

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
(Northern Division)

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:22-cv-00686-HTW-LGI
v.	)	
	)	<b>AGREED MOTION TO AMEND</b>
	)	<b>PROFESSIONAL BUDGET</b>
	)	
THE CITY OF JACKSON, MISSISSIPPI,	)	
	)	
Defendant.	)	
_____	)	

JXN Water, Inc., by and through undersigned counsel, moves this Court to enter an order allowing it to modify the Professional Budget developed in connection with the Interim Stipulated Order (“ISO”) [Dkt. No. 6] and, in support, states as follows:

1. By order, on November 29, 2022, this Court appointed Ted Henifin as the ITPM, stipulated by the City of Jackson, the Mississippi State Department of Health, and the Environmental Protection Agency (the “Parties”), to operate, maintain, manage, and control the City of Jackson’s water system and the Water/Sewer Business Administration (“WSBA”). *See* ISO, Dkt, No. 6.
2. Attached to the ISO as Appendix B was an initial ITPM Professional Budget. Paragraph 11.g of the ISO contemplates amendments to the ITPM Professional Budget and requires such amendments be submitted to the Court for approval.
3. Mr. Henifin now proposes, and the Parties consent, to modify the ITPM Professional Budget to add \$839,500 for billing software specialized consultant support

(\$500,000) as well as community outreach staffing, legal and regulatory support, and consultant support (\$339,500).

4. Prior to entry of the ISO, the ITPM Professional Budget at Appendix B had been agreed upon by the Parties.

5. Since Mr. Henifin was appointed as the ITPM he has discovered that the WSBA uses a proprietary billing software that requires specialized consulting assistance to operate. Mr. Henifin has also discovered the need to provide additional community outreach and engagement-with citizens of Jackson that may require the hiring of a full-time employee or use of additional contractor support.

6. Below is a more detailed description and budget for these activities.

*a. Billing System and Collections Consulting \$ 500,000*

Specialized consulting assistance is required to complete installation of the Oracle C2M billing system software and for on-going maintenance of the system until the local revenue stream fully recovers and can absorb these costs. Additionally, consulting and related professional services are required to resolve the significant outstanding disputed balances and to maximize Low Income Water Assistance funding from HHS. Assistance will also be required to perform needed data management in the existing system and with assessor's data should a new rate structure be adopted. This work may include hiring staff (interns, temporary, and/or permanent full-time on the JXN Water staff to address, manage, and perform some of these tasks.

*b. Community Outreach and Community Benefit Management \$339,500*

Restoring trust in the Jackson water system requires significant local engagement with the community and development of a robust community benefit plan. This work may be managed by a new position (not included in the original grant), or with contract support or a combination.

7. Accordingly, the Professional Budget needs to be amended to reflect these anticipated expenses.

8. Counsel for the Parties have conferred with respect to the relief sought in this Motion and consent to the relief requested in this Motion.

9. The proposed Amended Professional Budget is attached hereto as Exhibit "A".

WHEREFORE, The ITPM, requests this Court to enter an order allowing it to amend the Professional Budget to include the anticipated expenses of \$500,000 for Billing Systems and Collections Consulting and \$339,500 for Community Outreach and Community Benefit Management, as set forth in Exhibit "A."

RESPECTFULLY SUBMITTED, this the 21<sup>st</sup> day of April, 2023.

**ITPM, dba JXN WATER,**

/s/ Malissa Wilson

Malissa Wilson (MSB #100751)  
FORMAN WATKINS & KRUTZ LLP  
210 East Capitol Street, Suite 2200  
Jackson, MS 39201  
Telephone: (601) 960-8600  
Facsimile: (601) 960-8613  
[malissa.wilson@formanwatkins.com](mailto:malissa.wilson@formanwatkins.com)

***ITS ATTORNEY***

**CONSENT AS TO FORM:**

**For the United States of America:**

TODD KIM  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

KARL FINGERHOOD (PA Bar No. 63260)  
ANGELA MO (CA Bar No. 262113)  
STEFAN J. BACHMAN (SC Bar No. 102182)  
DEVON LEA FLANAGAN (VA Bar No. 87444)  
Attorneys  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Tel: (202) 514-7519  
Fax: (202) 616-2427  
Email: [Karl.Fingerhood@usdoj.gov](mailto:Karl.Fingerhood@usdoj.gov)  
Email: [Angela.Mo@usdoj.gov](mailto:Angela.Mo@usdoj.gov)  
Email: [Stefan.Bachman@usdoj.gov](mailto:Stefan.Bachman@usdoj.gov)  
Email: [Devon.Flanagan@usdoj.gov](mailto:Devon.Flanagan@usdoj.gov)

DARREN J. LAMARCA  
United States Attorney for the Southern District of Mississippi  
ANGELA GIVENS WILLIAMS  
Chief, Civil Division  
Assistant United States Attorney

JENNIFER CASE (MS Bar No. 104238)  
Assistant United States Attorney  
United States Attorney's Office  
501 East Court Street, Suite 4.430  
Jackson, Mississippi 39201  
Tel: (601) 965-4480

**For the U.S. Environmental Protection Agency:**

DIANA SAENZ  
Acting Division Director  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

JAMES VINCH  
Attorney-Advisor  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

LEIF PALMER (GA Bar No. 560159, OR Bar No. 873163)  
Regional Counsel  
Region 4  
United States Environmental Protection Agency  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303  
Tel: (404) 562-9542  
Email: [Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)

SUZANNE G. RUBINI (NY Bar No. 2268696)  
Deputy Regional Counsel  
Region 4  
United States Environmental Protection Agency  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303  
Tel: (404) 562-9674  
Email: [Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)

**For the City of Jackson, Mississippi:**

CATORIA ARTIN (MS Bar No. 103938)  
City Attorney  
Email: [cmartin@city.jackson.ms.us](mailto:cmartin@city.jackson.ms.us)

TERRY WILLIAMSON (MS Bar No. 8639)  
Legal Counsel  
Email: [twilliamson@city.jackson.ms.us](mailto:twilliamson@city.jackson.ms.us)

OF COUNSEL:  
OFFICE OF THE CITY ATTORNEY  
455 East Capitol Street  
Post Office Box 2779  
Jackson, Mississippi 39207-2779  
Tel: (601) 960-1799  
Fax: (601) 960-1756

**For the Mississippi State Department of Health:**

DANIEL P. EDNEY, MD, FACP, FASAM  
State Health Officer  
Executive Director  
Mississippi State Department of Health  
P.O. Box 1700  
Jackson, Mississippi 39215  
Tel: (601) 576-7634  
Fax: (601) 576-7931  
Email: [Daniel.Edney@msdh.ms.gov](mailto:Daniel.Edney@msdh.ms.gov)

CASSANDRA WALTER (MS Bar No. 8441)  
Attorney  
Legal Counsel  
Mississippi State Department of Health  
P.O. Box 1700  
Jackson, Mississippi 39215  
Tel: (601) 576-7847  
Fax: (601) 576-7805  
Email: [Cassandra.Walter@msdh.ms.gov](mailto:Cassandra.Walter@msdh.ms.gov)

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, do hereby certify that I have served a true and correct copy of the above and foregoing document via the Court's electronic filing system.

THIS, the 21<sup>st</sup> day of April, 2023.

/s/ Malissa Wilson  
Malissa Wilson (MSB #100751)