



Special Called City Council Meeting
Held Virtually on Zoom.com
April 14, 2020 ☐ 10:30 am

Invocation, Pledge, and Roll Call

<input type="checkbox"/> Otis Cohn, Mayor	<input type="checkbox"/> City Manager
<input type="checkbox"/> Carolyn McWaters, Position 1 Mayor Pro-Tem	<input type="checkbox"/> Assistant City Manager/Finance Director
<input type="checkbox"/> Marilyn Clay, Position 2	<input type="checkbox"/> City Secretary
<input type="checkbox"/> Fred Terrell, Position 3	<input type="checkbox"/> City Attorney
<input type="checkbox"/> Jennifer Bergman, Position 4	
<input type="checkbox"/> Danny Lee, Position 5	

Notice is hereby given of Special Called City Council Meeting to be held on **April 14, 2020, at 10:30 a.m. virtually** due to the need to social distancing and protection of council and the public. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization of Title 5, Chapter 551 of the Texas Government Code.

Due to the COVID 19 Disaster and CDC's recommendation regarding social distancing measures. The public will not be allowed to be physically present at this meeting, but the meeting will be available to members of the public and allow for two-way communications for those desiring to participate.

The City will be using a telephone/video conferencing tool called ZOOM to make the meeting available to the public. You have several options to participate.

- 1) Phone in at 346-248-7799 US (Houston) and enter Meeting ID 632 922 376;
- 2) Use the link - <https://us04web.zoom.us/j/632922376> Meeting ID 632 922 376;
- 3) Download the ZOOM app on your phone and enter Meeting ID 632 922 376

The public will be permitted to offer public comments on each agenda item telephonically, by chat, or by emailing asmith@clevelandtexas.com by 9:30 a.m. on the day of the meeting. A recording of the telephone/video meeting will be available to the public in accordance with the Open Meetings Act on the city's website – www.clevelandtexas.com as soon as electronically possible.

The agenda packet is accessible to the public as a PDF format at the following link <https://www.clevelandtexas.com/agendacenter> under City Council - April 14, 2020. The meeting will also be shown as a Facebook Live on the City's Facebook account at facebook.com/cityofclevelandtx.

For more information or questions concerning the teleconference, please contact the City Secretary's office at 281-592-2667.

Members of the Cleveland Economic Development Corporation Board (EDC) may be attending and participating. If a quorum of EDC is present, then this meeting of the Cleveland City Council shall also be a meeting of the Cleveland Economic Development Corporation.

Public Comments.

Any person with City related business may speak to Council. In compliance with the Texas Open Meetings Act, the City Council may not discuss, or vote on any matter raised in public comments unless it is specifically on the agenda. To speak during a council meeting, you must be recognized by the Presiding Officer and speak from the podium giving your name and address. **PUBLIC COMMENT WILL BE LIMITED TO THREE MINUTES.**

Zoom Meeting Public Comments Instructions

- *Today's meeting will allow citizen participation on each agenda item electronically.*
- *Please be ready to enter your comment, the meeting will move quickly.*
- *State your name and address for the record.*
- *If you have logged in via the internet, you can use the chat feature to type in your question or comment to the host when we open the floor for comments on each item at the appropriate time*
- *If you emailed your request for comments, then the City Secretary will inform the council of your request.*
- *If you are calling in, you will be automatically muted, when it is public comments time, you will be unmuted for the allowed three minutes.*
- *You can text your public comment request to 281-432-8756 if you are using Facebook Live or calling in.*
- *The City Secretary will read your comments at the appropriate time.*
- *The Council is not required to reply during public comments.*

Discussion and Action

The City Council 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.

- 1) Consider a resolution of the City Council of the City of Cleveland, Texas adopting guidelines and criteria for COVID-19 Emergency Administrative Leave and Establishing an Effective Date of April 7, 2020

Adjourn

I certify that the above Agenda was posted at City Hall, 907 E. Houston, and the City's website on April 9, 2020 by 5:00 pm.

Angela Smith

Angela Smith, TRMC
City Secretary/HR Manager

Members of the Cleveland Economic Development Corporation Board (EDC) may be attending and participating. If a quorum of EDC is present, then this meeting of the Cleveland City Council shall also be a meeting of the Cleveland Economic Development Corporation.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS ADOPTING GUIDELINES AND CRITERIA FOR COVID-19 EMERGENCY ADMINISTRATIVE LEAVE AND ESTABLISHING AN EFFECTIVE APRIL 7, 2020

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WHEREAS, in December 2019, a novel respiratory disease named "SARS-CoV-2" that causes a disease named "coronavirus disease 2019" ("COVID-19") was detected in Wuhan City, Hubei Province, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath that may result in mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and the City of Cleveland has done a Disaster Declaration that extends to May 20, 2020 or until repealed, and

WHEREAS, according to the Center for Disease Control ("CDC"), it is likely that at some point, widespread transmission of COVID-19 in the United States will occur; and

WHEREAS, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; and

WHEREAS, the CDC also warns that schools, childcare centers, workplaces, and other places for mass gatherings may experience more absenteeism; public health and healthcare systems may become overloaded with elevated rates of hospitalizations and deaths; other critical infrastructure, such as law enforcement, emergency medical services, and transportation industry may also be affected; and health care providers and hospitals may be overwhelmed; and

WHEREAS, given, among other things, including the CDC's guidance, there is an ongoing risk and likelihood of COVID-19-positive patients being identified in the City of Cleveland; and

WHEREAS, the City, local health agencies, and political subdivisions within the region have been working diligently to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the pandemic and the need for a sustained response;

WHEREAS, under this COVID-19 Pandemic, there is a significant impact to City employees' work schedules due to the reducing of gatherings, social distance, and spread of the COVID-19, so to continue continuity of municipal service and support of municipal employees,

BE IT RESOLVED BY THE CITY OF CLEVELAND, TEXAS:

Section 1. The City of Cleveland adopts this COVID-19 Emergency Administrative Leave Policy and for pay process for city employees, other than first responders, who are working rotating schedules, in order to reduce employee gatherings and to provide continuity of municipal service and support of municipal employees.

Scope.

This policy applies to full-time and part-time, exempt and non-exempt employees, but does not apply to First Responders. For purposes of this policy, First Responder means firefighters, all sworn police personnel and police dispatchers.

A rotating schedule means flexible work arrangement in which employees alternate shifts or split shifts on a rotating basis such that the minimum amount of personnel is present on City premises at any given time in order to minimize the exposure and spread of COVID-19.

Emergency Administrative Leave/General Provisions.

Each Department has established a rotating schedule for its employees and is expected to adhere to such schedule so long as the City's Rotating Schedule Policy remains in effect.

Employee Responsibilities.

Employees who are not telecommuting are expected to report on his or her scheduled shift. If an employee fails to show up for work on his or her rotating shift schedule, the absence may be charged as Leave of Absence Without Pay and subsequent absences may be classified as a voluntary resignation without notice.

Employee Safety.

This policy does not affect or impair any employee's rights to Emergency Paid Sick Leave Act and/or Emergency FMLA Expansion Act. The City is concerned about employee safety and has established the rotation schedule for employees in order to assist with reduction of contact between employees and with the public within the City's offices.

Employee Compensation During the COVID-19 Pandemic.

1. ***Non-exempt employees.*** During this COVID-19 Emergency Period, non-exempt full-time and part-time employees who work a rotating schedule, as designated by their department head, may not be working the same amount of hours as the employee's normal working hours. The City authorizes paid administrative leave for the difference between the non-exempt employee's normal working hours and the working hours scheduled under the City's Rotating Schedule Policy. This paid administrative leave is not eligible for overtime calculations and will not be deducted from any employees' accrued time.
2. ***Exempt employees:*** An exempt employee who is rotating in the office, whether also teleworking or not, shall provide the City Manager with a weekly email of work performed

during the telework time, if any. Exempt employees will be paid for their full pay period salary if they are working either at the office or teleworking.

3. An employee who is out on prior-approved leave or under Federal Sick Leave Laws (Emergency Paid Sick Leave Act or Emergency FMLA Act) will be paid in accordance with those leave policies.
4. This policy does not amend the Employee Handbook, but provides only an interim administrative leave policy for the COVID-19 pandemic. Nothing in this resolution shall be construed to violate the Fair Labor Standard Act, affect the regular wage or to alter the at-will status of employees.
5. Nothing herein shall be construed to affect the non-exempt or exempt status of the impacted employees.
6. A Department Head may alter the rotating shift schedule or deny previously approved discretionary City Leave, if the Department Head determines that the employee is needed at work.
7. The guidelines listed above hereto be and they are hereby, adopted for the time period of April 7, 2020 to May 19, 2020, or to the end of the disaster declaration for the City of Cleveland, whichever comes last. Provided, further, the City Council reserves the right to amend this policy at its convenience.

PASSED AND APPROVED this _____ day of April 2020

Carolyn McWaters, Mayor Pro-Tem

ATTEST:

Angela Smith, City Secretary