

## **COVID-19 OPERATING PLAN FOR THE CITY OF LIVINGSTON MUNICIPAL COURT**

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 Livingston Municipal Court will implement the following protective measures:

### **General Staffing, Facilities and Scheduling for the City of Livingston Municipal Court**

1. **Court Staff:** The City of Livingston Municipal Court is staffed by the Presiding Judge and Associate Judge, appointed by the City council, the City Attorney, appointed by the City Council; the Court Clerk employed by the City of Livingston and a Bailiff assigned by the Livingston Police Department and employed by the City of Livingston.
2. **Court Facilities:** The Municipal Court offices include the Court Clerk's office and Judge's office, located within the Livingston City Hall building, adjacent to the City Council Chambers (used as its courtroom) and Police Department. Public access is from doorways to City Hall or the Police Department and is then limited to a secured window in the Court Clerk's office, and an interior hallway to Council Chambers secured by a locked door, accessible by combination lock and controlled by the Court Clerk. The Judge's office is accessible by interior doors from the Court Clerk's office and from the Livingston City Council Chambers. The Council Chambers is reserved at all times for the use of the Livingston City Council, and as directed by the City Manager. When needed, the interior hallway shall be opened for access by the public. The Court uses the Council Chambers as its Courtroom, together with the interior hallway. An adjacent meeting room and private restroom shall be used by the jury room during jury trials and the meeting room shall also be used by the City Attorney to meet with Defendants, as needed. Use of the Council Chambers and adjacent meeting room as the Municipal Court shall be by schedule approved by the City Manager, and when in use shall be controlled by the Court Clerk, as directed by the Judge.
3. **Court Schedule:** The Court has jurisdiction over Class C Misdemeanor criminal offenses occurring within the jurisdictional limits of the City of Livingston. Class C Misdemeanor offenses are documented by citation to a Defendant issued by a City peace officer, or by summons to a Defendant issued by the Court Clerk on complaint of offense by a citizen.
  - a. Each citation or summons provides a date and time for the Defendant to appear to enter a plea. Since March 26, 2020, issuance of citations has been limited by the Livingston Police Department and appearance dates have not been scheduled until July 9, 2020.

b. General Appearance Dockets are set on Thursdays at 9:00 a.m., during which Defendants pleading guilty or no contest may make fine arrangements with the Court Clerk at the window under standing orders of the Court. The Judge is available during the Appearance Docket to see any Defendant who is not able to make fine arrangements under the Court's standing orders. An additional docket is set beginning at 2:00 p.m. each Thursday for Defendants pleading guilty or no contest and requiring additional consideration in satisfaction of fine due to indigence. The Judge is available from 2:00 p.m. until 5:00 p.m. to complete that docket. The Court Clerk and Judge are also available on Mondays from 5:00 p.m. to 7:00 p.m. to see any Defendant pleading guilty or no contest who has made appointment with the Court Clerk to be seen at that time.

c. Trial Dockets for Defendants pleading not guilty are set by the court, with trials to the Court generally on the third or fourth Wednesday of each month, beginning at 9:00 a.m. and continuing throughout the day until each scheduled case is completed. Trials by jury are scheduled as needed on an available Wednesday. On the Wednesday morning two weeks prior to a trial setting, conferences are scheduled for Defendants to review their cases with the City Attorney.

d. Scheduling Restrictions since COVID-19 Disaster Proclamation and during pendency of Emergency Orders: In addition to the State's Disaster Proclamation and Emergency Orders issued beginning March 13, 2020, Livingston City Hall was ordered closed on March 19, 2020. Polk County issued an Executive Order to Stay at Home on March 25, 2020. The City of Livingston's Declaration of Local Disaster for Public Health Emergency was issued on March 27, 2020 and has been extended. Since March 19, 2020, Court office schedules have been limited to one day per week (Thursday, from 8:00 a.m. to 5:00 p.m.) staffed by the Court Clerk as directed by the City Manager for the convenience of those Defendants making payments or needing information from the Court. Most questions have been answered by phone during that time. No in-person proceedings have been held. The City of Livingston Municipal Court operates under facilities provided by the City of Livingston; it currently has no facility through which to conduct job functions remotely by telework, to conduct proceedings or to take payment of fines and court costs remotely.

#### **General Requirements for COVID-19 Operating Plan**

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, as available.
3. The City of Livingston Municipal Court will maintain regular communication with the local health authority, City Manager and Mayor of the City of Livingston and adjust this operating plan as necessary with conditions in the City of Livingston and Polk County.
4. The Court will begin setting non-essential in-person proceedings no sooner than July 2, 2020.

#### **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: the Presiding Judge will monitor the operation of the Court and staff, working in close contact with the City Manager to advise the day-to-day handling of Court responsibilities; the Court Clerk will work under the supervision of the Presiding Judge and City Manager; any Bailiff assigned to work with the Court will be provided by the City of Livingston Police Department which will monitor the Bailiff's duties in coordination with the Judge and Court Clerk.
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 times.
5. Protective Measures: the City Manager will secure such other protective measures as may be recommended by the Local Health Authority and the Court will abide by any direction on protective measures so given.

#### **Scheduling**

1. The following court schedules are established to reduce occupancy in the section of the Livingston City Hall assigned to the Livingston Municipal Court:
  - a. The Court will begin setting non-essential in-person proceedings no sooner than July 2, 2020.

b. While the Livingston City Hall is closed, the Court Clerk will maintain regular office hours between 8:00 a.m. and 5:00 p.m. on Thursdays, for the convenience of those Defendants making payments or needing information from the Court. Appearances required for citations issued by the Livingston Police Department will be held during office hours, and conducted solely through the window on June 11, June 18, June 25, 2020. Beginning July 2, 2020, the Judge will be available for in-person proceedings as described under Paragraph 3(b) of General Staffing, Facilities and Scheduling for the City of Livingston Municipal Court, above.

c. Trials to the Court will be scheduled July 29, 2020 (pretrial conferences July 15, 2020); August 25, 2020 (pretrial conferences August 12, 2020); September 30, 2020 (pretrial conferences September 16, 2020); and October 28, 2020 (pretrial conferences October 7, 2020). To assist with relieving any backlog of pending cases, and as requested by the City Attorney, additional trial dates and pretrial conferences may be scheduled.

d. No jury trials will be scheduled for the remainder of 2020.

#### 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, 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 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 appropriate scheduling for individual attention; and providing such accommodations as can be made based on recommendations made by the Defendant's attending health care professional.

#### Social Distancing

1. All persons not from the same household who are permitted in the Municipal Court offices within the Livingston City Hall will be required to maintain adequate social distancing of at least 6 feet.
2. There are no elevators within the Livingston City Hall.

3. No public restrooms are available within the Municipal Court offices. Public restrooms are available within the Livingston City Hall. As determined and implemented by the City Manager, appropriate capacity to ensure social distancing and maximum capacity will be evaluated and signs posted.

4. No breakroom, snackroom or similar public common area is available within the Municipal Court offices. The Court is accessed by hallways which will remain open and which will be marked to implement social distancing.

#### *Gallery*

5. The City of Livingston Council Chambers are used for Municipal Court proceedings as arranged in advance with the City Manager. Court staff will monitor and enforce maximum capacity of the Council Chambers as determined by the City Manager and City of Livingston Fire Marshal; maximum number of persons in the Council Chambers will be posted at the entrance during court proceedings.

6. Two rows of seating are located within the Council Chambers; chairs will be limited and placed to provide appropriate social distancing for anyone seated in that section of Council Chambers.

#### *Well*

7. Assigned seating for Court personnel includes the City Council bench, at which are seated the Judge, Court Clerk, Defendant and City Attorney. The Court is not a court of record. A drop-down screen is provided and a cart is used for showing any video required in evidence. A table and chair are centrally located and provided for any witness giving testimony. If required, a bailiff is positioned at the rear of the Council Chambers. All seating for participants will be arranged to comply with social distancing.

#### Hygiene

1. Hand sanitizer and tissues are provided at the Clerk's window.
2. Tissues have been placed within the courtroom on the bench, accessible to the Judge, Court Clerk, City Attorney and Defendant and on the witness table.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted at the Clerk's window.

#### Screening

1. The Municipal Court occupies space within the Livingston City Hall which is open to public access and does not currently restrict or screen entrance of the public. The Court uses the Livingston City Council Chambers. Before individuals enter the Chambers, they will be asked 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.

2. The Municipal Court occupies space within the Livingston City Hall which is open to public access and does not currently restrict or screen entrance of the public. Entrance to the Livingston City Council Chambers used as the courtroom will be restricted to those who are asymptomatic as screened. The City Manager will secure such other protective measures as may be recommended by the Local Health Authority for use of Council Chambers and the Court will abide by any direction on protective measures so given.

3. Inmates being transported from the jail to the City of Livingston Municipal Court will be screened by jail personnel prior to transport. Transport will be provided by the Livingston Police Department; the officer providing transport will confirm with the jailer that the inmate to be transported has been screened, is free from symptoms of COVID-19 and does not have a temperature over 99.6°. Without such confirmation, the inmate will not be transported.

4. Staff who are screening individuals entering the Municipal Court will be provided personal protective equipment as may be recommended by the Local Health Authority and as provided by the City Manager for use in the Livingston City Hall and the Court will abide by any direction on protective equipment so given.

#### **Face Coverings**

1. The Municipal Court occupies space within the Livingston City Hall which is open to public access and does not currently require face covering. The Livingston City Council Chambers is used as the courtroom and all individuals entering the courtroom will be required to wear face coverings at all times.

2. Individuals will be required to bring cloth face coverings with them. If the individual does not have a cloth face covering, a disposable face mask will be provided if supply is available.

3. No individual will be required to be in the Livingston Municipal Court for a period over an hour. Should circumstances require presence for a longer period of time, individuals will be provided surgical masks and required to wear them while in the courtroom if the supply is available.

#### **Cleaning**

1. The Livingston Municipal Court has no common areas other than the hallway within the Livingston City Hall. Livingston City Hall cleaning staff will clean the hallway daily and more often as needed as determined by the City Manager.

2. Court staff will wipe down the surfaces used during Court after each session. Livingston City Hall cleaning staff will clean the Livingston City Council Chambers daily and as often as may be directed by the City Manager.

3. Court facilities are cleaned by Livingston City Hall cleaning staff under the direction of the City Manager, who will provide Livingston City Hall cleaning staff with cleaning supplies effective with coronavirus and COVID-19 as directed by the City Manager.

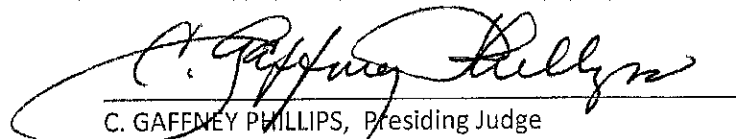
4. Court facilities are cleaned by Livingston City Hall cleaning staff under the direction of the City Manager, have been trained on proper cleaning techniques and will be provided appropriate personal protective equipment.

**Other**

5. All provisions for addressing operation of the City of Livingston Municipal Court during the COVID-19 Pandemic are addressed above, and will be modified as required by the Livingston City Council, the Local Health Authority, or by recommendation and requirement of the Texas Office of Court Administration.

I have attempted to confer with all judges and staff for the City of Livingston Municipal Court regarding this Operating Plan. In developing the plan, I consulted with the local health authority, the Mayor of the City of Livingston and the City Manager for the City of Livingston, as documented by their signatures affixed below. I will ensure that the judges presiding in the Livingston Municipal Court and the Court staff conduct proceedings consistent with the plan.

Date: 5-8-2020

  
C. GAFFNEY PHILLIPS, Presiding Judge  
City of Livingston Municipal Court

The foregoing COVID-19 Operating Plan for the City of Livingston Municipal Court has been reviewed and is approved as to its form and substance:

*Judy Cochran*

JUDY COCHRAN, Mayor of the City of Livingston

Date: 5-8-2020

*Bill S. Wiggins*

BILL S. WIGGINS, City Manager of the City of Livingston

Date: 5-8-2020

*Raymond Luna*

DR. RAYMOND LUNA, Health Authority for the County of Polk

Date: 5/8/2020

*Approved*

*Alan Underwood*

*5/15/20*



**NOTICE TO INDIVIDUALS**  
**AFFECTED BY UNDERLYING HEALTH CONDITIONS**  
**(COVID-19 Pandemic)**

Please be advised that if you (or someone with whom you live or for whom you provide care) are over the age of 65, or have a serious underlying health condition, such as high blood pressure, chronic lung disease, diabetes, obesity, or asthma, or if your immune system has been compromised, such as by chemotherapy for cancer or other condition requiring such therapy, you may be considered as vulnerable as “vulnerable population” is described by Guidance for Court Proceedings during COVID-19 Pandemic provided by the Texas Office of Court Administration and the COVID-19 Operating Plan for the City of Livingston Municipal Court. Every accommodation will be made to assist you in requirements for your compliance with Court proceedings. Please contact your treating health care professional and furnish the Court with their written recommendations of your limitations and of how you will require assistance so that we will know how we can be of help to you. This information must be provided in advance of any court hearing. Please call the court at (936)327-9322 for further information.