

OPERATING PLAN FOR THE MUNICIPAL COURT OF THE CITY OF DECATUR WISE COUNTY, TEXAS

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, myself and other individuals entering the court facility within the City Hall of the City of Decatur, Texas, the Court is implementing the following operating procedures:

1. The Court [referred to as both the "Court" and "Judge" interchangeably below] will use all reasonable efforts to continue to conduct proceedings remotely while these special procedures are in place. All proceedings, both essential and non-essential, will continue to be conducted remotely, if possible, by teleconferencing, videoconferencing or other means unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond a Court's control. The Court will consider conducting hybrid hearings where some persons will appear in person and others will be allowed to participate remotely. The Court retains the discretion to allow a hearing to be fully in person but shall adhere to all the operating procedures contained herein.
2. Jury trials will not be held until the Texas Supreme Court and Court of Criminal Appeals has authorized jury trials and all guidelines of the Office of Court Administration are in place and will be capable of being followed prior to the commencement of any jury trial.
3. This operating plan will remain in effect until the Office of Court Administration determines that they are no longer required or upon the expiration of the provisions in the Twelfth Emergency Order, as amended or extended, requiring adherence to OCA guidance.
4. Subject to the above measures, the Court is permitted to begin setting non-essential in-person proceedings after June 1, 2020.

Judge and Court Staff Health

1. The judge and his court staff who can perform the essential functions of their job remotely are permitted to do so at the discretion of the Court.
2. The Court shall make a good faith effort to monitor the health conditions of their staff. As best as possible, the Court will ensure that himself and court staff do not enter a building or court facility where court is held if they have any signs or symptoms of any illness including any of the symptoms of COVID-19. The Court will therefore become familiar with the known signs and symptoms of COVID-19 and will monitor their own health as well as each member of its staff at all times. Each Judge will ensure that all court staff will have their body temperature taken

daily prior to their entry into any public building and that they will not enter any building if their temperature is equal to or greater than 100.0 F or if they have any symptoms that are now known to be associated with the COVID-19 virus.

3. The Court will make a good faith effort to protect their staff from exposure to the COVID-19 illness while they are in a court facility. To that end, social distancing, as required by the Office of Court Administration, will be followed and barriers will be installed that protect the Judge and staff members from exposure to airborne contamination from persons who may need to approach their work area. Each court will operate so that there is restricted access by the public to their inter-office work areas including barriers that limit the access of the public to court staff work areas. All work areas, including those inside the courtroom, must be arranged so that staff members are separated by protective barriers and minimum social distancing adequate to protect them from airborne or direct contamination.
4. All persons who are in a public location that is under the control of the Court will be required to wear a face covering, and each Judge will implement a procedure that will ensure compliance with the same. The Court may limit the use of face masks during proceedings if it is necessary to do so in order for the parties to communicate and be heard by the Court or the audio recording mechanism.

Scheduling

1. In general, in-person proceedings must be scheduled and timed by the Court so that the number of people entering or in a court facility for any period of time will be reduced as much as possible and will also promote social distancing by attempting to reduce the number of persons who would be in waiting areas, hallways, restrooms or other locations where the public might gather. To such an end, no more than ten defendants will be allowed in the courtroom or any waiting area at any one time which is more than sufficient to allow social distancing based upon said capacity of the applicable courtroom and lobby. Further, court times will be staggered so as to prevent any more than 10 defendants being scheduled to appear at any one time thus alleviating the possibility of temporary overcrowding. A separate sign-in sheet requesting phone numbers will be used to the Court may contact the defendants and advise them when they may enter the courtroom to ensure these mandates are followed.
2. The attorneys who will be attending these sessions will be told to limit as much as possible the number of persons that attend these hearings. Persons who are not essential to an issue before a Court should be asked not to attend. In general, the Court will limit dockets and hearings held during the time these rules are in effect to a minimum in order to help reduce and limit the occupancy of the courtroom. In addition, the Court may consider providing public access to court hearings by remote telecast but is not obligated to do so if the public has direct access to the court proceeding.

The court consists of one large courtroom in one building. Dockets will be arranged and limited in number and spaced so that persons required to attend will not cause the hallways, restrooms and other facilities to become crowded.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions such as high blood pressure, chronic lung disease, diabetes, obesity and asthma and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are designated to be part of the vulnerable populations associated with the Covid-19 disease.
2. This information will also be posted on court websites and conspicuous locations around the court buildings or facilities. All attorneys scheduled to appear for a court proceeding shall be required to notify the Court if they believe that any person appearing in court is a vulnerable-population individual and make that information known to the Court prior to any hearing. The Court will include information on orders setting hearings, dockets notices and in other communications notifying individuals who are in vulnerable populations of the ability to contact the Court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the Courts' websites and in conspicuous locations around the court building.
3. Vulnerable-population individuals who are scheduled for court and who are identified as being a person in this situation will be immediately brought to the attention of the Judge of the court prior to their appearance. The Judge will attempt to take such steps as may be reasonable and necessary to assist such persons avoid appearing in person at the proceeding. The Judge shall have the authority to allow these individuals to participate or appear in a court proceeding by teleconferencing, video conferencing or any other reasonable means while these rules remain in effect.

Social Distancing

1. All persons who are permitted to enter court facilities will be required to observe and maintain adequate social distancing. The Court will follow the guidelines and recommendations of the Office of Court Administration concerning social distancing, which is currently 6 feet. If approved by the designated Health Officer of Wise County, a distance of less than 6 feet may be used if there are protective barriers or other safety devices in place that will give adequate protection to personnel and court participants from contamination or disease. The Court may allow persons who reside in the same household to sit closer than the prescribed distance in the gallery area of a courtroom but is not required to do so.

2. The Court has the authority to set social distancing guidelines on the use of restrooms, breakrooms and other common areas outside of the court facility, then that Judge may do so. The Judge shall not be obligated or responsible for setting or enforcing social distancing guidelines for any part of the city building other than the courtroom and lobby while court is in session.

3. As stated above, the Court will limit all hearings in their courtrooms to no more than 10 defendants at any one time and utilize a seating chart enforcing social distancing.

Gallery

1. The maximum number of persons permitted in the general gallery of a courtroom will be determined and posted prior to the use of the courtroom. Seating that will provide and maintain social distancing will be clearly identified in advance of any hearing. Each court proceeding shall be attended by a bailiff, and the Judge shall direct the Bailiff to limit the number of persons allowed in the courtroom to the seating capacity designated for that courtroom. At no time will the Open Courts Provision of the Texas Constitution be violated and, if needed, one time and unique special measures will be made to ensure that these guidelines and the Constitution are adhered to. The Bailiff shall be instructed by the Judge to make sure that all persons will be directed to sit in the seats designated for use in the courtroom so that social distancing is maintained.

Well

1. In each courtroom, the counsel tables, witness stand, judge's bench and the clerk, court reporter, and bailiff seating should be arranged in such a way so that there is social distancing or protective barriers to limit airborne transmission of disease in place that will protect all parties participating within this area from direct contact or airborne transmission of infectious diseases such as COVID-19. The Court will not conduct court proceedings in a court facility if there are not sufficient safeguards already in place that will protect all participants against infectious contact or airborne disease during the proceedings.

Hygiene

1. The Court will ensure that hand sanitizer and dispensers are available near all direct courtroom entrances, and to the extent that he has the authority to do so, will attempt to have them available for use by the public at the entry and exits of the building.
2. To the extent that the Court has the authority to do so, they will ensure that tissues are available for public use in courtrooms and other public areas.

3. To the extent that the Court has the authority to do so, they will have posted readily visible signage reminding individuals of the best hygiene protocols in the area of the court facilities they are assigned.
4. The Mayor of the City of Decatur has indicated that the City will provide hand sanitizers and dispensers as well as tissues available in the buildings and courtrooms.

Screening

1. The Court, through his bailiff(s), will have all persons entering a court facility in Wise County screened. The screening will include having a person's body temperature taken and asking if they are feeling feverish, have a cough, experiencing shortness of breath or difficulty breathing, or have been in close contact with a person who is confirmed to have COVID-19. Individuals who have a body temperature equal to or greater than 100.0 F degrees or who answer "yes" to any of the screening questions will be refused admittance to the building or the court facility.
2. The Court when scheduling hearings should provide advanced notice to court's security team/Decatur Police Department of the dates where screening will be necessary for persons who will appear in court so that preparations can be made for same.
3. If the Court is unable to have persons entering a courtroom facility screened for COVID-19, then the Judge has the discretion to postpone the hearing until such screening is available.
4. The Court will apply the same screening process to inmates although all necessary steps, consistent with the interest of justice, will be made to resolve any such case remotely.

Face Coverings

1. All individuals entering a court facility will be required to wear face coverings at all times. The Court shall have the discretion to allow a person to remove a face covering if during court proceedings its removal is necessary for the person to effectively communicate with the Court, a witness or other person involved in the matter before the Court. The Court shall not allow a person to remove their face covering if it appears that it will create a health hazard of any kind.
2. Face coverings shall be designed to contain airborne diseases from being spread during the period that persons are in the court facility. Persons who refuse to wear a face covering should be excluded from entering a court facility.

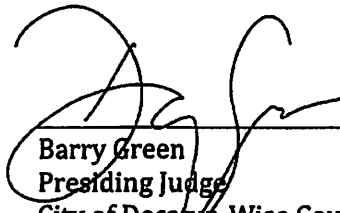
Cleaning

1. The City of Decatur sets the policies for keeping and maintaining the facility utilized as the municipal courtroom. The Court does not have its own cleaning staff or the authority to set policy for how the city cleaning staff is trained, equipped to perform sanitation or provided personal protective equipment. The Mayor has indicated to the undersigned that the City will make every reasonable effort to sanitize court facilities after hearings provided that hearings are scheduled close together as much as possible and that the City is notified in advance for scheduling purposes. In building facilities where custodial services are contracted out and cleaned by independent contractors, most sanitization for those buildings will be performed at night, but the City will provide disinfectant and sanitization supplies that can be used to help comply with CDC guidelines.
2. The Court shall attempt to keep Mayor or the person or entity in charge of cleaning the building informed of the dates and times that the courtroom will be used for hearings so that staff will be available to perform its tasks.
3. If in the judgment of the Court the courtroom facilities are not in a proper sanitary condition, then the Court shall not hold court proceedings in the facility until it has been thoroughly cleaned and sanitized.

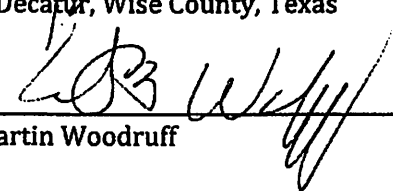
Other

There are no other buildings and no other courtrooms subject to this plan other than the Decatur Municipal Court at the Decatur City Hall located at 201 E Walnut St., Decatur, Texas. There is no other judge subject to this plan other than the undersigned. In developing the plan, I consulted with the Mayor of the City of Decatur, Martin Woodruff, and the local health authority. Verification is attached to this plan. I will ensure to the best of my ability that court will conduct proceedings consistent with the plan.

Date: June 3, 2020



Barry Green
Presiding Judge
City of Decatur, Wise County, Texas



Hon. Martin Woodruff
Mayor
City of Decatur, Wise County, Texas