolution, Lee and Lindsay abstained, and Banks, Hartley, and Stokes voted in favor. (Council member Foote did not attend.) At his March 8 press conference, Antar Lumumba apologized to the people of Jackson but declined to apologize to any members of council.

## "Trash Talk" Town Halls

The council voted down an emergency contract with Richard's again on March 8, with 4 nays, 1 yea, 1 abstention, and 1 absent. Council member Banks accused the city of "poor planning and poor motives," and City Attorney Martin responded, "You have to be kidding me. Do you know how much work I've spent on this RFP for you to say publicly that I have wasted time?!" Exhausted by the in-

fighting and working on no sleep due to a sick child at home, Martin walked out of the meeting. Stokes declared he would sue the mayor for slander.<sup>8</sup>

On March 10, with the emergency contract with WM set to expire at the end of the month, the mayor sued the council for ending the state of emergency, asking for a judge's opinion on who has authority to declare a local state of emergency and execute emergency contracts.<sup>9</sup> On March 16, WM dropped its case against the city following a judge's ruling that "only the Mayor may negotiate a contract for solid waste disposal on behalf of the City of Jackson." When WM's emergency contract expired, Richard's took over trash pickup at the same per household rate WM had charged. The council voted down the contract again, 4-3, on April 1.

Garbage collection got off to a rocky start, in large part because WM owned the garbage collection route maps for Jackson. Richard's and the city worked overtime to respond to reports of uncollected garbage and establish new route maps. To explain the situation and answer questions from constituents, the mayor held "Trash Talk" town halls on April 14 and 28. Attendees were broadly supportive of the mayor, and most indicated their trash was being picked up. Stokes held his own town hall. Richard's Disposal's trucks were parked in his ward, on airport property, and constituents complained about odors and runoff from the trucks. (After Hartley and other council members expressed concerns that birds following the trucks would interfere with air traffic, the Federal Aviation Administration ordered Richard's to relocate the trucks.)

## The Governor's Veto

The day of the mayor's second town hall, Governor Tate Reeves vetoed state funds from the American Rescue Plan Act (ARPA) allocated for key revitalization projects in Jackson, including upgrades to a local park and the planetarium. "Jackson is not one suburban golf course and one planetarium away from thriving," said Reeves.<sup>10</sup> Until the city addressed crime and fixed its infrastructure, he suggested, what was the point?

Jackson, meanwhile, contained a multitude of ideas to make the city thrive. Assemblies for youth and caregivers and violence interruption programs out of the People's Advocacy Institute were offering pathways for healing. Jackson's Director of Economic Development, Jhai Keeton, was developing a curriculum to share with young professionals on the root causes of the city's predicament and encourage them to stay in Jackson, become homeowners, and build community wealth. In some pockets of the city, collective enterprise of the kind envisioned in the Jackson-Kush Plan was slowly gathering steam. Omari had hoped to persuade the council to invest ARPA funds in these emerging enterprises, but the council made a forceful case to allocate the funds for premium pay to police and first responders, whom Omari acknowledged were underpaid and deserved better compensation. In response to lobbying from the Jackson People's Assembly, the administration announced in July that it had secured grant funding to establish an Office of Violence Prevention.

None of these worthy ideas, plans, and investments, however, answered the question of how the community and city would cooperate to deliver the basics without badly needed resources from the state. In his remarks defending his vetoes, Governor Reeves also criticized the cash-strapped city for committing only \$25 million of the \$42 million it received in ARPA funds to water and sewer

improvements. “I really wish the city and the state would come together and find a workable solution on this water/sewer issue,” Mississippi Senator John Horhn said.<sup>11</sup> The state, however, continued to set up extra barriers for the city. While it delivered matching infrastructure funds to every other municipality in the state directly, the legislature had created a special fund for the \$25 million in matching funds for Jackson’s water and sewer remediation, keeping control of the money under the Mississippi Department of Finance and Administration.<sup>12</sup> In September 2022, when flooding from the Pearl River overwhelmed the pumps at the city’s understaffed water treatment plant and left the city without water for weeks, tensions between city and state leadership played out on the national stage.

Meanwhile Richard’s Disposal continued collecting the trash twice a week, despite the council refusing to approve payment for ever-mounting bills. With the contract dispute and the matter of payment making its way through the courts, Mayor Lumumba urged the council to put the contract to a referendum vote. “There is no one that has a greater stake in the success of trash collections than the residents of Jackson,” the mayor told the press. “And so I believe that if we give them an opportunity for their voice to be heard that we can come to the answer.”<sup>13</sup> But this, too, would require the consent of the city council, and there was little hope that any compromise might be forthcoming. “The city has not in recent years engendered a whole lot of trust, as far as the state’s concerned, in their capacity to perform efficiently, expeditiously,” said Senator Horhn. “The city’s reputation is tarnished because of how it’s handled certain local situations. Its garbage collection debacle is a major sticking point for the state. . . .They punish us.”<sup>14</sup>

## Endnotes

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<sup>1</sup> Vernon Hartley, interview with Gaylen Moore, April 29, 2022.

<sup>2</sup> Safiya Omari, interview by Gaylen Moore, March 2, 2022.

<sup>3</sup> “Jackson Mayor Makes Allegations about the City Council,” WAPT News Jackson, February 28, 2022, video, 2:55, <https://www.youtube.com/watch?v=RzgSnpYULqw>.

<sup>4</sup> “Mayor Makes Allegations,” WAPT News.

<sup>5</sup> Jackson City Council, “Mar 04 Special City Council,” video, March 4, 2022, at <https://jacksonms.new.swagit.com/videos/155666>.

<sup>6</sup> Jackson City Council, “Mar 04.”

<sup>7</sup> Jackson City Council, “Mar 04.”

<sup>8</sup> Jackson City Council, “Mar 08 2022 Special City Council,” video, March 8, 2022, at <https://jacksonms.new.swagit.com/videos/156268>.

<sup>9</sup> Mina Corpuz, “Jackson Mayor Files Lawsuit against City Council for Ending Garbage State of Emergency,” *Clarion Ledger*, March 10, 2022, <https://www.clarionledger.com/story/news/2022/03/10/jackson-mayors-lawsuit-asks-judge-who-can-issue-emergency-contract/9446378002/>.

<sup>10</sup> Geoff Pender and Bobby Harrison, “Gov. Tate Reeves Blocks State Funding for Major Jackson Park Improvement, Planetarium,” *Mississippi Today*, April 28, 2022, <https://mississippitoday.org/2022/04/28/tate-reeves-veto-jackson-golf-course-planetarium/>.

<sup>11</sup> Geoff Pender and Bobby Harrison, “How Jackson Fared during 2022 Legislative Session,” April 11, 2022, in *The Other Side Podcast*, produced by *Mississippi Today*, April 11, 2022.

<sup>12</sup> Todd A. Price, “State Singles Out Jackson for Extra Oversight of Its COVID Relief Funds,” April 8 2022, *Mississippi Clarion Ledger*, <https://www.clarionledger.com/story/news/2022/04/08/jackson-misses-out-water-and-sewer-funding/9514663002/>.

<sup>13</sup> Wicker Perlis, “Jackson Garbage Fight: Mayor Suggests Public Vote as a Resolution to City Problem,” *Clarion Ledger*, September 12, 2022, <https://www.clarionledger.com/story/news/local/2022/09/12/jackson-garbage-contract-fight-referendum-possible-solution-waste-management-richards-disposal/69487103007/>.

<sup>14</sup> Pender and Harrison, “How Jackson Fared.”