

MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS

**MARCH 15, 2022
5:00 P.M.**

The Mayor and City Council met in Regular Session on Tuesday, March 15, 2022 at 5:00 p.m. in the Court Chambers of the Municipal Complex. Mayor Keith Gaskin presided over the meeting and all Council Members were present. Also present were the General Counsel, Police Chief, Assistant Police Chief, the HR Director and all other Department Heads.

I. CALL TO ORDER AND INVOCATION

Mayor Gaskin called the meeting to order and called upon Rev. Leonardo Dismukes, Pastor of Agape Love International Church, Columbus, MS, to offer the Invocation.

II. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA

Council Member Diccico made a motion to adopt the Agenda as presented. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

III. APPROVE MINUTES FOR THE MEETING OF MARCH 1, 2022

Council Member Diccico made a motion to approve the Minutes for the Meeting of March 1, 2022. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

IV. CONSENT AGENDA

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- A. Approve request for Fire and Rescue personnel, Kameron Pearson, to attend "Firefighter Intervention Rescue Survival Techniques (FIRST)" to be held in Jackson, MS, and approve payment of \$365.00 for lodging, \$50.00 for travel and reimbursement of meal expenses.
- B. Approve request for Fire and Rescue personnel, Dorothea Tompkins, to become a Notary Public at an approximate cost of \$300.00.
- C. Accept letter of Retirement from the Fire Chief, effective April 18, 2022, approve compensation for up to 240 hours of accrued vacation leave and send the remaining vacation and sick leave to PERS, and authorize the Human Resources Director to begin normal recruitment process.
- D. Approve amended letter of resignation for Tiberias Lampkin, Fire and Rescue personnel that was previously approved on March 1, 2022 and approve compensation for accrued vacation leave.
- E. Approve permit request submitted by Glenn Lautzenhiser, on behalf of Christian Community in Prayer, to host the "National Day of Prayer" to be held on May 5, 2022 from 12:00 noon until 1:00 p.m., in front of the Lowndes County Courthouse, blocking Second Avenue North in front of the Courthouse from 8:00 a.m. until 1:00 p.m.
- F. Approve request from Columbus Arts Council for use of food trucks at Burns Bottom Art Festival on March 19, April 16, May 21, and June 18, 2022.
- G. Approve request for CPD Investigator, Chris Ware, to attend the "Officer Involved Shootings Course" on April 6, 2022, in Meridian, MS at no cost to the City.
- H. Accept letter of resignation from CPD Officer, Cody Smith, effective March 17, 2022 and approve compensation of accrued vacation leave.
- I. Approve request for refund of permit fee to Joseph Harris, in the amount of \$200.00.
- J. Approve request for Columbus Recreation employees, Greg Lewis and Chanda Williams, to accompany Sim Scott Senior Citizens on a bus trip to Washington, DC, from April 7 – 13, 2022 at no cost to the City.

- K. Approve request for the Director of Planning, George Irby, to attend the U. S. Civil Rights Movement Sites Symposium in Atlanta, GA; and approve payment of \$332.00 for lodging, \$114.50 for airfare, and reimbursement of meal expenses.
- L. Approve the 2% Tourism Tax Payment to Lowndes County, Golden Triangle Development LINK and Columbus Visitors Bureau, in the total amount of \$166,719.13.
- M. Approve request for the COO, Jammie Garrett to attend the 2022 Annual MAPDD Conference to be held in Biloxi, MS and approve payment of \$325.00 for registration, \$700.00 for lodging, \$287.00 for travel and reimbursement of meal expenses.

Council Member Mickens made a motion to approve the Consent Agenda as presented. Council Member Jones seconded the motion. The Mayor called for discussion, and there being none, all Council Members voted in favor of same, with a unanimous vote.

Council Member Mickens amended his motion to include any elected official or employee that would like to attend the 2022 Annual MAPDD Conference, Item "M" at the estimated cost of \$1,512.00 each. Council Member Jones amended his second of the motion to include this language. The Mayor called for discussion, and there being none, all Council Members voted in favor of same, with a unanimous vote.

V. APPROVE DOCKET OF CLAIMS

Council Member Mickens made a motion to approve the Docket of Claims for March 15, 2022, in the amount of \$475,839.40. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion, except Council Member Diccio, who opposed.

The motion carried 5/1.

VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA

A. General Comments from the Mayor and Council Members

Mayor Gaskin asked the Council if they have any remarks or comments. There were none.

Mayor Gaskin then made the following announcements/remarks:

- Thanks to everyone who made the State Spelling Bee a huge success this past weekend!
- Congratulations again to the Lady Falcons Basketball team, who represented us well in the championship finals. Coach Hairston, her staff and the Lady Falcons are winners in our books!
- We realize area schools are out for spring break this week. We hope everyone stays safe and well. One Columbus Community Group, along with the City, sponsored a Spring Break Camp/Expo event yesterday at the Trotter. Tomorrow, there will be a fun day at Propst Park from 5:00 p.m. – 7:00 p.m.; and Friday, there will be a Youth Showcase at New Beginning Church at 7:00 p.m. We appreciate One Columbus, the donors, the community members and all the volunteers who are making this happen!
- Thank you to our community members who have been taking part in the CMSD School Tours. The meetings for Wards 5 and 6 will be next week. Please check out our Facebook page and CMSD's Facebook page for updates.
- The Columbus Pilgrimage will begin March 24 and last through April 16, 2022. The Preservation Society of Columbus is sponsoring the event this year and have made some changes to make this event more informational and inclusive.
- Wings Over Columbus Air Show will be Saturday, March 26 and Sunday March 27, 2022. This is a huge event for our community.
- A reminder: City of Columbus works a 4-day work-week. We've been doing this since December, but wanted to remind our citizens.
- Council Member Stewart offered one (1) correction: the CMSD School Tours/meetings for Wards 1 and 6 will be held next week.

MONTHLY REPORTS:

Mayor Gaskin asked the Council if they had any questions for Department Heads.

B. Monthly Report from the Building Inspection Department for February 2022

The Monthly Report from the Building Inspection Department for February 2022 was presented. No action was taken.

C. Monthly Report from the Columbus Fire and Rescue Department for February 2022

The Monthly Report from the Columbus Fire and Rescue Department for February 2022 was presented. No action was taken.

D. Monthly Report from the Code Enforcement Department for February 2022

The Monthly Report from the Code Enforcement Department for February 2022 was presented. No action was taken.

E. Monthly Report from the Columbus Police Department 2022 was presented.

The Monthly Report from the Columbus Police Department for February 2022 was presented. Chief Shelton reported that 324 tickets were written and five (5) were retired to the file. No action was taken.

F. Monthly Report from the Planning & Community Development Department for February 2022

The Monthly Report from the Planning & Community Development Department for February 2022 was presented. No action was taken.

G. Monthly Report from the Crime Lab for February 2022

The Monthly Report from the Crime Lab for February 2022 was presented. No action was taken.

H. Monthly Report from the Public Works Department for February 2022

The Monthly Report from the Public Works Department for February 2022 was presented.

I. Monthly Report from the Columbus Recreation Department for February 2022

The Monthly Report from the Columbus Recreation Department for February 2022 was presented. No action was taken.

J. Monthly Report from the Municipal Court Division for February 2022

The Monthly Report from the Municipal Court Division for February 2022 was presented. No action was taken.

K. BOARD VACANCIES

Joe Dillon announced vacancies on various Boards and remarked that two (2) appointments are scheduled for tonight.

CONVENTION & VISITORS BUREAU

1 Vacancy, 3-Year Term, Dewitt Hicks Jr.'s Term Expires 3/05/2022.
Appointment will be made March 15, 2022.

APPLICANT:

- **Jay Patel**

Jay Patel could not be present; however, his son, Caden Patel came forward and read a letter from his father. Council Member Beard made a motion to appoint Jay Patel to the Convention & Visitors Bureau Board for a 3-Year Term, until March 5, 2025. Council Member Diccio seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

COLUMBUS MUNICIPAL SCHOOL BOARD

1 Vacancy, 5-Year Term, Jason Spears' Term Expires 3/20/2022
Appointment will be made March 15, 2022

APPLICANTS:

- Jason Spears
- Cynthia Brown
- J'Marcus Brooks
- Victor Salter

These applicants either came forward and shared with the Mayor and Council why they wished to serve on the Columbus Municipal School Board or participated in the meeting via ZOOM.

Council Member Diccio made a motion to reappoint Jason Spears to the Columbus Municipal School Board for a 5-Year Term, until March 20, 2027. Council Member Greene seconded the motion.

SUBSTITUTE MOTION:

Council Member Stewart made a motion to appoint Cynthia Brown to the School Board for a 5-Year Term, until March 20, 2027. Council Member Mickens seconded the motion.

Council Members Stewart, Mickens, Beard and Jones voted in favor of the motion. Council Members Greene and Diccico opposed the motion.

The motion carried 4/2.

V. CITIZENS INPUT AGENDA

MELISSA PARSONS – Chair of Pick It Up Possum Town Initiative

Ms. Melissa Parsons came forward and announced that Pick It Up Possum Town Initiative will be held Saturday, April 2, 2022 and will occur throughout the City. Listen for details on social media outlets.

JEREMY CLAY – Columbus Preservation Society

Jeremy Clay came forward and announced that the Columbus, Mississippi Pilgrimage will be held March 21 – April 16, 2022 and will feature tours of antebellum homes and historic sites in Columbus, Mississippi. For more information, the public can visit preservecolumbus@gmail.com.

LT. COLONEL TIM THORNE

Lt. Colonel Tim Thorne came forward and announced that Wings Over Columbus 2022 will be held March 26 & 27, 2022 at CAFB and will begin at 10:00 a.m. and end at 5:00 p.m.

VI. POLICY AGENDA

A. Discuss/Approve Derelict Property Docket for March 15, 2022

S. D. WILLIAMS

1013 Moss Street

CASE NUMBER: 20-0013

Property Maintenance Code

The General Counsel called cause number **20-0013**. No one appeared in person. Code Enforcement Officer Sasha James stated the property was in such a state of uncleanness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** and that an Order be issued for the property. Council Member Jones made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may

remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) month period. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

ECLIPSE 17, LLC

507 11th Street North &

1019 5th Avenue North

CASE NUMBER: 20-0226

Dilapidated Buildings

The General Counsel called cause number **20-0226**. No one appeared in person. Code Enforcement Officer Sasha James stated the property was in such a state of uncleanness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** and that an Order be issued for the property. Council Member Jones made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) month period. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

B. Discuss/Approve request to fill vacant position of Building Clerk/Permit Technician, contingent on successful completion of pre-employment medical exam and drug screen

Council Member Beard made a motion to approve the request to hire **SHAKONDA THOMPSON** as full-time Building Clerk/Permit Technician at \$11.03 per hour, contingent on successful completion of a pre-employment medical exam and drug screen. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

C. Discuss/Approve submitting the FY2022 FAA AIP Grant Application for the Columbus Lowndes County Airport's Parallel Taxiway Pavement Rehabilitation project, in the amount of \$487,993.00

Council Member Beard made a motion to approve the request to submit the FY2022 FAA AIP Grant Application for the Columbus Lowndes County Airport's Parallel Taxiway Pavement Rehabilitation project, in the amount of \$487,993.00. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

D. Discuss/Approve submitting the FY2023 MDOT Multimodal Grant Application for the CLCA's Terminal Building Rehabilitation project

Council Member Beard made a motion to approve submitting the FY2023 MDOT Multimodal Grant Application for the CLCA's Terminal Building Rehabilitation project. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

E. Discuss/Approve Bids for striping, wheel stops, and ADA signage for Sim Scott Community Center parking lot and approve lowest bidder

Council Member Beard made a motion to approve the Bids for striping, wheel stops, and ADA signage for Sim Scott Community Center parking lot and approve the lowest bid for these services to Straight Line Striping in the amount of \$4,830.00. Annual Contract for the Provision of Supplemental Police Services between the Columbus Housing Authority and the Columbus Police Department. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

F. Discuss/Approve Engineering Contract for City-wide Drainage Rehabilitation Services

Kevin Stafford, City's Engineer with Neel-Schaffer, Inc., came before the Mayor and Council with a request to approve Engineering Contract for City-wide Drainage Rehabilitation Services. Following discussion of the request, Council Member Mickens made a motion to table this matter for further discussion. Council Member Diccico seconded the motion.

Council Members Stewart, Mickens and Diccico voted in favor of this motion to table the matter. Council Members Greene, Beard and Jones opposed the motion to table this matter, which presented a tie vote.

Mayor Gaskin voted in favor of the motion to table this matter for further discussion.

G. Discuss/Approve lowest quote for Bluecutt Extension Road Patch through use of remaining 2020 bond paving funds

Council Member Jones made a motion to approve the the lowest quote for Bluecutt Extension Road Patch through use of remaining 2020 bond paving funds and award the contract work to Falcon Contracting Co., Inc. in the amount of \$34,200.00. Council Member Diccico seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

Council Member Mickens exited the meeting.

H. Discuss/Approve Recommendations from the Planning Commission concerning AirBNBs

Discuss/Approve adopting a definition of Short-Term Rentals

The Planning Commission recommends approval of following definition of Short-term rentals:

Short-term rental of "STR" means lodging use, other than a hotel or motel, in which a dwelling unit or portion thereof or accessory dwelling unit is provided to guests by a short-term rental operator for a fee for fewer than thirty (30) consecutive nights. A dwelling unit or portion thereof that is used by the same individual or individuals for thirty (30) or more consecutive nights is not a short-term rental.

Council Member Jones made a motion to approve the recommendation from the Planning Commission to adopt a definition of Short-Term Rentals pursuant to language above. Council Member Stewart seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 5/0.

Discuss/Approve Amending the “Chart of Uses Permitted” to include Short-Term Rentals

The Planning Commission recommends approval of the following Amendment to the Chart of Uses Permitted.

A-1	R-1	R-2	R-3	R-4	R-5	C-1	C-1-R	C-2	C-3	C-3-R	I - 1	I - 2	I - 3
P	---	P	P	P	P	R	---	R	R	P	P	P	P

--- = not allowed in that particular district

P = requires Planning Approval

R = allowed by right

Council Member Jones made a motion to approve the Chart of Uses Permitted to include Short-Term Rental contingent upon Planning Commission approval and for the owner of a short-term rental facility to obtain a Business License. Council Member Greene seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 5/0.

I. Discuss/Approve request to advertise for project bids to pave streets in Friendship Cemetery and authorize the use Usage Tax funds to pay the cost.

Council Member Jones made a motion to approve the request to advertise for project bids to pave streets in Friendship Cemetery and authorize the use Usage Tax funds to pay the cost. Council Member Beard seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 5/0.

J. Discuss/Approve Proposed City Facilities Policy

Rogena Bonner, Director of the Trotter Convention Center and City Property Manager, came before the Mayor and Council, requested approval of the City Facilities Policy and requested to increase the rental fee from \$1,550.00 to \$2,000.00 for the upper level. Council Member Jones made a motion to approve the City Facilities Police and table the request to increase the rental fees at this time. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 5/0.

THE CITY FACILITIES POLICY FOLLOWS:

K. Discuss “NUNC PRO TUNC” (now for then) approval of I. T. Contracting Proposal

The General Counsel presented this matter for approval. Former Interim COO, Mark Alexander, presented recommendations in writing to be discussed at the November 2, 2021 Council meeting and it was discussed in Executive Session. The Council discussed advertising for a COO, CFO and I. T. Director. For the I. T. Director, a salary recommendation of \$60,000 - \$78,000 was suggested to ensure that the City attracts a qualified person to fill this position. In the meantime, it was imperative that someone was available to address technological issues. Therefore, a proposal was discussed to contract with the I. T. Director, Greg Drake to offer Projects/ Network Administration for \$20,000 and Assistant I. T. Director, John Bailey, to offer I. T. Support/Virtual Desktop Specialist services for \$10,000 and that these contracts be effective for the remainder of the fiscal year and they be paid monthly. This at-will agreement will require a 30-day termination clause from either party. *The Council discussed this matter with the intent of voting on it. While they voted to advertise for the vacant I. T. Director position at the salary range discussed, a separate vote did not occur to enter into a contract with the former I. T. employees.* Council Member Jones made a motion to approve the “Nunc Pro Tunc” (now for then) agreement of I. T. Contracting according to the term discussed above. Council Member Stewart seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 5/0.

L. Discuss/Approve Resolution approving Incentive Pay for City Employees

General Counsel Jeff Turnage presented the Resolution of the Mayor and City Council of the City of Columbus, Mississippi authorizing and approving Across-The-Board Incentive payment to all Full-Time employees performing in-person work, to be paid incentive payments as scheduled and specified herein from the City's American Rescue Plan Act State and Local Fiscal Recovery Funds. The Mayor is hereby authorized and directed to, execute a letter requesting an immediate opinion from the Mississippi Attorney General on the propriety and legality of this Resolution, and the payment of these incentive payments may depend upon the answer received. That letter has been written and mailed to the Mississippi Attorney General. Council Member Jones made a motion to approve the Resolution authorizing and approving Across the Board Incentive Payments to all full-time employees performing in-person work, to be paid incentive payments as scheduled and specified herein from the City's American Rescue Plan Act State and Local Fiscal Recovery Funds and authorize the Mayor to submit a written request for a Mississippi Attorney General Opinion regarding same said Resolution. Council Member Beard seconded the motion.

Council Members Stewart, Beard and Jones voted in favor of the motion. Council Members Greene and Diccico opposed the motion.

The motion carried 3/2.

THE RESOLUTION AND SUPPORTING DOCUMENTS FOLLOWS:

The Mayor and City Council of the City of Columbus, Mississippi (the "City") next took up for consideration the matter of the adoption of a Resolution offering incentive payments out of the American Rescue Plan Act, State and Local Fiscal Recovery Funds as Premium Pay for all of its employees specifically titled:

**RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF COLUMBUS, MISSISSIPPI
AUTHORIZING AND APPROVING
ACROSS THE BOARD INCENTIVE PAYMENTS
TO ALL FULL TIME EMPLOYEES PERFORMING IN-PERSON
WORK, TO BE PAID INCENTIVE PAYMENTS
AS SCHEDULED AND SPECIFIED HEREIN FROM
THE CITY'S AMERICAN RESCUE PLAN ACT
STATE AND LOCAL FISCAL RECOVERY FUNDS**

WHEREAS, since the first case of coronavirus disease (COVID-19) was discovered in the United States in January of 2020, the pandemic has caused severe, intertwined public health

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and economic crises and in March of 2021, as these crises continued, the American Rescue Plan Act of 2021 (ARPA) established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local, and Tribal governments with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery; and

WHEREAS, the United States Department of Treasury first issued an interim final rule implementing the SLFRF program and has now issued a final rule which responded to public comments on the interim final rule and clarified the ARPA statutory provisions of eligible and ineligible uses of SLFRF funds; and

WHEREAS, COVID-19 and its variants continue to present an imminent threat to the public health and has infected over 50 million people and killed more than 800,000 Americans since January of 2020 and thousands continue to be infected daily; and

WHEREAS, it is anticipated that new and emerging COVID-19 variants will continue to pose threats to both the public health and the economy, and while the economy has gradually added back jobs, with job-growth accelerating somewhat, too many Americans remain unable to pay their bills, with the pandemic causing the biggest financial struggle among lower income Americans and communities of color, including Columbus; and

WHEREAS, moving forward, local governments remain on the frontlines of the economic response and its employees are essential to rebuilding a stronger economy in the aftermath of the pandemic; and

WHEREAS, local governments, including the City of Columbus have lost employees during the pandemic because private employers and other local government agencies being more able to offer higher pay for the same or similar work performed by Columbus' employees; and

WHEREAS, the SLFRF program provides vital resources for local governments to respond to the pandemic and its economic effects and to prevent cuts in government services, specifically, among other things, to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; and

WHEREAS, the final rule offers more streamlined options to provide premium pay, by broadening the share of essential workers who can receive premium pay without a written justification while maintaining focus on lower income frontline essential workers; and

WHEREAS, in the recovery from the Great Recession, cuts to state, local, and Tribal governments became a meaningful drag on economic growth for several years, and the SLFRF program provides the resources needed to re-invest in vital public services and workers to avoid this outcome; and

WHEREAS, Treasury's Final Rule noted that Premium pay is designed to compensate workers that, by virtue of their employment, were forced to take on additional burdens and make

great personal sacrifices as a result of the COVID-19 pandemic. Premium pay can therefore be thought of as hazard pay by another name. See U.S. Department of Labor, Hazard Pay, <https://www.dol.gov/general/topic/wages/hazardpay> (last visited October 18, 2021). During the public health emergency, employers' policies on COVID-19-related premium pay or hazard pay have varied widely, with many essential workers not yet compensated for the heightened risks they have faced and continue to face. Indeed, during the pandemic, for a period of months, the City reduced the hours employees would work to weather the anticipated impacts the pandemic was anticipated to bring on the local economy. Many of the employees of the City of Columbus earn lower wages on average and live in socioeconomically underserved communities as compared to the general population. A recent study found that 25 percent of essential workers were estimated to have low household income, with 13 percent in high-risk households. The low pay of many essential workers makes them less able to cope with the financial consequences of the pandemic or their work-related health risks, and Columbus pay is significantly lower than the national or State average for the same work; and

WHEREAS, as governments continue to relax certain rules of protection from COVID and its variants, government workers will continue to bear the brunt of the greater risks while maintaining the ongoing operation of vital facilities and services and the added health risk to essential workers is one prominent way in which the pandemic has amplified pre-existing socioeconomic inequities; and

WHEREAS, Premium pay is designed to address the disparity between the critical services provided by and the risks taken by essential workers and the relatively low compensation they tend to receive; and

WHEREAS, in the final rule, Treasury preserved the definition of "eligible worker" as it was defined in the interim final rule with minor modifications to clarify that all public employees of recipient governments are already included in the interim final rule definition of "eligible worker" such that the current definition is flexible enough to give recipients the ability to tailor their premium pay programs to meet their needs while ensuring that programs focus on sectors where workers were forced to shoulder substantial risk as a result of the COVID-19 pandemic; and

WHEREAS, The Mayor and Council recognize that the City of Columbus employees are underpaid vis-à-vis their counterparts in many other nearby local governmental agencies, but due to the impacts of the pandemic and other financial conditions, the City has been unable to compete, salary-wise, with other local governments; therefore, Columbus continues to suffer from a lack of full staffing and is struggling to recruit with the salary range it can currently afford to pay without using SLFRF from ARPA to entice and incentivize its current and future employees to remain in the employ of the City of Columbus; and

WHEREAS, the City is well aware that Article IV, Sections 66 and 96 of the Mississippi Constitution prohibit a public entity from "paying extra compensation" to its employees for past services performed by that employee, as such would constitute an unlawful donation and that bonus payments to employees are prohibited by Sections 66 and 96 of the Mississippi

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Constitution; however, the Mississippi Attorney General has many times recognized that “employee incentive payments” do not run afoul of these constitutional provisions when such incentive payments are implemented prospectively and payment is made pursuant to conditions to be met in the future. MS AG Op., Robertson (September 30, 2011); MS AG Op., Campbell (April 12, 2010); MS AG Op., Meredith and Jones (December 22, 2006); MS AG Op., Siler (July 18, 2003); MS AG Op. Eleuteris (November 1, 2013); and

WHEREAS, unlike awarding hazard pay Christmas bonuses without any prospective or future performance, the Mayor and City Council of the City of Columbus, through Resolution offers to all of its full-time, employees performing in-person work, future payments for prospective in-person performance during the future periods set forth in this Resolution;

NOW THEREFORE, BE IT RESOLVED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, THE FOLLOWING:

Section 1. The Mayor and City Council previously set aside from projected ARPA funds, the sum of \$1.3M for to be used for Premium Pay. In order to comply with the State Constitution, the Mayor and Council has elected to allow a portion of this money to be paid as incentive compensation for eligible workers performing essential work during the current public health emergency. The Mayor and City Council recognize City of Columbus workers have been and continue to be relied upon to maintain continuity of operations for the City of Columbus while facing elevated health risks during the pandemic and find that they are all eligible and are all performing essential work providing critical infrastructure tasks in preserving the health, safety and welfare of the community and are supporting employees doing such; and

Section 2. The incentive payments authorized herein are not in recognition of these past efforts by all the City of Columbus’ full time employees performing in-person work at heightened risk of exposure to both them and their families to the pandemic; instead, the payments are planned to incentivize continued performance of this essential work as employees of the City of Columbus. The Mayor and Council hereby authorize an additional \$3,000 in compensation for each full time paid employee of the City as a financial incentive for performing full-time and in-person work, who complete such work during the periods provided herein. These payments will be paid as a gross incentive payment of \$3,000 for each eligible worker. The amount will be adjusted for required withholdings; however, these payments shall not be subject to PERS withholding; and

Section 3. To qualify for the incentive compensation, eligible workers must agree, in writing, pursuant to the contract attached to this Resolution, to continue performing their job duties, in-person, despite the elevated risk of exposure to the virus and its variants during their regular hours. The \$3,000 incentive compensation will be paid out as follows:

(1) For all full-time work performed during the period April 1, 2022 to June 30, 2022, each worker will receive one half of the incentive payment on the first regular payday on or after June 30, 2022; and

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(2) For all full-time work performed during the period July 1, 2022 to September 30, 2022 each worker will receive one half of the incentive payment on the first regular payday on or after September 30, 2022.

Section 4. This incentive payment is not calculated on an hourly basis and overtime work does not increase the amount of incentive payment.

Section 5. Sick leave, annual leave, leave without pay, work performed virtually, and overtime hours shall not be counted toward the incentive payment. Eligible workers not working the required full workdays by the end of the period in question will receive only the planned incentive compensation minus the pro rata value of the full day or days not worked during the incentive period.

Section 6. Department Heads will be provided a form Contract that shall first be completed and signed by each eligible full-time worker who agrees to meet the requirements in order to qualify for incentive compensation. That form is attached to this Resolution and is incorporated herein by reference hereto.

Section 7. The Mayor is hereby authorized and directed to, execute a letter requesting an immediate opinion from the Mississippi Attorney General on the propriety and legality of this Resolution, and the payment of these incentive payments may depend upon the answer received. That letter request form is attached to this Resolution and shall be executed in the form herein provided.

Council Member JONES offered and moved for the adoption of the following resolution and Council Member BEARD seconded the motion and the question being put to a roll call vote, the results was recorded as follows:

Councilmember Ethel Stewart voted:	<u>YES</u>
Councilmember Joseph W. Mickens, Sr. voted:	<u>ABSENT</u>
Councilmember Rusty Greene voted:	<u>NO</u>
Councilmember Pierre Beard voted:	<u>YES</u>
Councilmember Stephen Jones voted:	<u>YES</u>
Councilmember Jacqueline DiCicco voted:	<u>NO</u>

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 Mayor of the City declared the motion carried and the resolution adopted this 15th day of March, 2022.

Keith Gaskin Mayor

ATTEST:

Secretary/Treasurer

City of Columbus ARPA Premium Pay Incentive Compensation

I, _____, acknowledge I have read and agree the following statements are true and applicable to my employment with the City of Columbus, MS in order to receive the incentive compensation made available by the Mayor and City Council of the City of Columbus, Mississippi:

- I am currently a full-time City of Columbus employee.
- I face heightened health risks brought upon by the COVID-19 pandemic and due to the character on my work involving regular in-person interactions with the public and/or regular physical handling of items that were also handled by others.
- I am willing to continue performing my job duties with the City of Columbus in this elevated health risk environment caused by the current pandemic.
- My job duties contribute to maintaining continuity of operations essential to the City of Columbus.
- I understand incentive compensation will not be received until after I have fulfilled my obligation to perform essential full-time work beginning on April 1 and concluding on September 30, 2022.
- I accept the terms of this Agreement and agree with the terms and provisions of the City's Resolution to make these incentive payments from the City's SLFR Funds and understand that payment of the compensation stated may be contingent upon approval of this contract by the Attorney General.

Signed

Date

CLOSED DETERMINATION:

Council Member Stewart made a motion to go into closed session to determine whether it is necessary to go into Executive Session. Council Member Beard seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 5/0.

All members of the public, with the exception of the Mayor, the Council, the General Counsel, the Police Chief, and the HR Director, exited the meeting.

Mayor Gaskin apprised the Council of two (2) personnel matters involving the job performance of employees in the Police Department and concluded that these matters warrant being heard in Executive Session. Council Member Diccio made a motion to go in Executive Session to discuss two (2) personnel matters. Council Member Stewart seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 5/0.

The Public Information Officer then announced to the general public outside the Council Chambers that the Council was going into Executive Session to discuss two (2) personnel matters.

ADJOURNMENT:

The Mayor then asked if there was any other business to come before the Mayor and City Council. There being none, Council Member Stewart moved that the meeting be adjourned. Upon second by Council Member Diccio and unanimous vote, the Mayor announced that the meeting was ADJOURNED.

Approved by: _____
Keith Gaskin, Mayor

Patricia Mitchell
Deputy Clerk