

The City of Hill Country Village Municipal Court's Re- Certification of in-Person Operating Plan

01/05/2020

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 the City of Hill Country Village 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 (check one):

- Local pandemic conditions are conducive to in-person proceedings under the precautions and protocols contained in the previously-submitted in-person operating plan;
- Local pandemic conditions are conducive to in-person proceedings with modifications to the precautions and protocols in the previously-submitted in-person operating plan;²
- Local pandemic conditions are not currently 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 the City of Hill Country Village 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 Bexar County/City of Hill Country Village Municipal Court, 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

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.

² If it is determined that the previously-submitted in-person operating plan needs to be modified, the local administrative district judge or presiding judge of the municipal court should submit the modified plan after following the process detailed on p. 3 of the [Guidance for All Court Proceedings During COVID-19 Pandemic](#).

- iii. lack of access to an internet connection.
 - 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;³
 - 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;⁴ 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*⁵ analysis.
 - d. A proceeding where one Participants 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 City of Hill Country Village Municipal Court 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;

³ 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/>.

⁴ 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.

⁵ *Haggard v. State*, 2020 WL 7233672 (Tex. Crim. App. 2020)

- 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
 - 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 the City of Hill Country Village 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,



Presiding Judge of Municipal Court, Hill Country Village, Bexar County, Texas

COVID-19 Operating Plan City of Hill Country Village Municipal Court, Bexar County

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the building housing the court, the **City of Hill Country Village Municipal Court** will implement the following protective measures:

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 presiding judge of the municipal court will maintain regular communication with the local health authority, from the Texas Department of State Health Services, Region 8 Public Health Authority Medical Director and the mayor of Hill Country Village and adjust this operating plan as necessary with conditions in Bexar County.
4. Judges will begin setting non-essential in-person proceedings no sooner than January 1, 2021

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework if possible.
2. Judge and Court Staff Monitoring Requirements: Self-monitor for symptoms, check temperature twice a day, watch for fever, cough, shortness of breath, and other symptoms of COVID-19 as listed under the CDC Guidelines.
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 nausea, vomiting, joint pain, 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 when not able to practice social distancing, and practice appropriate hygiene recommendations at all times as directed by Governor Abbott's Report to Reopen Texas Minimum Standard Health Protocols (attached).
5. Protective Measures: to reduce risk, employees will wash hands often, either with soap and water for 20 seconds or use of hand sanitizer that contains at least 60% alcohol, avoid close contact with people who are sick, physical distancing by putting distance between other people (at least 6 feet), use of face coverings when necessary, cover coughs and sneezes with a tissue, then throw the tissue away in the trash, clean and disinfect frequently touched objects and surfaces daily.

Scheduling

1. The following court schedules will be established to reduce occupancy in the court building: Court is scheduled for the third Thursday of every month by teleconference. If defendants are unable to appear remotely they will be able to appear in person and no more than 3 defendants will be allowed in at a time. Defendants will remain in their vehicle until they are called in.

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 (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by setting a hearing to be held remotely.

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. No more than two individuals not from the same household will be permitted in the court building at a time. If more than one individual from the same household is in the court building, no other individuals will be permitted in the building.
3. 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.
4. Public common areas, including breakrooms and snack rooms, have been closed to the public.
5. To maintain proper social distancing protocols, tape will be placed on the floor around the court building measuring six feet apart.

Court Common Areas/Courtroom Chambers

1. 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.
2. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.
3. In the 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 around the court building, including in each courtroom.
2. Tissues have been placed in the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Center for Disease Control's, "Stop the Spread of Germs Flyer" (attached) has been posted in multiple locations in the court building.
4. After an individual speaks with either the judge or prosecutor, the area and any items touched by the individual shall be disinfected.
5. All court personnel will need to wash or disinfect hands upon entering and after any interaction with employees, other individuals or items handled during normal business.

Screening

1. When individuals attempt to enter the court building, court bailiffs will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing, experiencing joint pain, muscle aches, chills, sore throat, headache, nausea, vomiting, diarrhea, loss of taste or smell; 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, court bailiffs 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 holding facility to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to being transported. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including: face masks and 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 mask may be provided.
3. Individuals who will be required to be in the court building for over 15 minutes may be provided surgical masks and required to wear them while in the court building.

Cleaning

1. Court staff will clean the common areas of the court building so that common spaces are cleaned at least every couple of hours.
2. Court staff will clean the courtroom between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.

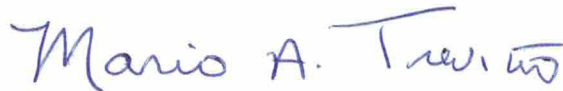
3. Court staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

1. Individuals will check-in and be asked to wait in their vehicles until the court calls or text them to be seen. Most cases will be heard by Teleconference.

I have attempted to confer with all judges of the court regarding this Recertification of In-Person Operating Plan. In developing the plan, I consulted with the local health authority Texas Department of State Health Services, Region 8 Public Health Authority Dr. C Junda Woo and the mayor of the City of Hill Country Village, documentation of which is attached to this plan. I will ensure that the judges of the court and all court personnel in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 1/5/2021



Presiding Judge of Municipal Court, City of Hill Country Village, Bexar County, Texas

Date: 1/5/2021

Consultation

I certify, as the Local Health Authority for Bexar County, that I have consulted with the City of Hill Country Village on the Re-Certification of In-Person Operating Plan and that the plan includes the necessary measures to protect individuals that attend any court proceedings.



Health Authority
C. Junda Woo, MD, MPH