

NOTICE OF MEETING OF THE MCLENNAN COUNTY COMMISSIONERS COURT

NOTICE IS HEREBY GIVEN that, in accordance with the Government Code, Chapter 551, (known as the Open Meetings Act), as amended, a special meeting of Commissioners' Court, the governing body of McLennan County, will be held on Tuesday, the 31st day of March, 2020 at 9:00 o'clock a.m. in the Commissioners' Courtroom, 1st Floor, West Wing, McLennan County Courthouse, 501 Washington, City of Waco, Texas, at which time, the subjects below will be considered and potentially acted upon.

AGENDA

A. Proof of Posting of Notice

B. Moment of Silence / Invocation and Pledge

C. Public Comments

D. Human Resources / Salary Matters:

- 1. Consideration and/or Action on Department Head Evaluations / Reviews and Salary

E. Additional Items for Discussion and Potential Action:

- 1. Authorization of Request for Due Date Extension and Waiving of Penalties/Interest Fees: Key Hotel Investment, LTD dba Hotel Indigo (re: Hotel Occupancy Tax)
2. Discussion and/or Action regarding Installation of Public Kiosk for eFiling (re: Justice of the Peace, Precinct 4)
3. Consideration and Action on Adopting a Sick Leave Policy Under the Families First Coronavirus Response Act which will Replace and End the County's Temporary Emergency Sick Leave Policy related to COVID-19
4. 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

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; Incentive Pay; 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 27th day of March, 2020
[Signature]
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 27th day of March, 2020.

Witness my hand and seal of office at Waco, McLennan County, Texas the 27th day of March, 2020 at 12:55 p.m.

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

BY: [Signature] (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

J.A. "ANDY" HARWELL, County Clerk
McLennan County, Texas

FILED: **MAR 31 2020**

By Myrcetez Gowan-Perkins,
Deputy

AGENDA: MARCH 31, 2020

B. Moment of Silence / Invocation and Pledge

CD-556, 9:00

County Judge Felton stated that at this time we will have a moment of silence. County Judge Felton then stated that we will now have the Pledge of Allegiance.

AGENDA: MARCH 31, 2020

C. Public Comments

CD-556, 9:02

County Judge Felton opened the floor to anyone present who wished to address the Court on County business matters. Not hearing anyone speak, County Judge Felton closed the hearing.

2

The Court went to Item E. 4. Discussion and/or Action on Matters Re: 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 matter.

ORDER APPROVING:

ACTION ON MATTERS RE: 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

On this the 31 day of March, 2020, came on for consideration the matter of 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. After discussion, Judge Felton made a motion to extend the existing Order from April 7th to April 21st and it was seconded by Commissioner Miller. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Snell, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorization be, and the same is hereby, approved by unanimous vote.

**ORDER OF THE COMMISSIONER'S COURT OF McLENNAN COUNTY,
TEXAS EXTENDING THE COVID-19 LOCAL DISASTER
DECLARATION FOR McLENNAN COUNTY AND EXTENDING THE
ORDER OF THE COUNTY JUDGE AND COMMISSIONER'S COURT
DATED MARCH 24, 2020**

WHEREAS, on March 23, 2020 the McLennan County Commissioners Court entered its Shelter in Place Order for McLennan County, and Restated and Amended said Shelter in Place Order on March 24, 2020 (hereinafter "Shelter in Place Order"), all in response to the state of disaster and local public health emergency created by the COVID-19 pandemic; and

WHEREAS, on March 31, 2020, the Commissioners Court was presented with information indicating that the conditions creating the state of disaster and public health emergency could extend into at least May 2020; and

WHEREAS, based on such information the Commissioners Court determined that the state of disaster should be extended, along with the Shelter in Place Order, until April 21, 2020; and

WHEREAS, this action is based on medical and epidemiological information and estimates.

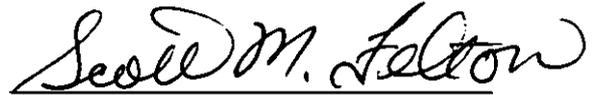
NOW, THEREFORE

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

- 1) the above recitals are incorporated herein and made findings of fact;
- 2) the state of disaster and public health emergency declared in and for McLennan County is extended through April 21, 2020;
- 3) the Shelter in Place Order and its various restrictions as restated and amended on March 24, 2020 is extended through April 21, 2020;

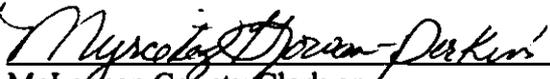
- 4) This Extension Order shall be filed with the County Clerk; and
- 5) This Extension Order shall be posted on McLennan County's website.

PASSED this 31st day of March 2020.



Scott M. Felton
County Judge
McLennan County, Texas

ATTEST:



Myrcotez Gowan-Perkins
McLennan County Clerk or
Designated Deputy Clerk

J.A. "ANDY" HARWELL, County Clerk
McLennan County, Texas

FILED: **MAR 31 2020**

By Myrcotez Gowan-Perkins,
Deputy

The Court went back to E. Additional Items for Discussion and Potential Action.

AGENDA: MARCH 31, 2020

E. Additional Items for Discussion and Potential Action:

- | | |
|--|--|
| 1. Authorization of Request for Due Date Extension and Waiving of Penalties/Interest Fees: Key Hotel Investment, LTD dba Hotel Indigo (re: Hotel Occupancy Tax) | Pulled – No Action Taken
<i>(See after Item E. 4.)</i> |
| 2. Discussion and/or Action regarding Installation of Public Kiosk for eFiling (re: Justice of the Peace, Precinct 4) | Approved |
| 3. Consideration and Action on Adopting a Sick Leave Policy Under the Families First Coronavirus Response Act which will Replace and End the County's Temporary Emergency Sick Leave Policy related to COVID-19 | Approved
<i>(See end of Meeting)</i> |
| 4. 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 | Approved
<i>(See after Item C.)</i> |

CD-556, 9:44

PULLED AND NO ACTION TAKEN:

**AUTHORIZATION OF REQUEST FOR DUE DATE EXTENSION AND WAIVING OF
PENALTIES/INTEREST FEES: KEY HOTEL INVESTMENT, LTD DBA HOTEL
INDIGO (RE: HOTEL OCCUPANCY TAX)**

On this the 31 day of March, 2020, came on for consideration the matter of Authorization of Request for Due Date Extension and Waiving of Penalties/Interest Fees: Key Hotel Investment, LTD dba Hotel Indigo (re: Hotel Occupancy Tax). Judge Felton directed the Clerk to show item as pulled and no action taken. No Action Taken.

ORDER APPROVING:

**ACTION RE: INSTALLATION OF PUBLIC KIOSK FOR
EFILING (RE: JUSTICE OF THE PEACE,
PRECINCT 4)**

On this the 31 day of March, 2020, came on for consideration the matter of Discussion and/or Action regarding Installation of Public Kiosk for eFiling (re: Justice of the Peace, Precinct 4). After discussion, Commissioner Perry made a motion to approve and it was seconded by Commissioner Miller. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Snell, Commissioner Miller, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorization be, and the same is hereby, approved by unanimous vote.

LISA FETSCH
DIRECTOR
INFORMATION TECHNOLOGY
MCLENNAN COUNTY



INFORMATION TECHNOLOGY DEPARTMENT
500 COLUMBUS
AVENUE WACO, TEXAS 76701-1388
(254)757-5164

March 23, 2020

Re: Justice of the Peace, Precinct 4 eFiling Project

To the Honorable Commissioners Court:

Justice of the Peace, Precinct 4 has requested that the Information Technology department assist them in implementing a public computer kiosk in their office to support eFiling. While JP Courts are not currently mandated to file in this manner, many other JP Courts within Texas have already incorporated this process, as it could be required in the future as it is for the higher courts. Additionally, there is a mandated increase in the Civil claims limit from \$10,000 to \$20,000 that takes effect September 1, 2020. This is expected to increase the workload on the JP Courts. Rather than wait for this to be mandated and risk delays in getting scheduled with the vendor, all JP Courts have requested that IT coordinate this eFiling integration into their Edoc case management system. There will be no added expense for this integration, and we are currently scheduled for a June/July project kickoff.

The JP4 Court is the only office at this time that would like to proceed with installing a public kiosk for local citizens, as they were designated by their local JP counterparts, to lead this initiative. Tyler Technologies will provide the eFiling services free of charge, as well as the online 'Guide & File' application that makes the filing process more accurate and efficient. It operates similar to tax processing products by walking the user through the filing process by posing a series of questions. This will reduce filing errors and questions posed to JP clerks that cannot provide legal counsel. The system includes interviews for all State required filing documents. Custom forms can be integrated for an additional fee, however is not common among clients. The JP office is hopeful to implement this service by May 2020.

The kiosk hardware expense for this project, plus 5% is \$811, for a computer, monitor/mount and UPS. Electrical and network cabling needs can be installed by Maintenance of Buildings and Information Technology staff. The workstation will be furnished by the JP4 office.

Judge Richardson is asking that these expenses be funded by the JP Technology fund. I am submitting this request for your consideration.

Respectfully,

Lisa Fetsch

J.A. "ANDY" HARWELL, County Clerk
McLennan County, Texas

FILED: **MAR 31 2020**

By Myrcetez Gowan-Perkins,
Deputy

APPROVED BY COMMISSIONERS COURT
THIS 31 DAY OF MARCH 2020

COUNTY JUDGE

The Court went to D. Human Resources / Salary Matters.

AGENDA: MARCH 31, 2020

D. Human Resources / Salary Matters:

1. Consideration and/or Action on Department
Head Evaluations / Reviews and Salary

*Item Discussed
in Executive
Session*

CD-556, 9:49

ORDER RECESSING TO EXECUTIVE SESSION

On this the 31 day of March, 2020, at 9:57 o'clock a. m. the County Judge announced that at this time we will go into Executive Session in accordance with Section 551.074 of the Local Government Code (V.C.T.A.)

ORDER RECONVENING SPECIAL SESSION

On this the 31 day of March, 2020, at 12:06 o'clock p.m. the Court reconvened in Special Session with Judge Felton presiding and Commissioners Kelly Snell, Patricia Chisolm-Miller, Will Jones, Ben Perry and the Clerk thereof being in attendance, the following proceedings were had and done to-wit:

ORDER RECESSING TO SPECIAL SESSION

On this the 31 day of March, 2020, at 12:06 o'clock p.m., Judge Felton announced that this meeting of March 31, 2020 stands in recess until 1:30 p.m.

ORDER RECONVENING SPECIAL SESSION

On this the 31 day of March, 2020, at 1:40 o'clock p.m. the Court reconvened in Special Session with Judge Felton presiding and Commissioners Kelly Snell, Patricia Chisolm-Miller, Will Jones, Ben Perry and the Clerk thereof being in attendance, the following proceedings were had and done to-wit:

ORDER RECESSING TO EXECUTIVE SESSION

On this the 31 day of March, 2020, at 1:40 o'clock p. m. the County Judge announced that at this time we will go into Executive Session in accordance with Section 551.074 of the Local Government Code (V.C.T.A.)

ORDER RECONVENING SPECIAL SESSION

On this the 31 day of March, 2020, at 2:51 o'clock p.m. the Court reconvened in Special Session with Judge Felton presiding and Commissioners Kelly Snell, Patricia Chisolm-Miller, Will Jones, Ben Perry and the Clerk thereof being in attendance, the following proceedings were had and done to-wit:

The Court went back to Item E. 3. Consideration and Action on Adopting a Sick Leave Policy Under the Families First Coronavirus Response Act which will Replace and End the County's Temporary Emergency Sick Leave Policy related to COVID-19.

ORDER REGARDING:

**ACTION ON ADOPTING A SICK LEAVE POLICY UNDER THE
FAMILIES FIRST CORONAVIRUS RESPONSE ACT WHICH
WILL REPLACE AND END THE COUNTY'S TEMPORARY
EMERGENCY SICK LEAVE POLICY
RELATED TO COVID-19**

On this the 31 day of March, 2020, came on for consideration the matter of Consideration and Action on Adopting a Sick Leave Policy Under the Families First Coronavirus Response Act which will Replace and End the County's Temporary Emergency Sick Leave Policy related to COVID-19. After discussion, Commissioner Snell made a motion to rescind the County Order to go by the Federal Order (except for Item 6 of the Order) and it was seconded by Commissioner Perry. Said Motion failed.

After further discussion, Commissioner Snell amended his motion to approve (to cancel and rescind the Temporary Emergency Sick Leave provided by the County's March 18, 2020 policy and to replace said policy with the policy enacted under the Families First Coronavirus Response Act; Employees already on Temporary Emergency Sick Leave as granted by the March 18, 2020 Order approved by the Court are to end their use of the leave provided by said Order as of March 31, 2020) and it was seconded by Commissioner Jones. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Snell, Commissioner Jones and Commissioner Perry with Commissioner Miller abstaining. It is ordered by the Court that said Authorization be, and the same is hereby, approved by majority vote.

**ORDER OF THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS
ADDRESSING EMPLOYEE ABSENCES RESULTING FROM COVID-19 AND
PROVIDING FOR SICK LEAVE FOR ABSENCES RESULTING FROM COVID-19-
RELATED MATTERS REPLACING THE ORDER SIGNED ON MARCH 17, 2020,
AS AMENDED, ADDRESSING EMPLOYEE ABSENCES RESULTING FROM
COVID-19**

WHEREAS, President Trump has declared the spread of COVID-19 a national emergency;

WHEREAS, the emergent nature of this situation and its effect on employees justifies the Commissioners Court taking action to alleviate some of the stress and concern, to limit exposure, and to avoid employees coming to work with symptoms of the virus or after potential exposure because of the need to earn a living;

WHEREAS, the “Families First Coronavirus Response Act” (hereinafter “Act”) was enacted by President Trump on March 18, 2020;

WHEREAS, this Court adopted a policy to address these matters before the Families First Coronavirus Response Act but it has now become necessary to adopt and clarify policies relating to leave under the Act and to cancel the March 17, 2020 policy, as amended, of the County which provides essentially the same leave.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS THAT:

1. Because the leave provided by the Act duplicates the Temporary Emergency Sick Leave provided by the County’s March 17, 2020 policy, as amended, which preceded the Act, the March 17, 2020 policy of the Commissioners Court, as amended, is cancelled and rescinded, and replaced by the policy enacted under the Act as set forth herein. Those already on Temporary Emergency Sick leave as granted by the March 17, 2020 Order of this Court, as amended, will cease use of the leave on March 31st, 2020; these individuals may be eligible for the benefits outlined in the Families First Coronavirus Response Act and/or the Emergency Family Medical Leave Act which commences as of April 1st, 2020.

The Act

2. In addition to the County’s standard Sick Leave Policy, and as mandated by the Families First Coronavirus Response Act, full-time employees shall have an additional 80 hours of paid sick leave and part-time employees shall have the number of hours as typically worked during a two-week period because the employee is:

- i. subject to a federal, state or local quarantine or isolation order related to COVID-19;
- ii. advised by a health care provider to self-quarantine due to COVID-19 concerns;
- iii. experiencing COVID-19 symptoms and seeking medical diagnosis;
- iv. caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
- v. caring for the employee’s child if the child’s school or place of care is closed or the child’s care provider is unavailable due to public health emergency; or

vi. experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

3. The paid sick time provided by the Families First Coronavirus Response Act becomes effective on April 1, 2020 and expires on December 31, 2020 and does not carry over into the next year.

4. The paid sick time provided by the Families First Coronavirus Response Act may be used before any additional sick leave that the employee may have already accrued.

5. In accordance with the Families First Coronavirus Response Act and its expansion of the Emergency Family Medical Leave Act, any employee who has worked for the County for more than 30 days, may take up to twelve weeks of FMLA leave for absences related to COVID-19 as described in roman numeral v in Paragraph 2 of this Order. Employees must use any accrued paid leave during that time period.

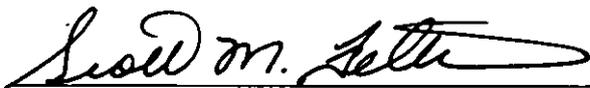
The first ten days of expanded FMLA leave under the Families First Coronavirus Response Act are unpaid if an employee does not have any accrued paid time off. Thereafter, the next 10 weeks of leave will be paid at 2/3rds of the employee's salary or rate in accordance with Section 110 (b) of the Families First Coronavirus Response Act. In accordance with the Families First Coronavirus Response Act, paid leave under the Act shall not exceed \$200 per day and \$10,000 in the aggregate. Further, in accordance with the Fair Labor Standards Act, at no point shall an employee's pay go below Federal minimum wage.

6. Employees shall notify his or her supervisor of the need for leave related to COVID-19 by telephone call. For purposes of childcare-related leave an essential employee necessary for public services to be provided may be denied leave unless there is no possible alternative for childcare.

7. Use of sick leave for COVID-19 related absences, as described in this order, must be approved by the employee's supervisor. The supervisor shall provide a short statement of the reason for the leaves' use on or with the applicable timesheet. HOWEVER, to monitor the use of this leave and protect against abuse the supervisor shall require the employee to complete a questionnaire provided by H.R. and send the completed questionnaire to H.R. immediately after completion. Medical information on the questionnaire should only be shared with H.R. H.R. shall confirm eligibility for leave under this policy and report its determination to the employee, supervisor and the Auditor's Office. This shall not affect the ability of the payroll to be paid based on the timesheet if the leave request cannot be stopped in time so that it will not interfere with payroll. However, if leave was improperly granted, the matter shall become a potential disciplinary matter for the supervisor, and/or the employee may have any days used charged against the employee's paid leave balances, and not against the temporary leave under this policy.

8. The employee taking the leave must provide (or have provided) to H.R. proof that the leave is eligible under this policy (i.e. doctor's note, identification of a childcare facility closure, health district note, or other acceptable information). Proof required by this section may be furnished by email, mail, or other form of delivery. Where the requested leave is based on the need to provide childcare the employee must explain why the alternatives that have worked to date are no longer available.

Passed this 31st day of March 2020.



Scott M. Felton, County Judge

Attest:

J.A. "Andy" HARWELL, County Clerk
McLennan County, Texas



By. Deputy County Clerk

J.A. "ANDY" HARWELL, County Clerk
McLennan County, Texas

FILED: **MAR 31 2020**

By Myrcetez Gowan-Perkins,
Deputy

ORDER ADJOURNING SPECIAL SESSION

On this the 31 day of March, 2020, at 4:00 o'clock p.m. Judge Felton announced that the meeting of March 31, 2020 is adjourned.

APPROVAL OF MINUTES

The above and foregoing minutes having been read in open Court and found to be correct, the same are hereby, approved this the _____ day of _____, 2020.

**Kelly Snell,
Commissioner Precinct 1**

**Patricia Chisolm-Miller,
Commissioner Precinct 2**

**Will Jones,
Commissioner Precinct 3**

**Ben Perry,
Commissioner Precinct 4**

**Scott M. Felton,
County Judge**

**ATTEST: J. A. "Andy" Harwell,
McLennan County Clerk**

By _____ **Deputy County Clerk**
Myrce'tez Gowan-Perkins