

RESOLUTION NO. 2020-19

RESOLUTION CONCERNING THE ORANGE COUNTY DRAINAGE DISTRICT'S RESPONSE EFFORTS AND PLAN FOR CONTINUED OPERATIONS DURING THE COVID-19 CORONAVIRUS PANDEMIC PUBLIC HEALTH EMERGENCY, FINDING AND DECLARING THAT THE SERVICES PROVIDED AND WORK PERFORMED BY THE ORANGE COUNTY DRAINAGE DISTRICT ARE ESSENTIAL SERVICES FOR THE WELFARE OF THE RESIDENTS OF ORANGE COUNTY AND THE PUBLIC

WHEREAS, on March 13, 2020, as a result of the existence of confirmed cases of COVID-19 present in multiple counties of the State of Texas, and pursuant to Section 418.014 of the Texas Government Code, Governor Greg Abbott declared a state of disaster for all counties in Texas; and

WHEREAS, on March 17, 2020, also due to the outbreak of COVID-19, Judge John Gothia, County Judge of Orange County, Texas, declared a local state of disaster within the boundaries of Orange County, Texas, and further issued an "Order Regarding the Occupancy of Premises Throughout Orange County, Texas, Including Within All Incorporated Municipalities" which among other actions, orders that events greater than 50 persons shall cease at all locations throughout Orange County; and

WHEREAS, on March 19, 2020, Governor Abbott issued Executive Orders GA 08 (Relating to COVID-19 Preparedness and Mitigation) which, among other actions order that "in accordance with the Guidelines of the President and the Center for Disease Control ("CDC"), every person in Texas shall avoid social gatherings in groups of more than 10 people", and which stated that "the more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this Executive Order will expire"; and

WHEREAS, on March 23, 2020, County Judge John Gothia issued the Second Amended Emergency Order and Recommendations, which among other actions: (1) orders that gatherings of greater than 10 persons shall cease at all public facilities across Orange County; and (2) provided that the employers are providing appropriate screening of their employees for COVID-19 pursuant to CDC Guidelines and send home those employees who exhibit such symptoms, exempts employees of various employers, including drainage districts such as those of the district who are deemed essential to the operation of the district; and

WHEREAS, the Orange County Drainage District (the "District") is a governmental agency created pursuant to Section 59, Article XVI of the Constitution of the State of Texas, for the purpose of providing drainage and flood mitigation/control facilities and work in Orange County, Texas, and further that drainage systems and facilities have been identified as critical infrastructure necessary to maintain services and operate resiliently during the COVID-19 pandemic response pursuant to the "Guidelines on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response" issued by the Cyber Security and Infrastructure Security Agency of the U.S. Department of Homeland Security, dated March 19, 2020 (the "CISA Guidelines"); and

WHEREAS, the Board of Directors of the District has determined that the District provides essential services to the citizens of Orange County concerning drainage and flood mitigation/control and that the District's employees are essential to the operations of the District in order to maintain public health and safety; and

WHEREAS, public health authorities and officials have recommended that a person who has been exposed to someone who has tested positive for COVID-19, but does not have symptoms, should self-quarantine for fourteen days and take other precautions in the event that symptoms of COVID-19 become apparent; and

WHEREAS, some District employees have children whose schools or day care facilities have been temporarily closed, which may create a need in some situations absent other alternatives, for the District employee to remain home with their children; and

WHEREAS, in consideration of the disasters declared and existing within the United States, the State of Texas and Orange County caused by the outbreak of COVID-19 and further in light of the declarations and orders referenced herein, the Board of Directors of the District has determined that certain emergency measures and actions must be implemented by the District as a necessary response to the COVID-19 coronavirus pandemic public health emergency and for the purpose of allowing the District to continue operations regarding necessary drainage and flood mitigation/control work throughout Orange County while simultaneously taking reasonable actions and recommended precautions to provide for the safety and welfare of the public and as well the employees of the District.

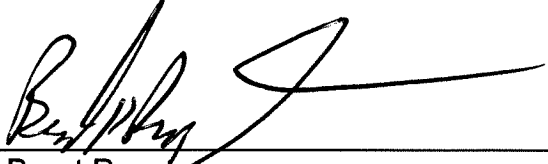
NOW, THEREFORE, BE IT RESOLVED, declared and ordered by the Board of Directors of the District that the following temporary emergency actions which are consistent with the orders, directives and proclamations referenced above shall be implemented and undertaken by the District as follows:

1. Consistent with the CISA Guidelines, the District shall maintain essential and critical drainage systems and infrastructure and the employees of the District shall continue to perform essential and critical drainage work throughout Orange County, Texas, subject to the temporary rules and the temporary work schedule hereinafter referenced and set forth below; and

2. The Board of Directors of the District hereby approves and ratifies management's implementation of the "Temporary Rules for All Activities Occurring on District Premises and Concerning Off-Site District Work Activities", which among other actions provides appropriate screening of the District's employees for COVID-19 as outlined by the CDC (see Temporary Rules attached hereto as Exhibit "A"); and
3. The Board of Directors of the District hereby approves and ratifies management's implementation of the Orange County Drainage District Temporary Work Schedule (attached hereto as Exhibit "B"); and
4. Notwithstanding any existing provisions set forth in the District Personnel Policy Manual, 1) the District will comply with all applicable laws and regulations that are issued and/or become law with respect to emergency and family leave associated with the COVID-19 pandemic including but not limited to the "Families First Coronavirus Response Act", and all other legislative acts of the United States Congress, signed into law by the President, and as well all executive orders issued by the Governor of the State of Texas; 2) the District's Personnel Policy Manual is hereby amended to comply with all such laws, directives, orders and regulations; and 3) the District's General Manager, upon consultation with the District's general counsel, is hereby authorized on a temporary basis to make such necessary and appropriate interpretations regarding the District's Personnel Policy Manual in order to ensure compliance and/or be consistent with all applicable regulations, orders, directives and applicable laws; and
5. In consideration of the uncertainties and fast changing COVID-19 pandemic environment, orders, directives, regulations and laws and the possible need for actions to be taken by management of the District on an emergency basis before such time as a meeting of the Board of Directors can be held, the District's General Manager and Assistant General Manager, in consultation with the District's general counsel, are authorized and directed to take such necessary and emergency actions that in their judgment, are reasonable, necessary and in the best interest of the District, its employees and the public and related to the District's continued operation and performance of necessary drainage work throughout Orange County, including the rules and practices applicable to work activities at the District's office and premises and off-site and as well, regarding visitors, vendors and members of the public, providing that such actions are not in conflict with and/or inconsistent with any requirements of the above-referenced orders, directives, regulations and laws.

PASSED AND APPROVED this the 30th day of March, 2020 in a Special Meeting of the Board of Directors of the Orange County Drainage District pursuant to notice as provided by law.

ORANGE COUNTY DRAINAGE DISTRICT

By: 
Brent Peveto
President and Presiding Officer

ATTEST:

By: 
Russell Covington, Secretary

Exhibit "A"

TEMPORARY RULES FOR ALL ACTIVITIES OCCURRING ON DISTRICT PREMISES, AND CONCERNING OFF-SITE DISTRICT WORK ACTIVITIES

BACKGROUND:

Coronavirus Disease 2019 ("COVID-19") is a respiratory disease caused by the SARS-CoV-2 virus. According to the World Health Organization, COVID-19 is now a pandemic, meaning a global outbreak of disease. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. In response to the pandemic, the Governor of the State of Texas and the County Judge of Orange County have issued emergency orders that affect to some degree all activities in the State, and in our county.

According to the Centers for Disease Control and Prevention ("CDC"), the virus is thought to spread mainly from person-to-person:

- **Between people who are in close contact with one another (within about 6 feet).**
- Through respiratory droplets produced when an infected person coughs or sneezes.
- These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Also, some spread might be possible before people show symptoms; there have been reports of this occurring with this new coronavirus, but this is not thought to be the main way the virus spreads.

Also according to the CDC, it may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads.

The Orange County Drainage District performs essential drainage-related work within Orange County. At the same time, the District is committed to the safety and welfare of the public and its employees. During the current COVID-19 Coronavirus pandemic, and consistent with the Orders and recommendations of the Governor of the State of Texas, and the County Judge of Orange County, the District is implementing immediately the following rules regarding all activities occurring on District premises, and concerning off-site District work activities:

SOCIAL DISTANCING:

No more than ten (10) persons are allowed to gather in a building or room at the same time, with the exception of the open main mechanic shop building. In all buildings and rooms (including the open main shop building), and during all work activities on District premises and off-site, all employees will attempt to maintain a distance of at least six (6) feet between persons when possible and practicable. There may be incidental instances when such distance between persons cannot be maintained, but such distance shall be maintained otherwise.

No more than three (3) persons are allowed at one time in any restroom located on the District premises. Toilet facilities must be kept clean and flushed.

In-person communications between employees are certainly allowed, and in some instances are required. However, in the event that an employee needs to communicate with his/her supervisor or another District employee, and if such communication can reasonably occur on the phone, the employee should communicate by calling the other employee on the phone.

FOR ALL EMPLOYEES:

GENERAL HYGIENE PRACTICES:

All employees shall practice the following good hygiene and infection control practices while on the District premises, and during District activities:

COUGH / SNEEZING / HAND-WASHING:

- Cover your mouth and nose with a tissue when you cough or sneeze.
- Put your used tissue in a waste basket.
- If you don't have a tissue, cough or sneeze into your upper sleeve, not your hands.
- Wash your hands after coughing or sneezing with soap and water, or if running water is not accessible or available, use a hand sanitizer, and then wash your hands thoroughly as soon as soap and water becomes available to you. When washing your hands, wash your hands for at least twenty (20) seconds, using warm or hot water if available.
- In the event that you have touched a door knob or other surface at the same time that you believe that your hand(s) was not clean, wipe the door knob or other surface with a disinfectant or anti-bacterial wipe so as to prevent another person from touching the same before it is cleaned.

TRUCKS AND EQUIPMENT:

- Disinfect equipment and trucks daily. Properly dispose of trash so as to minimize germs.

PHONES, PENS AND OTHER ITEMS:

- Clean your mobile phone (and desk hand-set) with disinfecting wipes at least two times per day, and as needed.
- Carry a pen on your person at all times so that you are not in need of touching and using a pen that is being used by another employee. Periodically clean your pen.
- Do not sit down or perform work at another employee's desk workstation.
- Each employee who regularly works at a desk workstation shall clean his/her desk workstation with disinfecting wipes at least once per day.

OTHER GOOD HYGIENE PRACTICES:

- Employees shall wear disposable gloves while cleaning door knobs and other surfaces.
- The over-riding goal is to stay safe and well, and to help our employees do the same. The above list of hygiene practices is not all-inclusive. All employees are strongly encouraged to take any and all other reasonable steps so as to make our work environment safe. In the event that an employee has a question as to whether additional acts or practices are allowed for purposes of staying safe and healthy, such employee is encouraged to discuss the matter with his/her supervisor or management.

DO NOT REPORT TO WORK IF, AND UNTIL:

According to the CDC, the primary symptoms of Covid-19 are 1) fever; 2) cough; and 3) shortness of breath. However, there are reportedly other symptoms as well. District employees who have symptoms of COVID-19 shall not report to work (or if already at work shall leave work) until they are free of fever, signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees should notify their supervisor and stay home if they are sick.

Also according to public health officials, if you have been exposed to someone who has tested positive for COVID-19, but you do not have symptoms, you should not report to work, you should call your supervisor, and call your physician and/or the

medical screening hotline that has been established for Orange County and surrounding counties (409-550-2536).

FOR THE PUBLIC:

Administrative Office:

The Administrative Office will remain open. **However, all administrative business shall be conducted by email, phone or regular mail only.** Only upon necessity and request, an in-person meeting with a District staff member may be scheduled by calling 409-745-3225, or by contacting the District by email (admin@orangecountydrainage.com). In such event, the recommended social distancing of six feet between individuals will be implemented. District staff members may be contacted by telephone at 409-745-3225.

Vendors and Deliveries:

All deliveries, and visits by vendors must be scheduled by appointment with the Purchasing and Shop Departments. The recommended social distancing of six feet between individuals will be implemented during such scheduled appointments. Please call (409) 745-3362 to make an appointment.

EXHIBIT "B"

ORANGE COUNTY DRAINAGE DISTRICT TEMPORARY WORK SCHEDULE

Coronavirus Disease 2019 ("COVID-19") is a respiratory disease caused by the SARS-CoV-2 virus. According to the World Health Organization, COVID-19 is now a pandemic, meaning a global outbreak of disease. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. In response to the pandemic, the Governor of the State of Texas and the County Judge of Orange County have issued emergency orders that affect to some degree all activities in the State, and in our county.

Due to the current COVID-19 Coronavirus pandemic, the related guidance of the Centers for Disease Control and Prevention, and the disaster declarations and emergency orders issued by the Governor of the State of Texas and the County Judge of Orange County, the work schedule for employees of the Orange County Drainage District ("OCDD") will be modified for the purpose of reducing contact among employees.

Effective on Monday, March 23, 2020, and until further notice, the following schedule is in effect:

Shop Personnel (mechanics and welders):

7:00 a.m. to 5:30 p.m. Report to work at the OCDD shop building at 7:00 a.m. Do not enter the shop building until 7:00 a.m. In the event that you arrive at the OCDD premises before 7:00 a.m., remain in your vehicle, or remain outside (without congregating with others) until 7:00 a.m.

Operators Working Under the Supervision of Field Foreman:

6:30 a.m. to 5:00 p.m. Report to work at the OCDD shop building at 6:30 a.m. This group of employees will meet at the north end of the open shop building. Do not enter the shop building until 6:30 a.m. In the event that you arrive at the OCDD premises before 6:30 a.m., remain in your vehicle, or remain outside (without congregating with others) until 6:30 a.m.

Operators Working Under the Supervision of Mow Foreman:

6:45 a.m. to 5:15 p.m. Report to work at the OCDD shop building at 6:45 a.m. This group of employees will meet at the south end of the open shop building. Do not enter the shop building until 6:45 a.m. In the event that you arrive at the OCDD premises before 6:45 a.m., remain in your vehicle, or remain outside (without congregating with others) until 6:45 a.m.

Operators Working Under the Supervision of ROW-Foremen:

6:30 a.m. to 5:00 p.m. Report to work at the OCDD lunchroom at 6:30 a.m. Do not enter the lunchroom until 6:30 am. In the event that you arrive at the OCDD premises before 6:30 a.m., remain in your vehicle, or remain outside (without congregating with others) until 6:30 a.m.

Supervisors, Foremen and Right-of-Way Agents:

6:30 a.m. to 5:00 p.m. Flexibility in the schedule of the supervisors, foremen and Right-of-Way Agents is required, and permissible. The morning meeting of the supervisors and foremen will be held in the Boardroom at 6:30 a.m.

Purchasing Department:

7:00 a.m. to 5:30 p.m. Report to work in the Purchasing Department Office at 7:00 a.m. Flexibility in the schedule of the purchasing department may be required, and is permissible.

Permit Compliance Coordinator:

7:00 a.m. to 5:30 p.m. Report to work in the ROW/Surveying Room at 7:00 a.m.

Surveying Department:

7:00 a.m. to 5:30 p.m. Report to work in the ROW/Surveying Room at 7:00 a.m.

Fuel Truck Drivers:

6:30 a.m. to 5:00 p.m. Report to work at the at the north end of the open shop building at 6:30 a.m.

Management and Administration:

7:00 a.m. to 5:30 p.m. Flexibility in the schedule of management and the administrative assistant is required, and permissible. Generally, the Office Manager and Administrative Assistant to the Office Manager will report to work in the Administration Building.

Other Provisions Applicable to the Schedule Set Forth Above:

- **In all buildings and rooms, and during all work activities on District premises and off-site, all employees will attempt to maintain a distance of at least six (6) feet between persons when possible and practicable.** There may be incidental instances when such distance between persons cannot be maintained, but such distance shall be maintained otherwise and as soon as possible.

- Until further notice, employees will not use the time-clock for purposes of signing in to work. Rather, in the event that an employee is not seen by his/her supervisor, such employee will call or text his/her supervisor to advise that he/she is present on the job.
- Most of the work provided by employees of the District must be performed either at the District premises, or in the field. However, in the event that management determines that an employee is able to adequately and satisfactorily work from his/her home, management will have the discretion to allow such employee to work from his/her home.
- In order for the Drainage District to continue to perform essential drainage-related work and services, and at the same time provide for the safety and welfare of the District's employees and the public, the General Manager and Assistant General Manager must have, and do have the discretion and flexibility to alter any of the work schedule provisions set forth above, as circumstances may require in their judgment.