

NOTICE OF EMERGENCY MEETING OF THE MCLENNAN COUNTY COMMISSIONERS COURT

NOTICE IS HEREBY GIVEN that the McLennan County Commissioners Court will conduct **AN EMERGENCY MEETING** on **Monday, June 29, 2020 at 9:00 o'clock a.m.** and act on the items on the following agenda

No physical meeting open to the public will be held. A temporary suspension of portions of the open meetings act to allow telephone or video conference public meetings has been granted by Governor Greg Abbott pursuant to Executive Order No. GA-08. These actions are being taken to mitigate the spread of Covid-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

The opportunity to view and hear the meeting as well as the process if one wishes to address the Commissioners Court is available at: <https://tx-mclennancounty.civicplus.com/1121/Commissioners-Court-Online-Meeting-Infor>

AGENDA

A. Proof of Posting of Notice

B. Moment of Silence / Invocation and Pledge

C. Public Comments

D. Statement Identifying Nature / Cause of Emergency Situation that Requires Posting of This Emergency Agenda:

1. The emergent need to take further action regarding the pending state, local and national state of disaster created by COVID-19, the Governor's most recent Executive Orders, the need for uniformity in the regulations applicable to the public, and based on continuously evolving information being received, the need to address items relating to COVID-19 expeditiously and at a meeting where due consideration and discussion can be allowed due to the absence of additional agenda items, and the continuously changing scope of items to be addressed. This emergency meeting is authorized by Governor Abbott's proclamation suspending portions of the Texas Open Meetings Act for purposes of addressing COVID-19 matters.

E. Consideration of and/or Action on the Following Items:

1. Discussion and/or Action on Matters Regarding Covid-19 including but not limited to Staffing, Emergency Appropriations, Precautions and Plans, Restrictions to Prevent the Spread of COVID-19, Personnel Compensation and Benefit Matters, Health and Safety Procurements, Technology Procurements for Criminal Justice System to Allow for Operations to Continue Safely, Technology Procurements to Allow for Remote Meeting Participation, Reports on Progression of COVID-19, and related matters;
2. Approval of Order Establishing a County Facility Operating Plan to Prevent the Spread of COVID-19 and Ensure the Health and Safety of Employees and Members of the Public Visiting County Facilities
3. Discussion, Consideration and Potential Action on Adoption of Order Requiring Businesses to Establish COVID-19 Policies Applicable to Employees and Customers, including Face Coverings, Sanitation and Social Distancing, or Resolution Declining to Adopt such an Order

F. Executive/Closed Session

1. **Section 551.071 of the Government Code (V.C.T.A.):** An executive/closed session will be held so that the Commissioners Court can seek and receive legal advice from its attorneys regarding pending or threatened litigation, settlement offers, claims, or other matters for which the attorneys' duties to their client under the Texas State Bar Disciplinary Rules of Professional Conduct Conflicts with the Open Meetings Act (Ch.551, Gov. Code) if necessary for a subject contained on this agenda, and advice dealing with pending litigation, administrative claims or notices, and legal effects, liabilities, and legal options including but not limited to claims arising from Opioid Litigation, Civil Rights Cases, Tort Claims, or Other Pending or Threatening Litigation
2. **Section 551.072 of the Government Code (V.C.T.A.):** Regarding Real Property, including, but not limited to: (1) Right-Of-Way Acquisitions re: Expansion / Repair Project/s; and/or (2) Real Estate Purchase / Sale / Transfer / Trade / Offers to Purchase, Acquisition / Value / Donations of Real Property / Leases relative to Real Property, including, but not limited to, Potential Properties for Use by County / Public Facilities & Valuation of Current Property for Trade or Sale
3. **Section 551.074 of the Government Code (V.C.T.A.):** Regarding Personnel Matters including but not limited to: Personnel Review / Evaluation of Commissioners Court Appointed Department Heads; Employment, Appointment, Termination, Hearing Grievances Against Employees or Public Officials; Incentive Pay; Deliberations regarding Assigning Interim Director for Maintenance of Equipment; Personnel Matters Identified in any Open Session Item if Necessary, and related matters
4. **Section 551.076 of the Government Code (V.C.T.A.):** Deliberations regarding Security Devices or Security Audits
5. **Section 551.087 of the Government Code (V.C.T.A.):** Regarding Economic Development Negotiations including, but not limited to (1) Discussion of Commercial / Financial Information Received from a Business Prospect/s; (2) Pending Negotiations / Potential Prospects and Projects; and/or (3) Discussion re: Offers of Financial or Other Incentives to Business Prospect/s

G. Adjourn

Signed this 26th day of June, 2020

Scott M. Felton – Original Signed
SCOTT M. FELTON, County Judge

STATE OF TEXAS *
COUNTY OF McLENNAN *

I, J.A. "ANDY" HARWELL, County Clerk, and the Ex-Officio Clerk to the Commissioners Court, hereby certify that the above and foregoing is a true and correct copy of a NOTICE OF MEETING posted by me at the Courthouse door in Waco, McLennan County, Texas, where notices are customarily posted this 26th day of June, 2020.

Witness my hand and seal of office at Waco, McLennan County, Texas the 26th day of June, 2020 at 3:25 p.m.

(SEAL) J. A. "ANDY" HARWELL, County Clerk
McLennan County, Texas

BY: Myrce'tez Gowan Perkins (Deputy)

Notice: Persons with disabilities in need of auxiliary aide or services may contact the County Judge's Office, (254) 757-5049, prior to the meeting date

ORDER OF THE COMMISSIONERS COURT OF McLENNAN COUNTY, TEXAS
ESTABLISHING A COUNTY FACILITY OPERATING PLAN TO PREVENT THE
SPREAD OF COVID-19 AND ENSURE THE HEALTH AND SAFETY OF
EMPLOYEES AND MEMBERS OF THE PUBLIC VISITING COUNTY FACILITIES

BE IT ORDERED BY THE COMMISSIONERS COURT OF McLENNAN COUNTY, TEXAS
THAT:

The following Operating Plan is adopted to assist in preventing the spread of COVID-19 and for the protection of employees and the public.

1. Perform routine environmental cleaning.
 - o Routinely clean frequently touched surfaces (e.g., doorknobs, light switches, countertops) with the cleaners typically used. Use all cleaning products according to the directions on the label.
 - o Provide disposable wipes so that commonly used surfaces (e.g., keyboards, desks, remote controls) can be wiped down by staff before each use.

[The foregoing shall be conducted by designated department/office personnel, Maintenance, or the vendor or program responsible for maintenance or janitorial services]
2. Place hand sanitizer stands throughout County facilities and ensure they are full and operational. [This shall be conducted by designated department or office personnel, Maintenance, or the vendor or program responsible for maintenance or janitorial services]
3. Ensure soap dispensers in bathrooms are full and operational [This shall be conducted by designated department or office personnel, Maintenance, or the vendor or program responsible for maintenance or janitorial services]
4. Employees should stay at least six (6) feet from each other when possible, and practice social distancing
5. Employees should avoid congregating in common areas such as break rooms and lunch areas
6. In person meetings should be reduced in favor of phone or video conference and emails, where possible
7. All employees will receive a temperature screening upon entering a County facility at the beginning of their shift/business day. Each office and department will assign an employee(s) from their department or office to conduct the temperature screening. Employees with a temperature reading of 99.6 or greater will be sent home. The individual should remain at home until they have had no fever for at least 72 hours (that is three full days of no fever without the use of fever-reducing medicine). Employees should seek immediate medical care if symptoms become more severe, e.g., high fever, difficulty breathing, chills, sore throat, headache, diarrhea and muscle aches.
8. Temperature screenings will be conducted for any individual entering County facilities that house a courtroom including employees, judges, litigants, attorneys, and general visitors. Courthouse deputies or a designated professional will conduct the temperature screening. Individuals with a temperature reading of 99.6 or greater not be allowed to enter the facility. 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.
9. If an employee is sent home due to a temperature screening, the employee shall notify the Human Resources department of the need for leave related to a temperature screening by telephone call. Human Resources will identify if the employee qualifies for any FFCRA leave, FMLA or other leave benefits. If leave benefits do not apply or if the employee has exhausted leave benefits, the employee may be sent home on unpaid leave time.

10. Employees working directly with the public on a walk-in basis must wear a protective mask while dealing with each customer where social distancing cannot be maintained.
11. In offices/departments where employees work directly with the public on a walk-in basis, the public visitors will be required to wear a mask where social distancing cannot be maintained.
12. . Where possible a supply of masks should be maintained on hand in the office/department to provide to customers who do not have a mask. However, it is the customer's ultimate responsibility to come prepared.
13. Department Heads and Elected Officials may impose stricter mask policies on employees based on the inability to socially distance; for halls, breakrooms and general areas; or other need specific to that department or office.
14. A sign will be placed on the entry doors of the department/office notifying customers that they cannot enter without a mask.
15. The department/office webpage will be updated with a notice that visitors must wear a face mask to enter the department/office.
16. An employee or visitor who has a documented medical condition that makes wearing a mask likely to cause adverse symptoms or aggravation of their condition is not required to wear a mask but should practice social distancing where possible. If a customer chooses not to deal with an employee who is not wearing a mask, an employee wearing a mask shall provide the service.
17. Where required above, masks are required for visitors 10 years old or older. Masks are recommended for children 2-9 years old. Masks are not required or recommended for children 2 and under or for any person incapable of removing the mask.

PASSED this _____ day of June, 2020.

Scott M. Felton, County Judge

Attest:

County Clerk or Designated Deputy Clerk

**ORDER OF THE COUNTY JUDGE AND COMMISSIONERS COURT OF
MCLENNAN COUNTY, TEXAS, DECLARING A DISASTER AND
ESTABLISHING A FACE-COVERING AND HEALTH AND SAFETY
POLICY RULE FOR COMMERCIAL ENTITIES TO ASSIST IN
CONTROLLING THE SPREAD OF COVID-19**

WHEREAS, by virtue of the Governor’s Executive Orders, non-essential businesses and services were closed and certain other restrictions were put in place in an attempt to control the spread of Covid-19; and

WHEREAS, the Governor’s Executive Orders have reopened previously closed businesses and services, and withdrawn certain restrictions;

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Central Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease.

NOW, THEREFORE, BE IT ORDERED BY COUNTY JUDGE SCOTT M. FELTON AND THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108 AND OTHER LAW:

1. That a public disaster, and a public health emergency is hereby declared for and in McLennan County, Texas effective immediately.
2. That this Order shall continue for a period of not more than 20 days from the date hereof unless continued or renewed by the McLennan County Commissioners Court.
3. **Health and Safety Policy – Commercial Entities.**
 - a. From the date of this Order, every commercial entity in the McLennan County, Texas providing goods or services directly to the public must develop and implement a health and safety policy (“**Health and Safety Policy**”).
 - b. The Health and Safety Policy must require, at a minimum, that every employee or visitor to the commercial entity’s business premises or other facilities wear a Face Covering when in an undivided room or area with coworkers or the public or while performing an activity which necessarily involves or is reasonably likely to involve close proximity to coworkers or the public such that six feet of separation is not feasible. It is the commercial entity’s responsibility to bar entry to the commercial

entity by a customer who is not wearing a Face Covering. Therefore, the policy should set forth how employees are to monitor for compliance by customers and how they are to handle non-compliance. Whether the commercial entity maintains masks to provide to customers without a mask is up to the commercial entity.

“Commercial entity” as used herein does not include: outdoor operations where social distancing is generally followed; offices of other governmental entities; churches; or health providers that already have policies in place that have been medically vetted.

“Face Covering” as used herein means a cloth or paper mask, or a bandana or scarf, that covers the mouth and nose and fits tightly to the face (and does not merely hang over the mouth and nose). Face shields are not Face Coverings because they are open at the bottom.

- c. The Health and Safety Policy required to be developed and implemented by the Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings for employees and provision of hand sanitizer stations for both employees and customers.
 - d. The commercial entity must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of its Health and Safety Policy.
 - e. Failure to develop, conspicuously place, and implement the Health and Safety Policy required by this Order on or before 12:01 a.m. of the fifth day after this Order becomes effective is an offense that may result in a fine not to exceed \$1,000.00. Each day of violation is a separate offense. **HOWEVER**, because of the dire need to slow the spread of COVID-19, the Face Covering requirement shall be implemented by Commercial Entities on or before 12:01 a.m. of the day following the Effective Date of this Order. Failure to do so is an offense punishable by a fine not to exceed \$1,000, each day of violation constitutes a separate offense.
 - f. It is a defense to prosecution that the commercial entity operated is a restaurant or bar and does not require a patron to wear a face covering while eating or drinking when the patron is at least six feet away from persons not in his or her party.
4. That all provisions of this Order should be interpreted to effectuate this intent. To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated into and constitute terms of this Order, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.
 5. In accordance with the limitations contained in the executive orders of the Texas Governor, that any peace officer, code enforcement officer, health official, or other person with lawful authority is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975.

6. That this Order shall become effective immediately.
7. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
8. That any violation of this Order can be enjoined by a suit filed in the name of McLennan County in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision set forth by state law.
9. That the County must promptly provide notice of this Order by posting it on the County website and by filing it with the County Clerk.
10. That if any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or application of this Order.

ORDERED on this the ____th day of June, 2020, being the EFFECTIVE DATE.

SCOTT M. FELTON
COUNTY JUDGE

Attest:

COUNTY CLERK OR DESIGNEE

**RESOLUTION OF THE COUNTY JUDGE AND
COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS,
RECOMMENDING FACE-COVERINGS TO ASSIST
IN CONTROLLING THE SPREAD OF COVID-19**

Whereas, there is increasing occurrence of COVID-19 within the County and throughout the Central Texas area; and

Whereas, many of the precautions recommended by the CDC including social distancing, minimizing gatherings, wearing face-coverings, etc are not being followed; and

Whereas, the Cities of Waco, Hewitt and Woodway have implemented face-covering orders that cover over 60 percent of the County's population and an even higher percentage of businesses and the County supports those orders; and

Whereas, other Cities in the County have chosen to not implement face-covering orders and the County supports those decisions as well; and

Whereas, Governor Abbot has stated, "Wearing a face-covering will help us to keep Texas open, because not taking action to slow the spread will cause Covid to spread even worse, risking people's lives and ultimately leading to the closure of more businesses."

**NOW, THEREFORE, BE IT RESOLVED BY COUNTY JUDGE SCOTT M. FELTON
AND THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS**

1. CDC Guidelines should be followed. These include: Social distancing, minimizing gatherings, proper handwashing, wearing a face-covering when in the community and around people not in your household.
2. The decision on whether or not to issue a face-covering order should be left up to the individual Cities in our County so the order can be best tailored to support their City.
3. If this upward trend in new cases continues, the County is prepared to implement additional restrictions.
4. The County strongly recommends the use of masks and social distancing and encourages businesses to ask their patrons to wear face-coverings to protect their employees and other patrons.