

# COVID-19 Operating Plan for the Municipal Court, City of Tahoka, Texas

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, the judge, and other individuals entering the facility housing the court, the Municipal court of Tahoka, Texas will implement the following protective measures:

## General

1. The facility used for general court operations is located within the Tahoka Council Meeting Room and community meeting room, a single-story building with public access limited to one exterior door and an interior door between the rooms; admission beyond that point, to an area used and controlled by the City Hall employees, is prohibited. This operating plan shall apply to the area within the building used for general court operations ("court area").
2. The judge and court staff will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
3. The judge and court staff will use all reasonable efforts to communicate remotely or electronically. Remote participation in actual court proceedings is not possible or practicable for the court, court staff, or for the vast majority of this Court's participants; all in-person proceedings shall be governed as set out herein.
4. The judge and court staff will maintain regular communication with the local health authority and adjust this operating plan as necessary with prevailing conditions in Lynn County.
5. The judge and court staff will begin setting non-essential in-person proceedings to commence no sooner than June 24, 2020.

## Judge and Court Staff Health

1. The judge and court staff who can perform the essential functions of their job remotely will telework when possible.
2. The judge or members of the court staff who feel feverish or have measured temperatures equal to or greater than 100°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.

3. Judge and Court Staff Monitoring Requirements:
  - a. The judge and court staff will be screened in the same manner as other participants before entrance into the court facility.
  - b. In the event that the judge or any court staff member experiences or exhibits the conditions described in paragraph 2, above, he or she will (i) immediately report same to the judge and/or other staff members, (ii) leave the court facility, and (iii) be excused from further performance of court duties until such time as the conditions no longer present a danger to others.
4. The judge and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all times.

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court area during court proceedings:
  - a. Court sessions shall be scheduled during the hours of 1:00 p.m. and 5:00 p.m. on appropriate dates.
  - b. Each docket shall be scheduled, and Defendants notified to appear with no more than 10 Defendants scheduled for any hearing. This number may be adjusted from time to time, in accord with experience of absenteeism.

### **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, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. The judge and court staff will include information on orders setting hearings, docket 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 in conspicuous locations around the court/city hall building (a copy of which is attached).
3. A Defendant (or his or her attorney) who are in the vulnerable population and who are scheduled for court will be accommodated by either an appearance setting in the future at a special time, or by seating at a distance of not less than six feet from other persons.
4. Other persons whose appearance has been requested (e.g., witnesses or other participants) and is in the vulnerable population should notify the Clerk, and, upon request, will be accommodated by either (a) rescheduling the appearance, (b) being excused from

appearance, if appearance is deemed unnecessary by the City Attorney and the Defendant (or his or her attorney), or appearance by electronic means, including telephone.

### **Social Distancing**

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of no less than 6 feet.
2. Non-participants (such as family members, friends, children, and observers) will not be permitted in the court area if their presence in the court area would cause a violation of the social distancing requirement; provided, however that each juvenile Defendant shall be accompanied by one parent or guardian.
3. There are no public restrooms in the court area. Offices, restrooms, and break rooms outside the court area are not open to the public, therefore public entry will not be allowed.
4. Public entry to the court area will be restricted to the single exterior doorway accessible from the public sidewalk.

### ***Gallery***

5. The maximum number of persons permitted in the gallery of each courtroom will be determined and posted. The maximum capacity of the courtroom will be monitored and enforced by the bailiff and court staff.
6. Seating in the court area will be arranged so as to provide appropriate social distancing, so that rows, or individual seats, are separated by no less than six feet, in arrangements which will provide the safest environment as well as providing a separate seating area for the vulnerable population who elect to enter the court area.

### ***Well***

7. In each courtroom, the counsel tables, witness stand, judge's bench, clerk, and bailiff seating have been arranged in such a way so that there is social distancing of no less than six feet between each space.

### **Hygiene**

1. A hand sanitizer dispenser will be placed near the single exterior entrance/exit door to the court area.
  2. Tissues will be placed near the single exterior entrance/exit door of the court area, in the public gallery, and at the judge's bench.
  3. The Department of State Health Service's "Stop the Spread of Germs Flyer" will be posted at the sole public entrance to the court area.
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### **Screening**

1. Admission to the City Hall, vestibules, and office areas not used for court business, or court area when in use by the Tahoka Council, will be governed by the policies and rules adopted by the City of Tahoka, Texas.
2. The Bailiff (or, if unavailable, a court staff member) will monitor the entrance to the court area, and will ask persons seeking admission if they are feeling feverish; have a persistent cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Persons responding "yes" to any of these questions will be denied admission to the court area.
3. When individuals attempt to enter the court building, the Bailiff or a court staff member will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
4. Persons entering the court area will not be permitted to bring personal property other than identification, keys, and documents necessary for use during the proceeding.
5. The Bailiff or court staff member who is screening individuals entering the court building will use personal protective equipment to include an appropriate face covering and disposable gloves.
6. No inmates from the county jail shall be transported to or admitted into the court area.

### **Face Coverings**

1. Individuals will be encouraged to bring cloth face coverings with them. The court will not provide face masks.
2. All individuals entering the court area will be asked to wear face coverings at all times while in the court area. Persons who have no face coverings, or who refuse to wear same, will be required to sit or stand in a separate area.
3. Individuals who will be required to be in the court building for over 1 hour, including the judge, bailiff, and court staff will be required to wear, at a minimum, non-medical grade face masks while in the court area.

### **Cleaning**



1. Building cleaning staff will clean the common areas of the court building so that common spaces are cleaned following each use.
2. Cleaning staff will clean the court area at the end of each day the court area is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

**Other**

Participants, court staff, and any other attendee will be instructed to alert the court if the person has, or knows of another person present who has, COVID-19 or flu-like symptoms, or a fever, cough, or sneezing.

I have attempted to confer with the other city officials occupying this building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and the Mayor of Tahoka, documentation of which is attached to this plan. I will ensure that the judge and court staff covered by this Operating Plan conduct court proceedings consistent with the plan.

Date: June 12, 2020

  
Edward G. Smith  
Judge, Municipal Court  
City of Tahoka, Texas

## VERIFICATION OF CONSULTATION

This is to verify that Judge Edward G. Smith has consulted me and discussed any issues and the means of implementation of measures to meet the requirements of the Office of Court Administration Guidelines, as appropriate to the operations and facilities of the Tahoka Municipal Court.

Date: June 12, 2020

John Baker  
Mayor, City of Tahoka, Texas

Date: June 12, 2020

John Baker  
Tahoka/Lynn County  
Public Health District

By:



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## **NOTICE TO DEFENDANTS - NEW COURT RULES**

In accordance with the orders of the Texas Supreme Court, Texas Court of Criminal Appeals, and the Texas Office of Court Administration, the following rules for the safety of staff and public will govern court sessions until cessation of the COVID-19 situation.

**IF YOU ARE OVER THE AGE OF 65, OR HAVE SERIOUS UNDERLYING HEALTH CONDITIONS** (such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, or compromised immune system), you are considered to be among the "vulnerable population". You may advise the Court and request accommodation seating, or if necessary, a new appearance date.

In order to preserve adequate "social distancing", the Court has limited seating. Court sessions may be scheduled at intervals, for groups of limited numbers if necessary.

**PLEASE ARRIVE ON TIME.** If you arrive late, you may have to wait until a seat is available.

**YOU MUST APPEAR ALONE** unless you are under the age of 18 years and accompanied by a parent or guardian, or are disabled and require assistance.

**DO NOT BRING PERSONAL ITEMS INTO THE COURTROOM**, unless necessary to the case, such as proof of insurance, registration, identification, or evidence to be considered by the Court.

At the entry door, the Bailiff or court staff will take your temperature and ask you a series of questions regarding possible symptoms.

**YOU WILL NOT BE ALLOWED TO ENTER THE COURTROOM** if your temperature equals or exceeds 100 degrees or if you have a persistent cough, shortness of breath, or difficulty breathing, or have been in close contact with a person who is confirmed to have COVID-19. Contact the court immediately to get a new court date.

**YOU SHOULD ALERT THE JUDGE OR BAILIFF IMMEDIATELY** if you have, or know of another person present who has COVID-19 or flu like symptoms, or a fever, or cough.

Upon entry into the Courtroom, you will be required to use the provided hand sanitizer. A mask or facial covering is encouraged but not required. However, if you arrive without a face covering, you will be required to sit or stand at a safe distance from other attendees.

Seating in the Courtroom must maintain appropriate distancing; do not move or rearrange chairs. When you approach the Judge, remain no less than six feet from the bench.

**WE MUST ALL WORK TOGETHER TO ASSURE THE SAFETY OF EVERYONE**