

# Recertification of Katy Municipal Court Judiciary

## COVID-19 Operating Plan

Recognizing the continuing need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the building housing the court, the Municipal Court of Katy, Texas will continue to abide by the previous implementation of 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 have been and shall continue to use all reasonable efforts to conduct proceedings remotely, with the exception that in instances where the Court is notified in advance that an individual is unable to participate in a remote proceeding either due to a disability or the lack of sufficient technology to enable him/her to participate remotely (more often than not, a homeless and/or transient individual).
3. The Presiding Judge of Katy Municipal Court will maintain regular communication with the city's health official and the Mayor of Katy, Texas and will adjust this operating plan as necessary dependent upon the conditions in the city of Katy, Texas.
4. Judges will begin setting non-essential in-person proceedings no sooner than the 1<sup>ST</sup> day of June 2020.

### Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework if possible so long as such telework is in accordance with City of Katy, Texas COVID-19 employee guidelines.
2. Judge and Court Staff Monitoring Requirements:
  - a. All Court staff and personnel will have temperature checks upon arrival to the Court building followed by questions regarding symptoms prior to Court building admittance.
  - b. All individuals entering the courthouse shall be screened at the main entrance of the courthouse prior to being admitted into the courthouse. The screening shall consist of but not be limited to following prior to court admittance:

#### Step 1

- Individuals' temperature shall be taken via a handheld infrared forehead scanning thermometer

#### Step 2

- Have you or anyone in your household had any of the following symptoms:
  - cough,
  - shortness of breath or difficulty breathing,

- chills,
  - repeated shaking with chills,
  - muscle pain,
  - headache,
  - sore throat,
  - loss of taste or smell,
  - diarrhea,
  - fever at or greater than 99.6 degrees Fahrenheit?
  - Have you or anyone in your household been tested for COVID-19?
    - If yes, then have you or anyone in your household tested positive for COVID-19?
  - Have you or anyone in your household cared for an individual who is in quarantine or is a presumptive positive or has tested positive for COVID-19?
  - Have you or anyone in your household been exposed or come into contact with another who has a presumptive positive result or has tested positive for COVID-19?
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 shall 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 for Courthouse
    - a. All individuals approaching the Judge's bench shall ensure social distancing between individuals and Judge
    - b. All individuals approaching the Prosecutor's desk shall ensure social distancing between individuals and Prosecutor
    - c. All individuals within the courthouse shall be required to maintain the required six feet social distancing and wearing face coverings
    - d. Hand sanitizers dispensers and tissues will be available at various locations around the courthouse.

### Scheduling

1. The following court schedules are hereby established to reduce occupancy in the court building and ensure social distancing and safety of all:

#### All Court Dockets

- No more than 10 individuals may be present in the Court at any time
- No persons will be allowed in the Court unless they have business before the Court. The exception will be for parents/guardians of a juvenile or minor as well as attorneys.

- All individuals shall practice social distancing (six foot {6'} minimum spacing), when in the Court. Persons who fail to practice the social distancing guidelines in the Court may be asked to leave the premises.

### 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 having the opportunity to appear remotely via zoom or other Court approved video program, continuance to a later date or by appointment.

### 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*

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

### *Well*

6. 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 the courtroom, and outside of bathrooms.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judge's bench, and in the hallways.

3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations in the court building.

### Screening

1. When individuals attempt to enter the court building, the Court Staff and/or bailiff and/or Court security will ask the individuals the above listed symptoms screening questions. Individuals who indicate yes to any of these questions will be refused admittance to the court building. These individuals will be instructed to either call the Court at (281) 391-4810 or email the Court at Court@CityOfKaty.Com to discuss their options.
2. When individuals attempt to enter the court building, the Court Staff will and/or bailiff and/or Court security 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. These individuals will be instructed to either call the Court at (281) 391-4810 or email the Court at Court@CityOfKaty.Com to discuss their options.
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. Staff who are screening individuals entering the court building will be provided personal protective equipment, including but not limited to face mask, gloves, and other personal protective equipment as necessary.

### Face Coverings

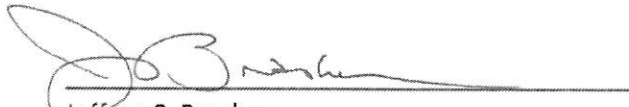
1. All individuals entering the court building will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals who will be 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 2 ½ 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.

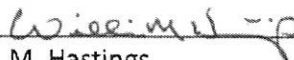
In response to the Office of Court Administration (OCA) document entitled **COVID Update #19 – Required Recertification for In-Person Proceedings on or after January 1, 2021** as well as the OCA document entitled, **Guidance for All Court Proceedings During COVID-19 Pandemic (Effective October 1, 2020 Updated December 17, 2020)**, I am submitting this recertified Operating Plan. I have consulted with the City’s health authority and the City of Katy’s Mayor and Administrator in accordance with the requirements of OCA. I will continue to ensure that the Judges of Katy Municipal Court who are covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 4<sup>TH</sup> day of January 2021


  
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Jeffrey C. Brashear  
Presiding Judge of Katy Municipal Court

Reviewed and Approved By:

Date: 2-2-2021

  
\_\_\_\_\_  
William M. Hastings  
Mayor, Katy, Texas

Date: 2-2-2021

  
\_\_\_\_\_  
Byron J. Hebert  
City Administrator, Katy, Texas

Date: \_\_\_\_\_

\_\_\_\_\_  
Dr. Sherri Onyiego  
Appointed Health Authority  
Katy, Texas

January 9, 2021

Honorable Jeffrey Brashear  
Presiding Judge  
Katy Municipal Court  
5432 Franz Road  
Katy, TX 77493

RE: Recertification of COVID-19 Operating Plan for the Katy Municipal Court

Dear Judge Brashear,

Thank you for submitting your revised COVID-19 Operating Plan and complementary recertification statement.

It is recognized that any in-person proceeding may increase risk of exposure to SARS-CoV-2, the virus that causes COVID-19. Case counts, hospitalizations, as well as positivity rates in Harris County have continued to rise. These recent increases triggered Governor Abbott's GA-32 Order<sup>1</sup> in Harris County due to exceeding 15% COVID-19 hospital capacity in our Trauma Service Area region. This order allows for closing bars and reducing restaurant capacity from 75% to 50%. Additionally, the recent emergence of the UK COVID-19 variant in Harris County will begin contributing to increases in the metrics given this variant's increased transmissibility.

Unfortunately, when the level of disease is high in the community, gatherings will increase the likelihood of exposure despite the best precautions. Every activity incurs some amount of risk, which cannot be completely mitigated. Each activity must be weighed on the merits of its benefits compared to the incurred risks.

Harris County Public Health strongly recommends strict adherence to the public health prevention measures of wearing masking, proper hand hygiene, and social distancing measures which includes limiting in-person activities. However, we do recognize the consequences of limiting opportunities for due process to take place and the possible negative societal outcomes that might result. Thus, the risk of holding in-person proceedings may be lower than potentially increasing the number of young people and adults in justice-related congregate settings.

It is important to note that the wording in the recertification template presents a difficult choice to select as local conditions are currently not "conducive" to public gathering for people from different households. Based on the options presented in the recertification template, and with the current plans submitted, in-person hearings could be held if the benefit was deemed worth the potential for risk of exposure to SARS CoV-2.

In summary Based on our review of both the initial and revised plans submitted, we have determined that the Option 2- *"local pandemic conditions are conducive to in-person proceedings with modifications to the precautions and protocols in the previously-submitted in-person operating plan,"* presented in the

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recertification template is suitable to recommend at this time with the following conditions and guidelines to help limit the spread of SARS-CoV-2.

We believe plans consistent with the guidance issued by the Office of Court Administration for conducting jury proceedings provide guidelines that sufficiently limit opportunities for transmission through unnecessary exposure events. For this reason, we are advising all courts to strictly follow the guidelines submitted in the recertification statement with the following additions to all operating plans in Harris County:

- Willingness to adhere to all future and subsequent local guidance set forth by the Local Administrative Judge in coordination with public health.
- Include a plan to limit panel sizes.
- Include a plan to limit length of exposure, as much as possible. Although this does not eliminate risk of transmitting COVID-19, all measures to limit transmission must be taken.

Additionally, specific to your plan, HCPH recommends the following additions:

- Ensure that all hyperlinks in the re-certification agreement are active.
- Add specific language for social distancing (6 ft/2 m of separation) and appropriate hygiene recommendations (hand washing, sanitizing, etc.)
- Ensure that all cleaning products have been approved as "EPA-registered products that have an approved emerging viral pathogen claim for COVID-19".
  - Add language: "Court cleaning staff will use EPA-registered products that have an approved emerging viral pathogen claim for COVID-19. These products should be used according to label instructions."
- Consider adding procedure for reporting cases to Harris County Public Health and for internal contact tracing.
  - For example: "If a judge or staff member does test positive for COVID-19, the judge will notify the other court staff in close contact and any other courts/departments sharing space that an individual in the court has tested positive. The judge will also notify the Office of Court Management to ensure that proper notification be made to the local health authorities so that contact tracing can be performed, and to the county facilities department so that the office space can be properly disinfected and cleaned."
- Consider adding waste bins at the hand sanitizer and tissue stations for proper and immediate disposal of tissues.
- Consider adding signage throughout the courthouse advising on COVID-19 symptoms, how to properly wear a mask/face covering, and proper social distancing.
- Consider using dividers where possible and regularly updating staff about COVID-19 health and safety guidelines.
- Under "Vulnerable Populations", change "over age 65" to "age 65 and older."
- Add language mentioning "Hand sanitizer will contain at least 60% alcohol."
- Consider adding what City of Katy Municipal Court is doing to increase ability of defendants to resolve cases online (e.g. driving safety courses, paying court fines and fees online, etc.) that reduce the need for physical appearance in the courthouse.

At HCPH, our priority is to keep our communities healthy and reduce the spread of infection by slowing the rate of transmission. We appreciate your support in this effort.

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Feel free to contact us at (832) 927-7500 to discuss further.

Sincerely,

Gwen J. Sims, MEd, RD, LD  
Interim Executive Director

Sherri D. Onyiego, MD, PhD  
Local Health Authority

Cc: Josh Stuckey, Chief Transitions Officer, Harris County  
Marva Gay, HCPH Sr. Assistant County Attorney, County Attorney's Office  
Michael McClendon, HCPH Director, Office of Public Health Preparedness and Response  
Dana Wiltz-Beckham, DVM, MPH, MBA, HCPH Director, Office of Science, Surveillance, and Technology  
Wendie Veloz, MSSW, HCPH Director, Office of Policy and Planning  
Scott Jeansonne, Compliance and Environmental Programs Division, Environmental Public Health Division

<sup>1</sup> [https://gov.texas.gov/uploads/files/press/EO-GA-32\\_continued\\_response\\_to\\_COVID-19\\_IMAGE\\_10-07-2020.pdf](https://gov.texas.gov/uploads/files/press/EO-GA-32_continued_response_to_COVID-19_IMAGE_10-07-2020.pdf)

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