

APPROVAL OF MINUTES
COMMISSIONERS COURT
FORT BEND COUNTY

I, Laura Richard, duly elected County Clerk and Clerk of Court, Fort Bend County, Texas do hereby submit the Official Minutes of Commissioners Court held on the 31st day of March, 2020. (Special Meeting)

Laura Richard

LAURA RICHARD, COUNTY CLERK

Now, therefore, be it resolved upon the motion of Commissioner Meyers seconded by Commissioner Meales, duly put and carried, it is ordered to accept as presented for record the attached minutes approved on this the 7th day of April, 2020.

KP George

County Judge KP George

KP GEORGE, COUNTY JUDGE

MINUTES

DUE TO EMERGENCY CONDITIONS, THIS MEETING WAS CONDUCTED BY TELEPHONE AND/OR VIDEO CONFERENCE

BE IT REMEMBERED, That on this 31ST DAY of MARCH, 2020, Commissioners Court of Fort Bend County, Texas, met at a special meeting with the following present:

KP GEORGE	COUNTY JUDGE
VINCENT MORALES	COMMISSIONER PRECINCT 1
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
KEN R. DEMERCHANT	COMMISSIONER PRECINCT 4
LINDA WILLIS FOR LAURA RICHARD	COUNTY CLERK

A roll call of the County Judge and Commissioners was called by Linda Willis on behalf of Laura Richard, County Clerk with all present.

In addition, a roll call of ancillary attendees was called with all present.

County Attorney Marcus Spencer

Auditor Ed Sturdivant

Director of Finance & Investments Pamela Gubbels

When the following were heard and the following orders were passed:

1. Call to Order.

Call to Order by Judge KP George at 1:00 p.m.

2. Discuss and take all appropriate action on extension of the Declaration of Local Disaster for Public Health Emergency ordered by County Judge on March 12, 2020, to continue preventative measures regarding novel coronavirus (COVID-19).

Moved by Commissioner Prestage, Seconded by Commissioner DeMerchant
Motion to approve extension of the Declaration of Local Disaster for Public Health Emergency ordered by County Judge on March 12, 2020, to continue preventative measures regarding novel coronavirus (COVID-19) to Thursday, April 30, 2020 at 11:59 p.m.

Moved by Commissioner Meyers, Seconded by Commissioner Morales
Duly put and carried (2-3), it is ordered to amend previous motion of extending to thirty days to extend the declaration instead to seven days.

Judge George	No
Commissioner Morales	Yes
Commissioner Prestage	No
Commissioner Meyers	Yes
Commissioner DeMerchant	No

MOTION FAILED

Judge George requested a vote be taken on the original motion.

Duly put and carried (3-2), it is ordered to approve extension of the Declaration of Local Disaster for Public Health Emergency ordered by County Judge on March 12, 2020, to continue preventative measures regarding novel coronavirus (COVID-19) to Thursday, April 30, 2020 at 11:59 p.m.

Judge George	Yes
Commissioner Morales	No
Commissioner Prestage	Yes
Commissioner Meyers	No
Commissioner DeMerchant	Yes

MOTION PASSES

Mark Flathouse, Emergency Manager gave an update on the current situation. The EOC is activated with HS and EM staff helping with Dr. Minter's HHS department. In moving forward, guidelines are being followed not only at the state level; but the federal level and the declaration of local disaster for public health and emergency. Any type of reimbursement funding on the federal level or the state level needs to be maintained in the same status. As long as the County maintains under the declaration of local disaster, and through research of what happened during Harvey and the last four or five events, Mr. Flathouse stated the court definitely needs to extend the disaster, but the court needs to determine how long. The declaration of local disaster needs to be extended to make sure the funding source is there working with the auditor's office.

Item 2 continued - Extension of the Declaration of Local Disaster:

Dr. Jacquelyn Minter, Director of Health & Human Services, gave an update for Fort Bend County. The case count of coronavirus continues to go up, with a posted number of cases currently at 138. There have been two deaths, nine have recovered, which means these people were able to test out of two negative tests. Some of the people who have had no other symptoms, but continue to spread the virus are not in the count of being recovered. There is a fluctuation between 14% - 22- 23% of people who have the disease and are hospitalized. Some are hospitalized in the Texas Medical Center because they are critically ill. The Methodist hospital is seeing an increase of people and are preparing for a surge. The model, being looked at, is based on the University of Texas modeling done in Houston. The modeling shows some of the numbers that are anticipated based on the numbers worldwide and then throughout the country. Based on the modeling, because the County acted last week to put a stay at home order in place, there may be a peak the mid part of April and hopefully the cases will dissipate and start to wind down in May. This would be a really desirable scenario for the County, economically and health wise and to have the impact as small as possible. The trends are going up as predicted and it appears they will peak somewhere between April 6 and April 15, according to the model.

There were two public speakers:

JoAnn Stevens, 11435 Robillard Way, Richmond, Regional Vice President, Texas Realtors, and a member of the Fort Bend Political Affairs Advisory Council for the Houston Association of Realtors. Ms. Stevens respectfully request that residential and commercial real estate sales and leasing and the related services be considered as an essential service under the stay at home order.

Jemila Winsey, 53 Combwell Garden, Missouri City, Broker Owner of New Legacy Living, Richmond, and a past trustee with Texas Realtors, Chair of the Fort Bend Political Affairs Advisory Leadership for HAR. Ms. Winsey request residential and commercial real estate, sales and leasing and related services be considered as an essential service under the stay at home order.

Commissioner Meyers had questions regarding the number of hospital beds and ICU beds in Fort Bend County and the state. Commissioner also had questions on how many beds are available and how many of our coronavirus patients are in the hospital currently.

Dr. Jacquelyn Minter, Director of Health & Human Services, stated the SETRC, Southeast Texas Regional Council does put numbers out on the number of hospital beds, when hospitals do report the information. The health department does not have the numbers. Dr. Minter does rely on each of the hospitals updating personally.

Commissioner Meyers would like to offer an amendment to the motion to extend the declaration for seven days to the next Commissioners Court meeting and meet every Tuesday and continue to extend the declaration.

Commissioner Prestage, as the maker of the motion, denies the amendment of the extension to seven days.

Commissioner Morales stated the consensus during last week's meeting was to extend the declaration on a weekly basis.

Judge George stated if the court extends this order for next week, the current order will expire this Friday. Every local jurisdiction is extending the declaration for two weeks. President Trump announced his statement to extend the guidelines to another 30 days and all local jurisdictions are following the president's guidelines.

3. Take all appropriate action on order extending the duration period of the Emergency Closure Pay under the Communicable Disease Emergency Policy, Section 414.14, of the Employee Information Manual due to the Fort Bend County COVID-19 Declaration of Local Disaster, with extensions to be administered in accordance with all standing requirements of the Manual.

Moved by Commissioner Prestage, Seconded by Commissioner Meyers
Duly put and unanimously carried (5-0), it is ordered to approve order extending the duration period of the Emergency Closure Pay under the Communicable Disease Emergency Policy, Section 414.14, of the Employee Information Manual due to the Fort Bend County COVID-19 Declaration of Local Disaster, with extensions to be administered in accordance with all standing requirements of the Manual.

Judge George	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner DeMerchant	Yes

Kent Edwards, Director of Human Resources, stated Human Resources has been working with the County Attorney's office to find a resolution of the emergency closure pay; but the objective Human Resources has is to be sure the employees are paid during the duration of the declaration.

Michelle Turner, County Attorney, stated the current policy limits pay during the closure to 80 hours, unless Commissioners Court extends it. An order format has been written which would extend the pay to cover the period of time, not the time that the declaration exist, but during the declaration the County remains under closure, which is what the County is doing right now. To the extent this would continue past the 3rd, the closure pay would continue for the same amount of time.

4. Take all appropriate action on revisions to the Employee Information Manual, specifically Policy 704: Family and Medical Leave Act, and Policy 709: Sick Leave, to change the effective date of leave provided under the Families First Coronavirus Act from April 2, 2020 to April 1, 2020 as required by the Department of Labor.

Moved by Commissioner Meyers, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to approve revisions to the Employee Information Manual, specifically Policy 704: Family and Medical Leave Act, and Policy 709: Sick Leave, to change the effective date of leave provided under the Families First Coronavirus Act from April 2, 2020 to April 1, 2020 as required by the Department of Labor.

Judge George	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner DeMerchant	Yes

5. Take all appropriate action on Resolution Declaring Intention to Advance Funding and Reimburse Expenditures regarding COVID-19 related expenditures.

Moved by Commissioner Prestage, Seconded by Commissioner DeMerchant
Duly put and unanimously carried (5-0), it is ordered to approve Resolution Declaring Intention to Advance Funding and Reimburse Expenditures regarding COVID-19 related expenditures.

Judge George	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner DeMerchant	Yes

Commissioner Prestage is concerned, if there are significant items, could the Commissioners Court be given some type of information on what the item might be and could normal purchasing procedures be followed to the extent possible.

Ed Sturdivant, County Auditor, stated this agenda item provides the ability for the County to finance anything that may be financeable. All funding sources for state and federal are being pursued. Whatever may fall on the County, the local match or if something is not eligible, it is determined to be capital, with an extended useful life. This will go to the Commissioners to ask for approval to finance. The financing cannot be done without the Court's approval. This does not open the door to do everything without court approval.

Commissioner Morales, asked if there is a cap on the expenditures, as far as, how much before it's presented to court or is that at the discretion of the County Judge.

Ed Sturdivant, County Auditor, stated that anything going to be financed with a bond issue will be presented to the court. But while the County is under this Emergency Declaration, the County Judge, unless it needs to move through the normal procurement process, which may or may not require court action, under the statutory guidelines as well as policy guidelines of the County, has sole discretion to transact business on behalf of the County to protect life and property in this County during this Emergency phase. Mr. Sturdivant is not aware of a law that requires everything to come back to the court.

Marcus Spencer, County Attorney stated the authority under Chapter 418 of the Government Code, as Emergency Management Director, the County Judge would have the authority under this declared disaster and has the authority to set aside different statutes that would require competitive bidding or any other requirements to come back to court. In the past, there has been a practice to actually have the execution of the contract come back to court, but that is just by practice. By statute, the County Judge would have the authority to execute those agreements.

Ed Sturdivant, County Auditor stated the budget amendments executed through Commissioners Court is a good practice for transparency. This is not a requirement for the emergency management director to be able to spend County funds. It's still a best practice to come to court to execute a budget amendment to keep pace with the activity. If the Commissioners Court direct the support of the fiscal operations of this emergency to be informed more frequently, the support staff will keep the Commissioners informed. Most of the expenditures will be presented to court as approval of payments; but so many are going to result in time sensitive releases, if there is no court meeting. Most of the activity that doesn't flow through the normal procurement process will be presented to the commissioners after it is done.

Item 5 continued - Resolution Declaring Intention to Advance Funding:

Mark Flathouse, Emergency Manager, stated in order to keep commissioners in the loop, they would be able to provide a daily report of what is being done and financial reports on expenditures being discussed with the Judge's office, along with the audit office to keep track.

Commissioners Meyers stated he believes a weekly discussion of the issues is important so there is full transparency and people are informed of what is going on and what the County is doing.

Commissioner DeMerchant asked if purchases were coming from OEM.

Mark Flathouse, Emergency Manager, stated they are coming from different entities. Each department can put their own request and OEM works with Purchasing to see if it is purchased locally or through the state. The approval process is with multiple departments which involve OEM's logistics team, Purchasing and two individuals that enter the information, along with the County Auditor to make sure it meets the needs of the disaster. A FEMA document is followed by what is reimbursable.

Commissioner Morales asked if it were possible for Commissioners to get updated information on a daily basis.

Judge George stated this should not be a problem to produce a report every day as long as the support staff is able.

6. Take all appropriate action on request to declare an emergency pursuant to Local Government Code Section 111.070(b) due to unforeseen conditions, to amend the budget and transfer the amount of \$1,000,000 from the General Fund Balance into the COVID-19 project account to allocate funds for special measures required by the Coronavirus Pandemic.

Moved by Commissioner Prestage, Seconded by Commissioner DeMerchant
Duly put and unanimously carried (5-0), it is ordered to declare an emergency pursuant to Local Government Code Section 111.070(b) due to unforeseen conditions, to amend the budget and transfer the amount of \$1,000,000 from the General Fund Balance into the COVID-19 project account to allocate funds for special measures required by the Coronavirus Pandemic.

Judge George	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner DeMerchant	Yes

Ed Sturdivant, County Auditor, stated the \$1 million is to keep pace with the burn rate of expenditures and purchase orders and gives a little room until the next Commissioners Court.

Commissioner Meyers asked if the expenditures could be posted on the County website for people who want to know what the County is doing. Other information regarding coronavirus crisis is posted, so it seems the information on what the County is spending could be posted as well.

Ed Sturdivant, County Auditor, stated the expenditures all go to Commissioners Court and there is nothing sensitive with the information that has been shared. The information is discoverable by the public.

Item 6 continued - Amend the Budget and Transfer:

Marcus Spencer, County Attorney, indicated this information is discoverable as long as we are not revealing any confidential information. It is just how the County is spending money. Mr. Spencer doesn't see any difference in putting a contract as backup for a typical agenda item. It is in a condensed area of the website related to COVID-19 response.

Ed Sturdivant, County Auditor, stated they can accommodate the posting with guidance from the County Attorney's office.

7. Take all appropriate action on Amendment to Agreement between Fort Bend County and Teal Construction Company for Rehabilitation of the Missouri City Gymnasium pursuant to RFP 19-056 to increase the scope of services by \$215,909.54 for a total contract amount not to exceed \$4,581,509.54; Precinct 2. (Fund: 2015 Facilities Bond, Proposition 1 and Advance Funding Resolution)

Moved by Commissioner Prestage, Seconded by Commissioner Meyers
Duly put and unanimously carried (5-0), it is ordered to approve Amendment to Agreement between Fort Bend County and Teal Construction Company for Rehabilitation of the Missouri City Gymnasium pursuant to RFP 19-056 to increase the scope of services by \$215,909.54 for a total contract amount not to exceed \$4,581,509.54; Precinct 2. (Fund: 2015 Facilities Bond, Proposition 1 and Advance Funding Resolution)

Judge George	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner DeMerchant	Yes

8. Take all appropriate action on the Amended & Restated Interlocal Agreement for the Texas Heritage Parkway construction project.

Moved by Commissioner Meyers, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to approve the Amended & Restated Interlocal Agreement for the Texas Heritage Parkway construction project.

Judge George	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner DeMerchant	Yes

Commissioner Meyers stated these are amendments to the agreements that the County has requested in order for the County to be reimbursed some of the costs for this project from the management district.

9. Take all appropriate action on the Amended & Restated Interlocal Agreement between Fort Bend County and City of Katy for County-Managed Mobility Project: Texas Heritage Parkway.

Moved by Commissioner Meyers, Seconded by Commissioner Prestage
Duly put and unanimously carried (5-0), it is ordered to approve the Amended & Restated Interlocal Agreement between Fort Bend County and City of Katy for County-Managed Mobility Project: Texas Heritage Parkway.

Judge George	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner DeMerchant	Yes

10. Take all appropriate action on the Amended & Restated Interlocal Agreement with City of Fulshear for County-Managed Mobility Project: Texas Heritage Parkway.

Moved by Commissioner Meyers, Seconded by Commissioner Morales
Duly put and unanimously carried (5-0), it is ordered to approve the Amended & Restated Interlocal Agreement with City of Fulshear for County-Managed Mobility Project: Texas Heritage Parkway.

Judge George	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner DeMerchant	Yes

Recess:

Recessed at 2:00 p.m.

11. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:

§ 551.071. Consultation With Attorney. Commissioners Court will meet in Closed Session to seek the advice of its attorney about pending or contemplated litigation; a settlement offer; or on a matter in which the duty of the attorney to Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.

Orders regarding declaration of disaster for public health emergency and other measures to reduce the possible spread of the COVID-19 virus.

Closed Session:

Convened at 2:07 p.m.
Adjourned at 2:23 p.m.

Reconvene:

Reconvened at 2:27 p.m.

12. Reconvene Open Session and consider taking action on the following matters:

§ 551.071. Consultation With Attorney.

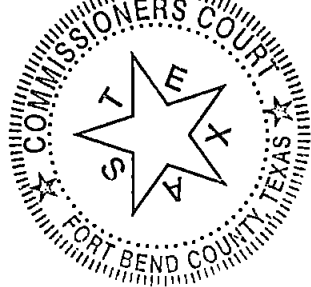
Orders regarding declaration of disaster for public health emergency and other measures to reduce the possible spread of the COVID-19 virus.

No action.

13. Adjournment.

Commissioners Court Special Meeting adjourned at 2:27 p.m. on Tuesday, March 31, 2020.

Moved by Commissioner Meyers,
to adjourn.



I attest to the accuracy of the foregoing minutes.

Laura Richard

Laura Richard, County Clerk, Fort Bend County, Texas