



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Monday, March 23, 2020

12:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor ProTem Diane Huddleston	☐	☐	☐	
Council Member Dennis Beasley	☐	☐	☐	
Council Member Libby Simonson	☐	☐	☐	
Council Member David Arnold	☐	☐	☐	
Council Member Chipper Smith	☐	☐	☐	
Council Member Neal Thornton	☐	☐	☐	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

III. REGULAR AGENDA

A. Regular Session

1. Ordinance 2020-11

Consider adoption of an Ordinance amending and modifying the Disaster Declaration, ordered by the Mayor on March 16, 2020.

- Liberty Co.Exec.Order-March 20 (PDF)

2. Resolution 2020-4

Consider a Resolution approving a City of Liberty Pandemic Event Leave Policy, as a result of the COVID-19 Disease.

- Pandemic Leave Policy (DOCX)

3. Resolution 2020-5

Consider a Resolution approving a City of Liberty Policy on Telecommuting, as a result of the COVID-19 Disease.

- Telecommuting Policy (DOCX)

4. Work Session (ID # 4735)

Discussion of numerous issues related to the COVID-19 Disease.

- County Notice-No May Election (PDF)

5. Resolution 2020-6

Consider a Resolution approving action taken, as a result of the COVID-19 Disease, as discussed in the Work Session.

6. Ordinance 2020-12

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, POSTPONING THE CITY'S GENERAL ELECTION TO NOVEMBER 3, 2020, PREVIOUSLY ORDERED FOR THE 2ND DAY OF MAY, 2020, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; AUTHORIZING A JOINT ELECTION AGREEMENT WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND AN ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY AND THE LIBERTY COUNTY ELECTIONS ADMINISTRATOR; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

7. Ordinance 2020-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, POSTPONING THE CITY'S SPECIAL ELECTION TO NOVEMBER 3, 2020, PREVIOUSLY ORDERED FOR THE 2ND DAY OF MAY, 2020, FOR THE PURPOSE OF VOTER CONSIDERATION OF PROPOSITIONS AMENDING THE HOME RULE CHARTER; AUTHORIZING A JOINT ELECTION AGREEMENT WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND AN ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY AND THE LIBERTY COUNTY ELECTIONS ADMINISTRATOR; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS

IV. ADJOURNMENT

Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 20th day of March, 2020 at 12:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.



Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2020.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.1

Meeting: 03/23/20 12:00 PM

Department: Administration
Category: Disaster Documents

ORDINANCE 2020-11

DOC ID: 4732 A

Department: Administration

Subject: Disaster Declaration Extension

Background: On March 16, 2020, the Mayor issued a proclamation declaring a state of disaster for the City of Liberty resulting from the Coronavirus Disease. The Texas Government Code provides that a local state of disaster may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision. Since the City of Liberty continues to face the spread of a pandemic outbreak or other health emergency resulting from the novel COVID-19 Disease, the continuation of the declaration of disaster should be extended. The state of disaster for public health emergency will continue until rescinded by the City Council of the City of Liberty. This declaration shall take effect immediately after its issuance.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the ordinance extending the Declaration of Disaster due to the COVID-19 Disease.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, EXTENDING THE DECLARATION OF DISASTER ISSUED BY MAYORAL PROCLAMATION IN RESPONSE TO COVID-19

WHEREAS, Carl Pickett, Mayor of the City of Liberty, Texas, previously issued a Mayoral Proclamation declaring a state of disaster for the City of Liberty to alleviate the suffering of people and to prevent the spread of COVID-19 throughout the City of Liberty; and

WHEREAS, the conditions necessitating such disaster declaration continue to exist; and

WHEREAS, the City Council has determined that extraordinary measures must be taken to alleviate the suffering of people and to prevent the spread of COVID-19 throughout the City; and

WHEREAS, pursuant to Section 418.108(b), Texas Government Code, a local state of disaster may not be continued for a period in excess of seven (7) days without the consent of the governmental body of the political subdivision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS THAT:

SECTION 1. The disaster declaration, which was previously signed and executed by the Mayor, shall hereby be renewed, extended, and modified, as authorized by Section 418.018 of

the Texas Government Code, until such time that said renewal and extension is cancelled by the City Council.

SECTION 2. Any and all restrictions and regulations relating to the movement of persons or the occupancy of premises issued by United States President Donald J. Trump, Texas Governor Greg Abbott or Liberty County Judge Jay Knight shall be given full effect within the City of Liberty.

SECTION 3. A person who violates any provision of these regulations, upon conviction, is punishable by a fine of not more than one thousand dollars (\$1,000.00) or confinement in the Liberty County Jail for a term not to exceed 180 days.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ON THIS THE ____ DAY OF MARCH, 2020.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**LIBERTY COUNTY
EXECUTIVE ORDER
March 20, 2020**

**EXECUTIVE ORDER OF LIBERTY COUNTY JUDGE
MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES**

WHEREAS, by Commissioners Court Order issued on March 13, 2020, the Commissioners Court of Liberty County declared a state of disaster for Liberty County, resulting from COVID-19;

WHEREAS, by Commissioners Court Order issued on March 20, 2020, the Commissioners Court of Liberty County renewed a declaration a state of disaster for Liberty County, resulting from COVID-19;

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management;

WHEREAS, Texas Government Code Sec. 418.018(c) states the governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;

WHEREAS, Texas Government Code Sec. 418.1015 states:

- (a) The presiding officer of the governing body of an incorporated city or a county or the chief administrative officer of a joint board is designated as the emergency management director for the officer's political subdivision.
- (b) An emergency management director serves as the governor's designated agent in the administration and supervision of duties under this chapter. An emergency management director may exercise the powers granted to the governor under this chapter on an appropriate local scale.

WHEREAS, The CDC and President of the United States have issued guidelines to slow the spread of COVID-19;

WHEREAS, by Executive Order issued on March 19, 2020, the Governor of the State of Texas, ordered certain restrictions of gatherings and recommended certain business practices to contain the spread of COVID-19;

WHEREAS, the regulations that are ordered herein are the least restrictive measures to achieve the common goals of our community; and

WHEREAS, additional restrictive measures may be implemented as merited by the continuously changing circumstances caused by the spread of COVID-19.

NOW, THEREFORE, the following regulations shall take effect at midnight on March 20, 2020 and shall operate until the declaration of the state of emergency has ended by non-renewal or otherwise;

MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

Order No. 1. In accordance with the Guidelines from President Trump, Governor Abbott and the CDC, every person in Liberty County, Texas shall avoid social gatherings in groups of ten (10) or more. "Social gatherings" includes conferences, festivals, parades, concerts, sporting events, weddings, funerals, religious ceremonies and any other type of assembly.

Order No. 2. In accordance with the Guidelines from the President, Governor and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage parlors and game rooms; provided, however, that the use of drive-thru, pick-up, or delivery options is allowed and highly encouraged throughout the duration of this executive order.

Order No. 3. In accordance with the Guidelines from the President, Governor and the CDC, people shall not visit nursing homes or retirement, or long-term care facilities unless to provide critical care assistance.

Order No. 4. In accordance with the Guidelines from the President, Governor and the CDC, schools shall temporarily close through April 10, 2020. This does not apply to licensed child-care facilities, including a daycare center, group daycare home or family home. All childcare facilities should continue to follow the guidance from the Texas Health and Human Service (HHSC) Child Care Licensing Department, the CDC and the Texas Department of State Health Services (DSHS).

Order No. 5. Any building which the public has access to, including a daycare facility, is hereby restricted from being occupied by more than 20% of the Maximum Occupancy requirements as set forth by the International Building Code (IBC). Maximum Occupancy signs shall be prominently displayed to show this reduced number in these places. Persons must adhere to social distancing by keeping a minimum of 6 feet separation from each other.

Order No. 6. A twenty-four (24) hour curfew shall be in place throughout Liberty County for all individuals who are under the age of 18 who are not currently in school. This curfew does not apply if the individual under the age of 18 is accompanied by school personnel, a parent, or guardian. Persons under the age of 18 are allowed to travel to and from: work, school, grocery stores, pharmacies, gas stations, parks, banks, and restaurants with the permission of their parent or legal guardian.

Recommendations. People, businesses and communities should immediately undertake hygiene, cleanliness and sanitation practices that are accessible, affordable

and known to be effective against COVID-19. Wash hands often for twenty (20) seconds and encourage others to do the same. If no soap and water are available, use hand sanitizer with at least 60% alcohol. Cover coughs and sneezes with a tissue, then throw the tissue away. Avoid touching your eyes, nose, and mouth with unwashed hands. Disinfect surfaces, buttons, handles, knobs, and other places touched often. Avoid close contact with people who are sick. People who are known to have, or are under investigation or monitoring, for COVID-19, should adhere to the direction provided to them by duly authorized persons, including public health officials. Failure to abide by such direction may result in involuntary quarantine or isolation for the purposes of preventing further community spread of COVID-19.

People who are ill, especially those with symptoms consistent with influenza or COVID 19, should isolate themselves at home until they recover. Such persons should only present for medical evaluation and treatment if their symptoms are such that they cannot continue to be cared for in their home. And, when seeking medical care should call their doctor or health care facility before arriving to allow them to prepare. Limit trips into the public to essential outings. Traveling to work, the grocery store, the pharmacy or to seek medical care would be considered essential trips. Limit as much as possible close contact with other people. Stay six feet away. Employers should allow work at home alternatives to the greatest extent possible.

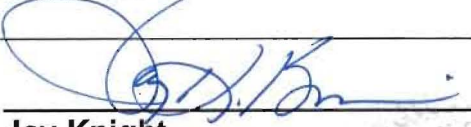
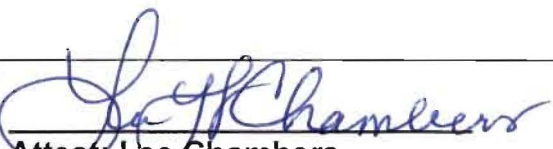
This executive order does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19.

This executive order does not mandate sheltering in place, but it is encouraged. Any travel not to work, grocery stores, pharmacies, or other healthcare facilities is discouraged.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms, and this order shall remain in effect until extended, modified, amended, rescinded, or superseded.

Penalties. These regulations shall have the effect of ordinances when duly filed with the Liberty County Clerk. A person who violates any provision of these regulations, upon conviction, is punishable by a fine of not more than one thousand dollars (\$1000.00) or confinement in the Liberty County Jail for a term not to exceed 180 days.

ORDERED THIS 20th DAY OF March 2020.

 Jay Knight Liberty County Judge	 Attest: Lee Chambers Liberty County Clerk
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The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.2

Meeting: 03/23/20 12:00 PM

Department: Administration
Category: Policy Issues

RESOLUTION 2020-4

DOC ID: 4733 A

Department: Personnel

Subject: Pandemic Event Leave Policy

Background: The recent outbreak of the Coronavirus (COVID-19) Disease has resulted in the development and implementation of a Pandemic Event Leave Policy. The policy was implemented to decrease the spread of the pandemic causative agent and reduce the impact on the workplace. The city will accomplish this by promoting all employees with pandemic causative agent like symptoms to stay home and away from the workplace. In the event the pandemic episodes severity increases resulting in school dismissals, child-care program closures, etc., it will permit an employee time away from work to provide care for their children and/or other ill immediate family members when necessary. This policy will permit eligible employees to realize a negative sick leave accrual balance under certain conditions. The negative sick leave accrual shall be settled by either the employee making a cash payment to the City for the remaining accrued balance or by applying all earned vacation, sick or personal leave accruals against the negative balance until the balance is satisfied. A copy of the policy is enclosed.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the resolution adopting the Pandemic Event Leave Policy.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE CITY OF LIBERTY'S PANDEMIC LEAVE POLICY

WHEREAS, beginning in December of 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, and has since spread throughout the world; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases, the virus has caused death; and

WHEREAS, a Disaster Declaration has been issued by the President, Governor, and Mayor; and

WHEREAS, it is important and necessary for City employees to continue working during this disaster in order to protect the health and safety of our citizens; and

WHEREAS, the City Council recognizes the need to adopt a pandemic leave policy in order to guide our employees during this uncertain time.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby adopts the Pandemic Leave Policy attached hereto as Exhibit A.

PASSED AND APPROVED this 23rd day of March, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

City Secretary

CITY OF LIBERTY

PANDEMIC LEAVE POLICY

Policy Summary

During the occurrence of a pandemic event the City of Liberty must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent and reduce the impact on the workplace. For this to be accomplished the City will promote that all employees with pandemic causative agent like symptoms stay home and away from the workplace. In the event the pandemic episodes severity increases resulting in school dismissals, child-care program closures, etc. it will permit an employee time away from work to provide care for their children and/or other ill immediate family members when necessary.

The U.S. Congress passed The Families First Coronavirus Response Act (the “Act”) on March 18, 2020. The Act created new rules and regulations related to emergency family and medical leave and emergency sick leave.

Policy

The following policy will take immediate effect if/when the City of Liberty determines that a pandemic or a potential pandemic is eminent and will remain in effect until the City of Liberty determines that a pandemic or potential pandemic is no longer a threat to the organization or its employees. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action up to and including termination.

- A. This policy shall become activated when a pandemic disaster is declared by the City of Liberty’s Mayor and shall continue until such time that the disaster declaration is lifted.
- B. Prior to taking leave under this policy employees shall provide the City Manager, or his designee, with notice of their leave as is practicable. The City Manager, or his designee, must approve any leave under this policy. Employees seeking to take leave under this policy due to their own illness must provide the City Manager, or his designee, with a note from a doctor/physician’s assistant/nurse practitioner detailing the need for said leave. If the employee is taking leave to care for a family member, as set forth herein, the employee shall provide written documentation as requested by the City Manager, or his designee.
- C. It is important to note that essential and/or emergency personnel may be required to work regardless of their situations. The City Manager shall have discretion to make said decisions.
- D. Emergency Paid Sick Leave:
 - a. As set forth in the Act, all full-time and part-time city employees, regardless of how long the employee has been employed by the city, is entitled to emergency

paid sick leave if the employee is unable to work or telework because of one or more of the following reasons, if related to COVID-19:

- i. The employee is subject to a federal, state, or local quarantine or isolation order;
 - ii. The employee has been advised by a health care provider to self-quarantine;
 - iii. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - iv. The employee is caring for an individual who is subject to a federal, state or local quarantine or isolation order or has been advised to self-quarantine;
 - v. The employee is caring for a child of the employee if the child's school or childcare provider has been closed or the childcare provider is unavailable due to COVID-19 precautions; or
 - vi. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Labor.
- b. Full Pay: Eligible full-time employees are entitled to 80 hours of emergency paid sick time at the employee's regular rate of pay (up to \$511 per day and \$5,110 in total) to self-quarantine, seek a diagnosis or preventative care, or receive treatment for COVID-19. Eligible part-time employees are entitled to emergency paid sick leave for the same reasons at their regular rate of pay (up to \$511 per day or \$5,110 in total) for the number of hours equal to the number of hours that such employee works, on average, over a two-week period.
- c. Partial Pay: Full-time employees are entitled to 80 hours of emergency paid sick time at two-thirds the employee's regular rate of pay (up to \$200 per day and \$2,000 in total) to:
- i. care for an individual who is subject to a quarantine or isolation order;
 - ii. to care for a child whose school or childcare provider is closed or unavailable; or
 - iii. if the person is experiencing any substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Labor.

Part-time employees are entitled to emergency paid sick time for the same reasons at two-thirds of the employee's regular rate of pay (up to \$200 per day and \$2,000 in total) for the number of hours equal to the number of hours that such employee works, on average, over a two-week period. For part-time employees whose schedules vary from week to week, such that the city is unable to determine with certainty the number of hours the employee would have worked if the employee had not take leave, the city shall use a number equal to the average number of hours that the employee was scheduled per day over the 6-month period before

the employee took leave, including any leave hours that the employee may have previously taken. If the employee did not work over such period, the city shall use the average number of hours of day the city reasonably expected would normally be scheduled for the employee at the time of hire.

- d. The city does not require an employee to use other paid leave provided to the employee by the city before the employee can use emergency paid sick time. Additionally, the city cannot require, as a condition of providing emergency paid sick time, that the employee needing leave search for or find a replacement employee to cover the hours during which the employee is using paid sick time. Also, emergency sick leave cannot be carried over from one year to the next.

E. Negative Sick Leave Accrual

- a. In the event of a pandemic the City of Liberty will permit eligible employees to realize a negative sick leave accrual balance after first using the 80-hours of paid sick leave set forth in the Act, and exhausting all of the employee's paid sick leave, paid vacation leave, paid personal leave and accrued compensatory time. Eligible employees are permitted to realize said negative sick leave accrual balance if the employee is unable to work or telework because of one or more of the following reasons, if related to COVID-19:
 - i. The employee is subject to a federal, state, or local quarantine or isolation order;
 - ii. The employee has been advised by a health care provider to self-quarantine;
 - iii. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - iv. The employee is caring for an individual who is subject to a federal, state or local quarantine or isolation order or has been advised to self-quarantine;
 - v. The employee is caring for a child of the employee if the child's school or childcare provider has been closed or the childcare provider is unavailable due to COVID-19 precautions; or
 - vi. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Labor.
- b. To be eligible the employee must fall into the following employee classification(s):
 - i. Both exempt and non-exempt full-time employees who work a minimum of forty (40) hours per week on a regular basis.
- c. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave in the event a local pandemic disaster is declared by the Mayor. This

negative sick leave balance will be considered a salary advance and require the employee to reimburse the city either through future accruals or cash payment.

- d. Donated time will not be allowed to be utilized to satisfy the negative accrual nor used in conjunction with negative sick leave accruals.
 - e. To obtain negative sick time accruals an employee must be eligible and request in writing or email to be allowed to accrue negative sick leave. Before negative sick leave accruals can be obtained the request must have the approval of the employee's supervisor and the City Manager.
 - f. When the pandemic event is declared it will continue until the Mayor and/or City Council has lifted the disaster declaration.
 - g. The employee's negative sick leave accrual shall be settled by either the employee making a cash payment to the City for the remaining accrued balance or by applying all earned vacation, sick, or personal leave accruals against the negative balance until the balance is satisfied.
 - h. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the remaining balance.
The signature of the employee evidencing receipt of this policy shall serve as permission for the City to make said deduction, without the need for a separate agreement.
- F. During a pandemic the City of Liberty may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.
- G. In the event of a pandemic, the City of Liberty reserves the right to adjust its leave policies, provided such adjustment is not prohibited by any pre-existing employment contract.
- H. An employee who is not ill with the pandemic causative agent may not take leave, or refuse to work, simply to avoid possible exposure to the pandemic causative agent in the workplace. Employees who may have a disability that creates an increased risk associated with exposure to pandemic causative agents are encouraged to notify HR in order to seek an accommodation to this policy.
- I. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-

threatening, contagious illness will be subject to disciplinary action up to and including termination.

- J. Nothing in this policy shall prevent the City Manager from allowing an employee to work from home, when possible, without the use of any sick, vacation, personal or pandemic event leave.
- K. The City of Liberty's policies on the Family Medical Leave Act ("FMLA") shall be amended to abide by the new Emergency Family and Medical Leave Expansion Act when it takes effect.
- L. Any section of this policy in conflict with federal and/or state law shall be amended by the City Manager, without the need for City Council approval, to comply with said Federal and/or State laws.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.3

Meeting: 03/23/20 12:00 PM

Department: Administration
Category: Policy Issues

RESOLUTION 2020-5

DOC ID: 4734 A

Department: Personnel

Subject: Telecommuting Policy

Background: The City of Liberty considers telecommuting to be a viable short-term alternative work arrangement under certain circumstances. Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their regular work week. The use of telecommuting is a voluntary work alternative that may be appropriate in special circumstances. The use of telecommuting shall only be granted if it is determined the employee is unable to work from the City's facilities and the employee can perform all their necessary work functions from their offsite location. A copy of the policy is enclosed.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the resolution adopting the Telecommuting Policy.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE CITY OF LIBERTY'S TELECOMMUTING POLICY

WHEREAS, beginning in December of 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, and has since spread throughout the world; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases, the virus has caused death; and

WHEREAS, a Disaster Declaration has been issued by the President, Governor, and Mayor; and

WHEREAS, it is important and necessary for City employees to continue working during this disaster in order to protect the health and safety of our citizens; and

WHEREAS, the City Council recognizes the need to adopt a telecommuting policy in order to guide and protect our employees during this uncertain time.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby adopts the Telecommuting Policy attached hereto as Exhibit A.

PASSED AND APPROVED this 23rd day of March, 2020.

CITY OF LIBERTY, TEXAS

Resolution 2020-5
Page 2

City Council Meeting

March 23, 2020

Carl Pickett, Mayor

ATTEST:

City Secretary

CITY OF LIBERTY POLICY ON TELECOMMUTING

I. PURPOSE

The City of Liberty considers telecommuting to be a viable short-term alternative work arrangement under certain circumstances. Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their regular work week. Telecommuting is a voluntary work alternative that may be appropriate in special circumstances. It is not an entitlement or a city-wide benefit, and it does not change the terms and conditions of employment with the City of Liberty.

II. POLICY

1. The City recognizes that occasionally employees are unable to come to work for various reasons. If the employee is unable to work at the City's facilities, but has been released back to work by a medical provider if necessary, they can submit a request to telecommute to the Human Resources Department. The Human Resources Department will then submit that request to the City Manager for review. The City Manager will have the sole discretion to decide if an employee is eligible to telecommute. In the event that the employee seeking permission to telecommute is the City Manager, his request shall be submitted to the City Council for approval. Telecommuting shall only be granted if it is determined that the employee is unable to work from the City's facilities and that the employee is capable of performing all of their necessary work functions from their offsite location.
2. The employee shall only be allowed to telecommute for a maximum of thirty (30) days unless extended by the City Manager or the City Council if the employee is the City Manager.
3. Prior to telecommuting the employee must certify and show proof that their doctor has approved their return to work. The employee must also certify that they are healthy enough to telecommute.
4. The employee must perform all of their regular job responsibilities and duties while telecommuting. If it is determined at any time that the employee is incapable of performing their duties while telecommuting the approval to telecommute can be rescinded.
5. While telecommuting the employee shall receive their normal pay and benefits.
6. When telecommuting the employee will no longer be on Family Medical Leave Act (FMLA) leave. However, if the employee is required to return to leave due to a serious health condition that makes the employee unable to perform the essential functions of his/her job, the employee will be required to follow the FMLA guidelines, and complete new FMLA forms.

7. The employee must notify their immediate supervisor and human resources of any work related accident, injury, illness or disease arising out of the telecommuting. In the event of said injury, the employee shall complete an incident report form as stated in the Personnel Policies and Procedure Manual.
8. All safety policies which apply at the employee's usual place of work shall, as far as practicable, apply in carrying out work at the home based work site. Due to the fact that the employee has requested to telecommute, and the City has no control over the employee's location, the employee must agree to indemnify and hold the City harmless for any and all injuries arising out of actions taking place while the employee is telecommuting.
9. While telecommuting the employee is still bound by the same rules and regulations that they would be subject to if working on City property.
10. The City will determine, with information provided by the employee, the appropriate equipment needs (including but not limited to software, hardware, modems, phone, data lines, facsimile equipment, and photocopies) for each telecommuting arrangement on a case-by-case basis. The Human Resources and IT Departments will serve as resources in this matter. Equipment supplied by the City of Liberty will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City reserves the right to make determinations as to the appropriate equipment needed, subject to change at any time. Equipment supplied by the City of Liberty is to be used for business purposes only.
11. The employee must maintain accurate and up to date records of hours worked at the telecommuting site. It will be the responsibility of the employee to send his/her time sheet to their supervisor for approval in a timely manner prior to payroll being processed. The employee's working hours will be within the normal span of hours of the employee's hours of work, and shall be agreed to and attached to the telecommuting agreement. The Supervisor will establish the employee's home work schedule. The employee must document all time worked and account for hours not worked with the appropriate leave designation (annual, sick, comp time, leave without pay, etc.) and, if eligible for overtime, he/she must receive supervisor authorization prior to working overtime. The Employee must obtain prior supervisory approval for any vacation, sick time, leave time, or comp. time.
12. The employee must always be contactable and available for communication with the City during normal working hours.

13. The employee must sign a document agreeing to the terms for telecommuting prior to telecommuting. This agreement can be terminated at any time by giving written notice to the other party.
14. The “Telecommuting Agreement” does not constitute an employment contract. The employee is employed by the City on an at-will basis.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.4

Meeting: 03/23/20 12:00 PM

Department: Administration
Category: Miscellaneous

WORK SESSION (ID # 4735)

DOC ID: 4735

Department: Administration

Subject: Coronavirus Work Session

Background: With the uncertainty of the future impacts of the COVID-19 Disease various issues need to be addressed with City Council. These issues include, but are not limited to, closure of City facilities including parks and golf course, utility cutoffs, waiver of late fees, interlocal agreement with Dayton for mutual aid and the postponing of the May 2, 2020 election.

Funding Source: NA

Staff Recommendation: NA

KLINT D. BUSH
ELECTIONS ADMINISTRATOR
VOTER REGISTRAR
1923 Sam Houston
Liberty, Texas 77575



Phone: 936-253-8050
klint.bush@co.liberty.tx.us

**OFFICE OF THE ELECTIONS ADMINISTRATOR / VOTER REGISTRAR
THE COUNTY OF LIBERTY**

TO: Local Jurisdictions of Liberty County
FROM: Klint D. Bush, Elections Administrator
DATE: March 18, 2020
RE: Local Elections for May 2, 2020

My office, in communications with the Liberty County Judges Office and based on the Governor of Texas Proclamation dated March 18, 2020, allows for the postponement of the May 2 Uniform Elections to November 3, 2020. Under the current health concerns and guidance from county leadership and CDC advisories, my office will have trouble staffing elections if held in May. Primarily the age group that is at most risk from COVID-19 is the primary workforce that staffs elections around Texas and in Liberty County. This recommendation has not come lightly, but one that my office is strongly recommending to each of my contracted local jurisdictions. I do need you to act swiftly in codifying this recommendation. We do need a vote of each local authorities governing body to post notice of the change. The Governor did suspend Texas election law to facilitate this change. We are in the middle of a public health crisis that is rapidly changing. Through this crisis, our primary concern is the health and safety of voters, election workers, and our local election officials. Holding an election in four weeks is not recommended.

If my office can be of service, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "K. Bush", written over a horizontal line.

Klint Bush
Liberty County Elections Administrator
Voter Registrar

Attachment: County Notice-No May Election (4735 : Work Session - COVID-19)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/23/20 12:00 PM

Department: Administration
Category: Miscellaneous Issues

3.A.5

RESOLUTION 2020-6

DOC ID: 4736 A

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE CITY OF LIBERTY'S POLICY WAIVING LATE FEES AND DISCONNECTION OF CITY UTILITIES SERVICES FOR DURATION OF LOCAL STATE OF DISASTER.

WHEREAS, beginning in December of 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, and has since spread throughout the world; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases, the virus has caused death; and

WHEREAS, a Disaster Declaration has been issued by the President, Governor, and Mayor; and

WHEREAS, an Executive Order providing for Stay Safe Emergency Measures was issued by the Mayor on March 25, 2020; and

WHEREAS, it is important and necessary for the City to maintain City utilities services during this local state of disaster in order to protect the health and safety of our citizens; and

WHEREAS, the City Council recognizes the need to adopt a policy waiving late fees and disconnection of City utilities services for failure to timely pay for City utilities services for the duration of this local state of disaster.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby adopts the policy that, for the duration of this local state of disaster, including any extensions thereof, the City shall waive late fees and disconnection of City utilities services for failure to timely pay for City utilities services.

PASSED AND APPROVED this 23rd day of March, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.6

Meeting: 03/23/20 12:00 PM

Department: Administration
Category: Election

ORDINANCE 2020-12

DOC ID: 4737 A

Department: Administration

Subject: Postponement of General Election to November 3, 2020

Background: On March 18, 2020, Gov. Greg Abbott authorized all political subdivisions holding **general or special elections** on May 2, 2020 to postpone their election(s) to the November 3, 2020 uniform election date. The governing body of the political subdivision must take an official action for such a change to be effective. Postponement of the election preserves all candidate filings and does not have the effect of reopening candidate filings in November. The individuals who currently hold office that are scheduled to be on the May ballot will continue to exercise the duties of office until new officers take the oath of office, following the November election.

The City contracts with the Liberty County Elections Administrator's Office (EA) for conduct of its elections. The EA's Office recommends that each of its contracted entities not hold their May election. The EA states it will have issues staffing the elections during this public health crisis. The County, and the City's, primary concern is for the health and safety of the voters, election workers and election officials.

Funding Source: Funds budgeted for the May Election will be re-budgeted in the FY 2020-2021 Budget.

Staff Recommendation: Staff recommends approval of the ordinance postponing the City's General Election until November 3, 2020.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, POSTPONING THE CITY'S GENERAL ELECTION TO NOVEMBER 3, 2020, PREVIOUSLY ORDERED FOR THE 2ND DAY OF MAY, 2020, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; AUTHORIZING A JOINT ELECTION AGREEMENT WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND AN ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY AND THE LIBERTY COUNTY ELECTIONS ADMINISTRATOR; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Liberty, Texas, and pursuant to Ordinance No. 2020-7, a Municipal Officers' election was ordered to held on May 2, 2020, for the purpose of electing a Mayor and three (3) Council Members; and;

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date; and

WHEREAS, pursuant to the Governor's proclamation authorizing the City of Liberty to postpone the May 2, 2020 election date, the City Council does by this Ordinance exercise its authority to postpone the General Election ordered for May 2, 2020, for the purpose of electing a Mayor and three (3) Council Members to November 3, 2020;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1: That the Municipal Officers' election previously ordered for May 2, 2020, for the City of Liberty, Texas, for the purpose of electing members of the City Council to the offices of Mayor and City Councilmember is hereby postponed to November 3, 2020.

SECTION 2: That the candidate filings for the Municipal election for May 2, 2020, for the City of Liberty, Texas, for the purpose of electing a Mayor and three (3) Council Members of the City Council shall remain valid for the election to be held on November 3, 2020, and that the filing period for candidates will not be re-opened for the election to be held on November 3, 2020.

SECTION 3: That all annual applications ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the November 3, 2020, election; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the election to be held November 3, 2020 election.

SECTION 4: That the voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.

SECTION 5. That the City Manager is authorized to negotiate and execute an election contract with Liberty County for the purposes of conducting the postponed election on November 3, 2020.

SECTION 6. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 7. This Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LIBERTY, TEXAS, ON THIS THE 14TH DAY OF APRIL 2020.**

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/23/20 12:00 PM

Department: Administration
Category: Election

ORDINANCE 2020-13

DOC ID: 4738 A

Department: Administration

Subject: Postponement of Special Election to November 3, 2020

Background: On March 18, 2020, Gov. Greg Abbott authorized all political subdivisions holding **general or special elections** on May 2, 2020 to postpone their election(s) to the November 3, 2020 uniform election date. This authorizes the City to hold its Special Election for proposed amendments to the Home Rule Charter on November 3, 2020. The governing body of the political subdivision must take an official action for such a change to be effective.

The City contracts with the Liberty County Elections Administrator's Office (EA) for conduct of its elections. The EA's Office recommends that each of its contracted entities not hold their May election. The EA states it will have issues staffing the elections during this public health crisis. The County, and the City's, primary concern is for the health and safety of the voters, election workers and election officials.

Funding Source: Funds budgeted for the May Election will be re-budgeted in the FY 2020-2021 Budget.

Staff Recommendation: Staff recommends approval of the ordinance postponing the City's Special Election until November 3, 2020.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, POSTPONING THE CITY'S SPECIAL ELECTION TO NOVEMBER 3, 2020, PREVIOUSLY ORDERED FOR THE 2ND DAY OF MAY, 2020, FOR THE PURPOSE OF VOTER CONSIDERATION OF PROPOSITIONS AMENDING THE HOME RULE CHARTER; AUTHORIZING A JOINT ELECTION AGREEMENT WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND AN ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY AND THE LIBERTY COUNTY ELECTIONS ADMINISTRATOR; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Liberty, Texas, and pursuant to Ordinance No. 2020-7, a Special Election was ordered to held on May 2, 2020, for the purpose of voter consideration of propositions amending the Home Rule Charter: and;

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date; and

WHEREAS, pursuant to the Governor's proclamation authorizing the City of Liberty to postpone the May 2, 2020 election date, the City Council does by this Ordinance exercise its authority to postpone the Special Election ordered for May 2, 2020, for the purpose of voter consideration of propositions amending the Home Rule Charter, to November 3, 2020;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1: That the Special Election previously ordered for May 2, 2020, for the City of Liberty, Texas, for the purpose of voter consideration of propositions amending the Home Rule Charter is hereby postponed to November 3, 2020;

SECTION 2: That the proposed propositions amending the City's Home Rule Charter for the Special Election ordered for May 2, 2020, for the City of Liberty, Texas, shall remain valid for the election to be held on November 3, 2020.

SECTION 3: That all annual applications ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the November 3, 2020, election; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the election to be held November 3, 2020 election.

SECTION 4: That the voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.

SECTION 5. That the City Manager is authorized to negotiate and execute an election contract with Liberty County for the purposes of conducting the postponed election on November 3, 2020.

SECTION 6. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 7. This Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ON THIS THE 23rd DAY OF MARCH, 2020.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary