



Re-Certification of In-Person Operating Plan
Alvin Municipal Court

January 4, 2021

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 Alvin 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. 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;
- 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 county/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 Alvin 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 Virtual Court. 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 Virtual Court. 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
 - 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 Virtual Court;
 - ii. a physical disability that precludes them from effectively seeing, hearing, or otherwise participating in a Virtual Court hearing;
 - iii. the lack of or unavailability of an interpreter who can assist the individual in communicating during a Virtual Court hearing;
 - 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;

- 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*¹ analysis.
 - d. A proceeding where one Participant 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 Virtual Court 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 Municipal Court shall consider include:

1. When an individual does not have adequate technological resources on their own to participate in a Virtual Court 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;
 - 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 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 via Video Magistrate;
 - b. if the facility does not have the technological resources to allow the inmate to participate in Video Magistrate 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.

Sincerely,



Mo Ghuneim
Presiding Judge
Alvin Municipal Court
Brazoria County, Texas
Date: 1-4-2021



Paul Horn
Mayor
City of Alvin
Brazoria County, Texas
Date: 1-4-2021





VULNERABLE POPULATIONS

If you are over age 65, or have a serious underlying health condition, such as high blood pressure, chronic lung disease, diabetes, obesity, or have an immune system compromised by chemotherapy for cancer, or have another condition requiring therapy, please notify court staff at 281-388-4250 to discuss alternate accommodations.



COVID-19
CORONAVIRUS DISEASE 2019

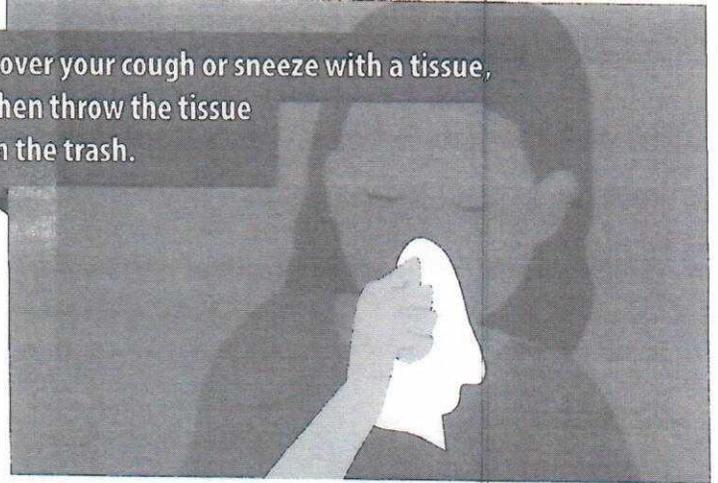
STOP THE SPREAD OF GERMS

Help prevent the spread of coronavirus by following these tips:

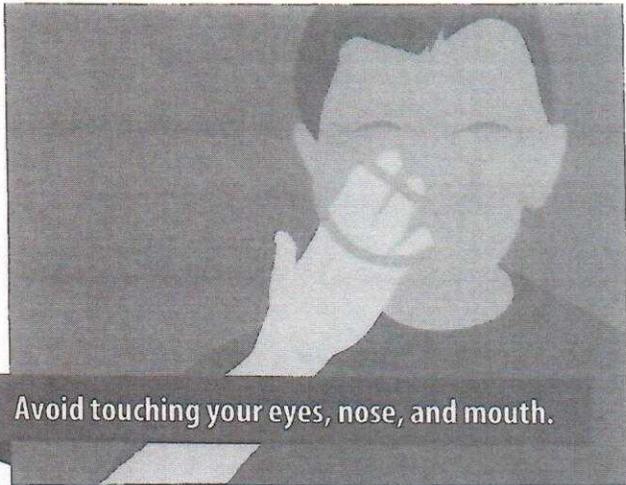
Avoid close contact with people who are sick.



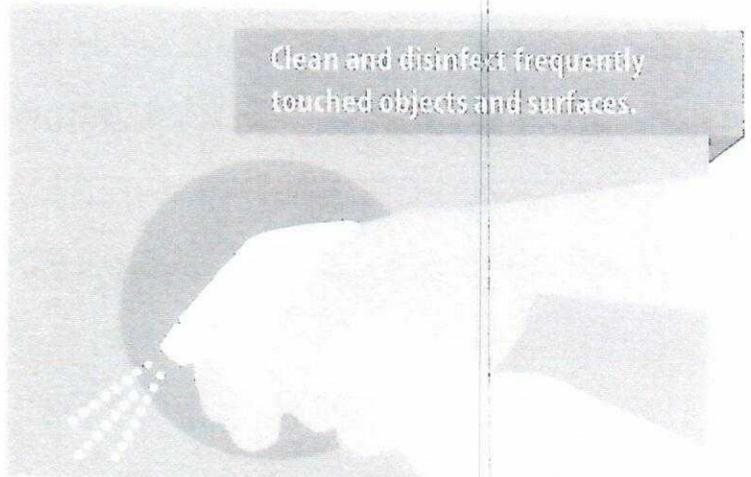
Cover your cough or sneeze with a tissue, then throw the tissue in the trash.



Avoid touching your eyes, nose, and mouth.



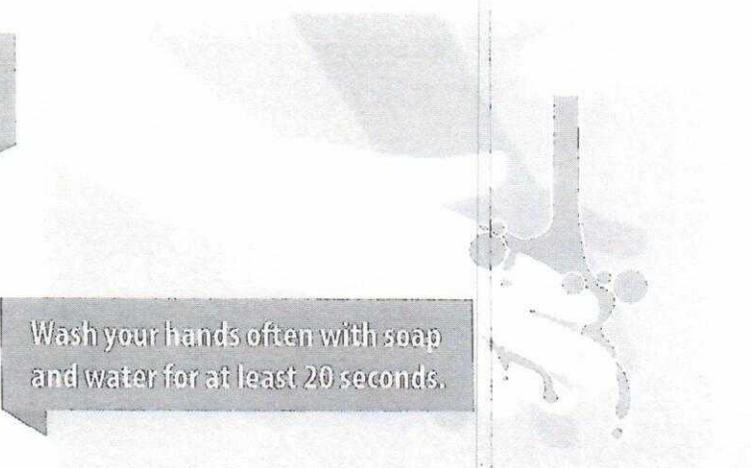
Clean and disinfect frequently touched objects and surfaces.



Stay home when you are sick, except to get medical care.



Wash your hands often with soap and water for at least 20 seconds.



TEXAS
Health and Human
Services

Texas Department of State
Health Services

For more information: dshs.texas.gov/coronavirus

PLEASE

**WEAR FACE COVERING
AND
SANITIZE HANDS
UPON ENTRY**

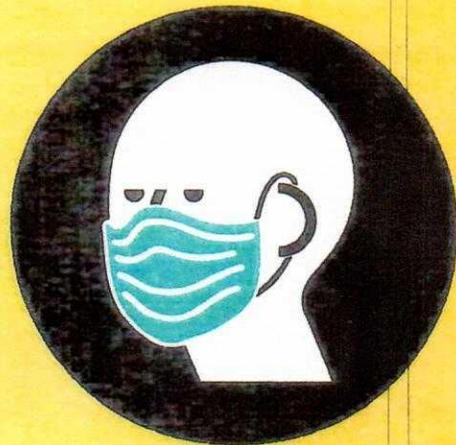
**FACE MASK OR
FACE COVERING**

**MUST BE
WORN
TO ENTER**



**MASCARILLA O
CUBIERTA FACIAL**

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Modified COVID-19 Operating Plan for the City of Alvin Municipal Court

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the City of Alvin 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 the 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 and Mayor and adjust this operating plan as necessary with conditions in the city.
4. Judges will conduct remote hearings starting 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 when possible.
2. Judge and Court Staff Monitoring Requirements: the Court will take regular temperature checks and ensure that no staff member has any illness before participating in any in-person court proceedings.
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 are required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all times.
5. Protective Measures: The Court has procured portable plexiglass/acrylic sneeze guards to be used in the Courtroom by the court staff, Judge, and prosecutor during all in-person court proceedings. Additionally, the court staff, Judge, and prosecutor be provided with individual hand sanitizers, will wear facial coverings during all in-person court proceedings, and be socially distanced during in-person court proceedings from each other and the public.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
2. In order to further minimize the number of defendants in the Courtroom at one time, the Judge will be seeing defendants as soon as they enter the Courtroom.
3. Jury trial dockets have been suspended until further notice.

4. Defendants can request options under the Judges standing orders to resolve their case via the internet to avoid coming in-person the court window.

After January 1, 2020, the Court will only schedule in-person dockets for those who cannot remotely connect with no more than 25 individuals allowed in the Courtroom at a time. Additionally, the Court conducts virtual court hearings for all others that have the capability to participate in Virtual Court, are in the vulnerable population, and who do not feel comfortable attending in-person court proceedings.

Criteria for in-person

1. Persons without the internet or any electronic device.
2. Persons who are disabled and are unable to use electronic devices or the internet for remote hearings. Our Court has established many safety measures for those individuals.
3. Non-English speaking people who are unable to appear virtually.

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. Notice with this information will be posted on the courts' websites and inconspicuous locations around the court building (a copy of which is attached).
3. Vulnerable populations who are scheduled for Court will be accommodated by being provided the opportunity to appear for virtual court proceedings. If those individuals are not capable of appearing through virtual Court, the Court will make other accommodations as necessary and possible.

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 an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
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.

Gallery

5. 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.

6. The gallery of the Courtroom has been marked to identify appropriate social distancing in the seating. The chairs in the Courtroom have been moved to provide only 25 chairs for the public. The distance between each chair has been measured and is no less than six feet apart. Additionally, no individuals other than those on the docket will be allowed in the Courtroom.

Well

7. In the Courtroom, the counsel tables, witness stand, Judge's bench, and clerk and bailiff seating have been arranged in such a way so that there is a 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 elevators on each floor, and outside of each Courtroom. Additionally, hand sanitizer dispensers will be available at the bench for individuals to use when digitally signing documents for Court.

2. Tissues have been placed near the door of the Courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways. Additionally, tissues will be available at the bench for individuals to use when digitally signing documents for Court.

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

Screening

1. When individuals attempt to enter the Courtroom, the court bailiff will ask the individuals 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 Courtroom.

2. When individuals attempt to enter the Courtroom, the court bailiff 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 Courtroom.

3. Staff who are screening individuals entering the Courtroom will be provided personal protective equipment, including facial coverings, gloves, hand sanitizer, and tissues, and will be educated by the City's Emergency Medical Services Director on the proper usage of personal protective equipment and on the screening instructions and guidelines.

Face Coverings

1. All individuals entering the Courtroom 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 day.
2. Courtroom staff will clean the Courtroom between every docket, and at the end of each day, the Courtroom is used.
3. Court building cleaning staff and courtroom staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff and courtroom staff are trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

The City of Alvin Municipal Court is housed in the City Council Chambers in City Hall; therefore, we have made the distinction between the Courtroom and the Court building.

I have conferred with all judges of the Alvin Municipal Court regarding this Operating Plan. In developing the plan, I consulted with the local health authority and Mayor, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Submitted and Updated: January 7, 2021

Mohamad Ghuneim
Presiding Judge
Alvin Municipal Court
Brazoria County, Texas