

# City of Magnolia Re-Certified COVID-19 Operating Plan

Amended provision of this Plan are in Bold faced type.

In order to balance the need to protect the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts with the necessity that parties and members of the public are able to exercise their fundamental right to access and use the court system, the following measures are hereby implemented for the court of the City of Magnolia:

## General

All judges, **and alternate Judges presiding in court**, 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.

All judges will use all reasonable efforts to **allow defendants the option of appearing in front of the judge and prosecutor via Zoom remote means and to** conduct proceedings remotely.

~~The presiding judge of the municipal court will maintain regular communication with the local health authority and mayor to adjust this operating plan as necessary with conditions in the city.~~

Judges will begin setting non-essential in-person proceedings no sooner than June 1, 2020

## Judge and Court Staff Health

Judges, court staff, **and assistant city attorneys/prosecutors** 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.

Judges, court staff **and assistant city attorneys/prosecutors will be required to wear a face covering while inside the court location where jury selection or jury trial will take place (except when alone in a private office)**, practice social distancing, and practice appropriate hygiene recommendations at all time.

Protective Measures: face masks, frequent hand washing/sanitizing.

## Scheduling

The following court schedules are established to reduce occupancy in the court building:

- a. The court has Zoom remote teleconferencing available for those who do not wish to appear at the court for the duration of the pandemic, **as well as very lenient analysis by the Court allowing resets of cases, where appropriate;**
- b. In person appearance dockets have been suspended as ordered by the Texas Supreme Court until June 1, 2020. Beginning in June, we will conduct **court appearance dockets vis Zoom or when reasonable in person following all social distance and safety guidelines as well as all interactions with Court Clerks via the Clerk windows.** Clerks are behind glass and

- communicate with defendants via microphone. Juvenile dockets will be held in the courtroom which has been modified in compliance with social distancing protocols; and
- c. The court will utilize emails, mail and fax when possible.

### **Vulnerable Populations**

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.

A notice with this information will be posted on the courts' website and in conspicuous locations around the court building.

Vulnerable populations who are scheduled for court will be accommodated by remote hearings where possible, individual hearings when necessary.

### **Social Distancing**

---

---

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.

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.

### ***Gallery***

The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating will be marked, monitored and enforced by Court staff.

### ***Well***

Within the 'well' area inside the courtroom, social distancing will be observed.

### **Hygiene**

- No touch automatic hand sanitizer dispensers have been placed at the entrances to the building, outside and inside of the courtroom, and outside of the bathrooms;
- Tissues have been placed near the door of the courtroom, at the witness stand, on the judges' benches, and in the hallways; and
- The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations of city hall, inside the courtroom, and in each bathroom.

### **Screening**

1. When individuals attempt to enter the court building, the bailiff or court staff 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 courtroom.
2. When individuals attempt to enter the court building, the bailiff or court staff will use an infrared thermometer to determine the temperature of **all** individuals **entering the court building**. An

individual whose temperature is equal to or exceeds 99.6°F will be refused admittance to the court building.

3. City staff that is screening individuals entering the court building will be provided personal protective equipment, including masks and gloves.

### Face Coverings

Individuals will be encouraged to wear face coverings while in the court building. If the individual does not have a face covering and would like one, a disposable face mask will be provided as supplies are available.

### Cleaning


- Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every 3 hours;
- 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;
- Court building cleaning staff have been provided cleaning supplies shown to be effective against the coronavirus; and
- Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

In developing this plan, I consulted with the local health authority and mayor, as well as judges of other courts within the greater metropolitan area. I will ensure that any associate or alternate judge of the Montgomery Court will conduct proceedings consistent with this Operating Plan.

**In the implantation of this plan, due consideration for the defendants that appear before this Court will be considered and weighed against the risk of infection of COVID-19 as well as all safety procedures implemented.**

**This court handles Class C misdemeanor cases and the Court is aware that many of said defendants are indigent/near indigent status and may not have access to equipment to allow electronic appearance, may have warrants or their cases nearing warrant status for failures to comply with prior Court Orders and various aspects of their cases may necessitate appearing in person for due consideration of all options available to the Court to resolve cases in a manner that respects the rights of the accused. All steps of in-person court procedures have been modified to reduce the risk of exposure and maintain social distancing requirements such as Judge's instructions and defendant's rights being individually delivered in writing versus a verbal speech from the Judge's bench. In person interaction in Court has been reduced to the most minimal possible, yet remain in compliance with social distancing.**

Date: 12/24/2020



Robert Rosenquist  
Presiding Judge of Municipal Court