



CITY OF TEXAS CITY, TEXAS

MUNICIPAL COURT OF RECORD • OFFICE (409) 643-5800 • FAX: (409) 643-5716

January 8, 2021

Presiding Judge Susan Brown
301 Fannin Street
Houston, TX 77002

HONORABLE JUDGE
CHARLES DUNKEL, JR
and
HONORABLE JUDGE
GEORGE COOLEY

TAMMY ODOM
Court Administrator

Dear Honorable Presiding Judge Susan Brown:

Greetings from the Judges and staff of the Texas City Municipal Court of Record and the Honorable Mayor Dedrick Johnson. I hope this letter finds you well.

Enclosed you will find the revised COVID-19 Operating Plan, Template for Re-Certification of In-Person Operating Plan for the Texas City Municipal Court of Record Judiciary for your consideration. This plan has been reviewed and approved by Presiding Judge George Cooley. Texas City Emergency Management Director Thomas Munoz and the Honorable Mayor Dedrick Johnson have also reviewed and approved this plan and have attached their signatures hereto.

We believe we are presenting to you a solid plan that will aid in protecting our judges, court staff, marshals, bailiffs, and all court participants from the spread of COVID-19. **To date, we have had no court staff or judges who have contracted COVID-19.** We believe this to be a direct result of our strict adherence to our previously approved plan. However, we also realize that we are living in unprecedented times and will continue to work with our Emergency Management Team and local health authority to make sure that our plan continues to remain strong.

Thank you for your consideration. Please do not hesitate to contact me directly at (409)643-5801 or todom@texascitytx.gov, if you have any questions or concerns.

Kindest Regards,

Tammy Odom (digital signature)

Tammy Odom, CCM
Court Administrator

Enclosures

Tammy Odom

From: Thomas Munoz
Sent: Friday, January 8, 2021 3:26 PM
To: Tammy Odom
Subject: RE: COVID Plan Attached

Mrs. Odom,

Sincere apologies for sending my correspondence via email. The intent was to send the correspondence and endorsement of the COVID Plan on official letter head but unfortunately, the City of Texas City was impacted by a F1 Tornado and I am currently working with other agencies to ensure the safety and well-being of tenants from the Trade Wind Apartments. We are currently re-locating 129 families from the apartment complex. Please allow this email as my official correspondence supporting the COVID Operating Plan.

The COVID Operating Plan will be adhered to at all times, with the understanding that the Texas City Emergency Management Coordinator will be monitoring on a daily basis, COVID positive rates and trends not only for Texas City, but for Galveston County to ensure the health protection of our judges and court staff. Furthermore, all Governors Executive, CDC and Galveston Health District Guidelines will be followed. Thank you.

Sincerely,
Thomas Munoz, M.EM, M.HS, MEP
City of Texas City
Emergency Manager/Homeland Security Director
(409) 739-4799

From: Tammy Odom <todom@texascitytx.gov>
Sent: Friday, January 8, 2021 3:05 PM
To: Thomas Munoz <tmunoz@texascitytx.gov>
Subject: COVID Plan Attached



CITY OF TEXAS CITY, TEXAS

MUNICIPAL COURT OF RECORD • OFFICE (409) 643-5800 • FAX: (409) 643-5716

HONORABLE JUDGE
CHARLES DUNKEL, JR.
and
HONORABLE JUDGE
GEORGE COOLEY

TAMMY ODOM
Court Administrator

Template for Re-Certification of In-Person Operating Plan
TEXAS CITY MUNICIPAL COURT OF RECORD

January 6, 2021

Re: Re-Certification of In-Person Operating Plans

As required by the Supreme Court's Emergency Orders and Guidance from the Office of Court Administration, I include here the required re-certification of Texas City Municipal Court's In-Person Operating Plan.

I have consulted with the local public health authority regarding the local pandemic conditions and have reviewed with the health authority the previously-submitted in-person operating plan to determine whether the plan provides sufficient health and safety protocols to permit in-person proceedings.¹ The local public health authority has determined that:

- Barring any significant increases in positive cases of COVID 19, local pandemic conditions are conducive to in-person proceedings under the precautions and protocols contained in the previously-submitted in-person operating plan;

In addition, I have conferred with the judges of the courts with courtrooms in municipal buildings and have determined that the following criteria will be used to determine when an in-person proceeding is necessary and when all reasonable efforts do not permit the proceeding to be conducted remotely:

All judges in Texas City Municipal Court of Record, before conducting an in-person hearing shall first determine if an in-person hearing is necessary by following this procedure:

1. The judge shall inform each counsel and pro se litigant that the hearing shall be conducted remotely over Zoom. The judge shall provide each counsel and pro se litigant a phone number or email address to inform the judge if they believe any counsel, their clients, a pro se litigant, any witness, an interpreter, or any other participant (all referred to below as "Participant") cannot participate remotely. The judge or judge's staff shall then determine whether a Participant is unable to participate in the hearing due to any one or more of the following:
 - a. lack of technology which precludes or impedes their ability to participate in the hearing via the Zoom videoconferencing app. Examples of the lack of such technology include:
 - i. lack of access to a computer tablet or other device with internet video capability;
 - ii. lack of access to a cell phone; or
 - iii. lack of access to an internet connection.

¹ Documentation of the consultation can be accomplished by submitting this letter stating such or an email or letter from the local public health authority.

- b. A physical, mental, or other disability that prevents a Participant from being able to effectively operate or utilize the required technology. Examples of such a disability include:
 - i. a physical or mental disability that precludes them from effectively operating the technology necessary to access the Zoom videoconferencing app;
 - ii. a physical disability that precludes them from effectively seeing, hearing, or otherwise participating in a Zoom video hearing;
 - iii. the lack of or unavailability of an interpreter who can assist the individual in communicating during a Zoom hearing;²
 - iv. incarceration and the incarcerating facility's lack of technological resources or facilities to allow the inmate to participate remotely in the hearing or confer privately with the inmate's legal counsel;³ or
 - v. if the proceeding is in a specialty court defined by Title 2, Subtitle K of the Texas Government Code (e.g. veteran's court, mental health court, drug court, etc), the specialty court team determines that there is a risk to the physical or mental well-being of a participant in the specialty court program if the proceeding is not held in person.
 - c. A confrontation clause constitutional objection is raised by criminal defense counsel or a pro se litigant, and the judge sustains the objection after conducting a *Haggard*⁴ analysis.
 - d. A proceeding where one Participant's needs to appear in person due to a need to provide fingerprints, is subject to incarceration, or must meet with multiple departments as a result of the court proceeding, in which case that party may need to appear while the other parties appear remotely.
2. If an individual is unable to participate for one of these reasons, prior to holding an in-person hearing, the judge shall make reasonable efforts to accommodate the individual as set forth in the procedure below.

When an individual is found to be unable to participate in a Zoom videoconference for one of the reasons stated above, prior to holding an in-person hearing, the judge considering the in-person hearing shall make all reasonable efforts to make accommodations that will allow the individual(s) to participate. The accommodations that the judges of the Texas City Municipal Court of Record shall consider include:

1. When an individual does not have adequate technological resources on their own to participate in a Zoom videoconferencing hearing, a judge shall:
 - a. determine whether the court has the ability to provide the individual with a laptop or other device which would allow the individual to participate in the hearing from some segregated location within the court facility while following appropriate COVID-19 precautions and protocols;
 - b. determine if such technological resources can be provided to the individual by some other source (e.g. a participating attorney, a party, a family member, friend, public library, or an appropriate agency of the State of Texas); and

² If a Spanish interpreter is needed, please consider using OCA's free Spanish interpretation service. More information and scheduling options is available at <https://www.txcourts.gov/tcris/>.

³ If the facility is a TDCJ facility, judges should contact coronavirus@txcourts.gov to see if OCA can assist with getting the facility connected with the court.

⁴ *Haggard v. State*, 2020 WL 7233672 (Tex. Crim. App. 2020)

- c. determine whether the individual could participate in a meaningful manner by telephone (audio only).
2. When an individual has physical or mental disabilities that would prevent the individual from operating the technology required, a judge shall:
 - a. determine if the individual has legal counsel, family or friends who can assist in operating the required technology; and
 - b. inquire as to what, if any, accommodations could be made which would allow the individual with a disability to participate.
3. When an individual is incarcerated, a judge shall:
 - a. determine whether the facility has the technological resources or facilities to allow the incarcerated individual to participate in the hearing;
 - b. if the facility does not have the technological resources to allow the inmate to participate in a Zoom videoconference, determine whether the inmate could participate in a meaningful manner by telephone (audio only).
4. When an individual is otherwise unable to participate in a hearing via videoconference or by audio only, a judge shall determine whether the individual can effectively participate in the proceeding by a sworn statement made out of court as permitted by the Emergency Orders of the Supreme Court of Texas.
5. If no accommodation is available, the judge shall determine if a continuance is warranted, balancing the risk to public health and safety with the need to resolve the particular case.
6. If no accommodation is available and the judge determines a continuance is not warranted, the judge may permit the hearing to occur in-person under the precautions and protocols in the approved in-person operating plan.

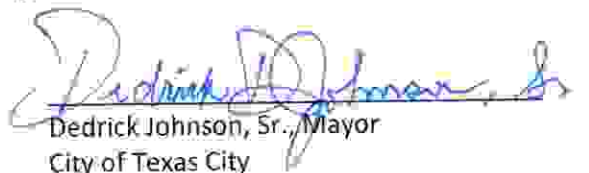
Having completed the required re-certification, I am submitting it to you in your role as Regional Presiding Judge. I understand and have communicated to the judges with courtrooms in municipal facilities that no in-person hearings will be permitted on or after January 11 until I receive an acknowledgement from you that the re-certification meets the requirements of OCA's Guidance.

Sincerely,

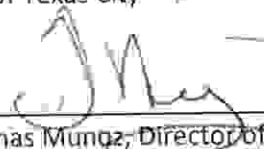


George Cooley, Presiding Judge
Texas City Municipal Court of Record

By my signature below, I affirm that I have reviewed and approved the re-certification of the Texas City Municipal Court of Record COVID 19 Operating Plan:



Dedrick Johnson, Sr., Mayor
City of Texas City



Thomas Munoz, Director of Emergency Management
City of Texas City



Revised COVID-19 Operating Plan for the Texas City Municipal Court of Record Judiciary

Recognizing the continued need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the court of the Texas City Municipal Court of Record, will continue to follow the protective measures outlined below:

General

1. All judges 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.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The Court Administrator will maintain regular communication with the local health authority and Mayor, and adjust this operating plan as necessary with conditions in the City of Texas City.
4. Judges will continue to use all reasonable efforts to conduct the proceeding remotely when possible.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: Judges and court staff shall continue to record answers to all health screening questions and record temperatures on a written log before entering the court building. Court staff shall also wear face coverings, practice social distancing and appropriate hygiene at all times.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°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.

4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
5. Protective Measures: All court participants and visitors will also adhere to the aforementioned guidelines and answering health screening questions along with temperature reading to ensure protection of judges and staff from potential exposure.

Scheduling

1. The court schedules have been established to reduce occupancy in the court building:
Court occupancy will be limited to a maximum of 10 participants, not including court staff.

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. Each judge 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 populations who are scheduled for court will be accommodated by resetting the defendant to a future court date or conducting the hearing by video conference when possible.

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 at least 6 feet.
2. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
3. Public common areas, including breakrooms and snack rooms, have been closed to the public.

Gallery

5. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of each courtroom, and outside of bathrooms.
2. Face coverings will be provided for individuals that do not have one.
3. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
4. The Department of State Health Service's "Stop the Spread of Germs Flyer" and City of Texas City "Facial Coverings" posters have been posted in multiple locations of the court building.

Screening

1. When individuals attempt to enter the court building, the bailiff or a city marshal will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the court building, the bailiff or a city marshal will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Hand sanitizer and face coverings will be supplied to individuals entering the building by the Texas City Office of Emergency Management.
5. Staff who are screening individuals entering the court building will be provided personal protective equipment, including a face covering and latex gloves.

Face Coverings

1. All individuals entering the court building will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face covering will be provided.
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks and required to wear them while in the court building if the supply is available.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every two hours.

2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom 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.
5. Court buildings are sprayed with a commercial chemical solution shown to be effective with this coronavirus twice a week.

Other

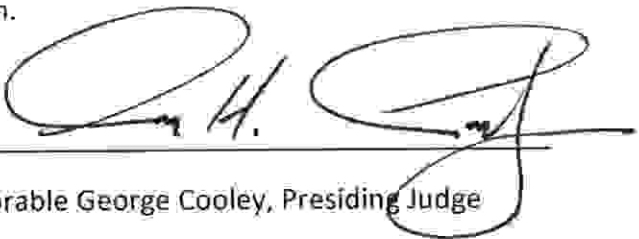
An online survey shall be completed by each defendant no more than 24 hours prior to scheduled docket time.

Approval

This Operating Plan has been reviewed and approved by Texas City Mayor Dedrick Johnson and Texas City Director of Emergency Management Thomas Munoz, whose signatures are affixed to this plan.

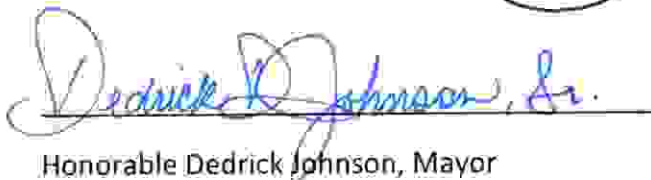
I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: December 28, 2020



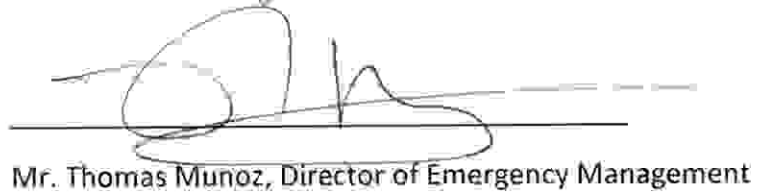
Honorable George Cooley, Presiding Judge

Date: 12/29/20



Honorable Dedrick Johnson, Mayor

Date: 12/23/2020



Mr. Thomas Munoz, Director of Emergency Management