

MEMORANDUM

To: Fred Gamble
Bill Thomas
Mark Cowden
Philip Stacy
Mayor Bill Blackburn

From: Tammye Riley

Date: March 24, 2020

Re: Agenda Item No. 9 – Discussion, consideration and possible action on COVID-19 (Coronavirus) response

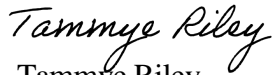
I wanted to take this opportunity to brief the Board on the steps that Management has taken and will be taking to ensure the health and safety of our customers and employees.

- Effective March 17th, we have temporarily closed our lobby to the public after CDC recommendations to reduce in-person contact. Our drive-thru remains open at this time. No change in business hours, in order to serve our customers.
- HR and Facilities have enhanced our cleaning and sanitizing efforts by adding additional cleaning services throughout the day.
- HR started an internal awareness campaign, which includes gloves, disinfecting wipes, hand sanitizer being provided to every employee and placed in all KPUB vehicles. Employees have been advised to avoid customer contact in the field, no hand shaking and standing 6' or more apart.
- Employees are telecommuting when available, with remaining staff's work stations spaced more than 6' apart or isolated completely. Our goal is to have less than 10 employees at this location by end of next week.
- Wellness checks have been implemented for employees that enter into the building throughout the day.
- In the Operations Department, we have assigned a vehicle to every crew member to travel separately to job sites. Each crew is reporting to a different substation in order to avoid gathering in the crew yard. Staggered schedules have been set to allow crews to enter the yard at different times to gather material and tools.
- Vehicle and work station turnover practices have been put into place for employees that must swap vehicles or work stations throughout the day.
- KPUB has requested and received contractor's COVID-19 response plans. (example, Townsend Tree Service)
- Weekly conference calls are held with the management team to strategize and plan for the coming next week, discuss the implemented changes and effectiveness and discuss any feedback received from employees. Additionally, KPUB has been working internally, with our peers in the electric utility industry, and our government and regulatory partners to gather

and share up-to-date information, best practices and guidance to stay safe and maintain operational integrity.

- KPUB is installing payment kiosks (they should be arriving in 3-4 weeks) that will have the capability to accept cash & check payments immediately. Credit card and debit card payments will be available at the kiosks shortly thereafter. Once the kiosks are in place and operational, KPUB has plans to close its drive-through services entirely for the safety of its employees and customers.
- HR is reviewing and developing policy to accommodate the new Federal regulations of the Families First Coronavirus Response Act. This will impact our FMLA and leave policies. These new regulations take effect April 2, 2020.
- The General Manager and HR are recommending action on relaxing our sick leave policy that would allow our employees impacted by the virus, themselves or a family member, to go into the negative with their sick leave. This would only be in effect until April 2, 2020 when the new regulations take effect.

Sincerely,



Tammye Riley
Manager of HR, Safety & Training

RESOLUTION NO. 20-06

A RESOLUTION GRANTING THE KERRVILLE PUBLIC UTILITY BOARD GENERAL MANAGER AND CEO AUTHORIZATIONS TO RESPOND TO THE COVID-19 (CORONAVIRUS) DISASTER.

WHEREAS, on March 20, 2020 City Council hereby ratified the disaster declaration due to concerns related to the coronavirus disease 2019 (COVID-19) signed by Mayor Bill Blackburn on March 16, 2020, as revised, and consented to its continuation indefinitely, or until such time as it is terminated by order of the Council; and

WHEREAS, Kerrville Public Utility Board supports the disaster declaration signed by Mayor Bill Blackburn on March 16, 2020, as revised;

NOW, THEREFORE, BE IT RESOLVED BY THE KERRVILLE PUBLIC UTILITY BOARD THAT:

Section 1. General Manager & CEO Authority. While the City of Kerrville disaster declaration is in effect, the General Manager & CEO, or designee, is authorized to take the following actions, but shall provide notice of such to the Kerrville Public Utility Board Trustees following such action:

- a. Approve individual purchases up to \$500,000.00 for Professional and/or Personal Services, General Services, Commodity and Material Goods and multi-year contracts as those items are defined in Board Policy 42: Purchasing and Procurement Policy.
- b. Suspend disconnections and fees related to the City's provision of utility services.

Section 2. Approval of Emergency Event Leave Policy. The General Manager & CEO is authorized to establish an Emergency Event Leave Management Directive with the same terms as the City of Kerrville's Emergency Event Leave Policy dated March 18, 2020.

Section 3. This Resolution shall take effect immediately from and after its passage.

PASSED, APPROVED AND ADOPTED on this 25th day of March, 2020

Fred Gamble, Chairman

ATTEST:

Philip Stacy, Secretary

REVISED 3/20/20

DECLARATION OF LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY

A DECLARATION OF THE MAYOR OF THE CITY OF KERRVILLE, TEXAS, DECLARING THAT COVID-19 (CORONAVIRUS) POSES AN IMMINENT THREAT OF DISASTER WITHIN THE CITY OF KERRVILLE AND DECLARING A STATE OF DISASTER WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Kerrville, Texas (the “City”) on the 16th day of March 2020, continues to prepare for widespread or severe damage, injury, or loss of life resulting from the novel coronavirus (COVID-19), which has been recognized globally as a contagious respiratory virus; and

WHEREAS, it is critical that the City now and immediately take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the public; and

WHEREAS, declaring a state of disaster will facilitate and expedite the use and deployment of resources to enhance the City’s ongoing preparedness, response, and mitigation to COVID-19; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas certified that COVID-19 poses an imminent threat of disaster and declared a state of disaster for all counties in Texas and has continued to issue orders in an effort to mitigate said disaster; and

WHEREAS, the Texas Department of State Health Services (“DSHS”) has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, the Mayor urges all citizens of Kerrville and this community to continue to monitor government websites such as the Centers of Disease Control and Prevention (“CDC”), DSHS, and the Texas Governor as well as news sources in an attempt to remain aware and vigilant about the spread of COVID-19 and the rapidly evolving situation; and

WHEREAS, the Mayor, in consultation with national, state, and local experts has determined that extraordinary measures must be taken to prepare for, respond to, and to mitigate the spread of COVID-19 and its impact to the public health and welfare;

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF KERRVILLE:

SECTION ONE. Declaration of Local State of Disaster. A local state of disaster (“disaster declaration”) is hereby declared for the City of Kerrville, Texas, pursuant to Section 418.108(a), Texas Government Code.

SECTION TWO. Duration of Local State of Disaster. Pursuant to Section 418.108(b), Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by Kerrville City Council.

SECTION THREE. Publicity and Filing. Pursuant to Section 418.108(c), Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary, to include posting it on the City’s website.

SECTION FOUR. Activation of the City Emergency Management Plan. Pursuant to Section 418.108(d), Texas Government Code, this declaration of a local state of disaster activates the City’s Emergency Management Plan.

SECTION FIVE. City-owned Facilities. Events greater than 10 persons shall cease at all public facilities owned or operated by the City (“Facilities”). The City Manager is hereby authorized to close any and all Facilities.

SECTION SIX. Gatherings Greater than 10 Persons. City recommends that any public or private gatherings of 10 or more people in a single indoor or enclosed (by fence, physical barrier, or other structure) outdoor location be canceled until further notice. Special consideration should be given to postpone or cancel events of 10 persons or more that would include any population at severe risk of severe illness. The population at the greatest risk is anyone over the age of 65 and/or those with severe medical conditions as defined by CDC guidelines. In any event, the sponsoring organization should make that determination in conjunction with the facility’s staff and shall comply with orders issued by the federal or state government as to changes or guidance concerning these restraints.

SECTION SEVEN. Care Facilities. Nursing homes and senior living centers should limit and/or regulate the visitation of the public within their facilities and/or do whatever is necessary to comply with orders issued by federal and state authorities.

SECTION EIGHT. Other Measures for Protection. Pursuant to Section 122.006, Texas Health and Safety Code, City is authorized to adopt rules to protect the health of persons within the City, including quarantine rules to protect its

residents against communicable disease and provide for establishment of quarantine stations, emergency hospitals and other hospitals.

SECTION NINE. Audience and presenter social distancing; public testimony and public hearing input. City Council meetings may be delayed, rescheduled, or conducted in accordance with alternate measures as permitted by law. To reduce the chance of COVID-19 transmission, the City shall hold its public meetings in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with other members of the community, City Council and other Board and Commission members, and City staff. Public testimony and public hearing input for public comment and on all items on the agenda at public meetings of the City Council and City Boards and Commissions shall be provided in a manner that best serves these purposes, but balancing the right of a person to make a public statement, orally and in person or in writing but keeping in mind the public health and safety. The City shall establish and provide notice of its *Council Meeting Procedures during Disaster Period* and shall also provide notice on its website of the meeting schedule for City Council.

SECTION TEN. Municipal Court. All non-essential court proceedings in the City's Municipal Court are postponed. All such proceedings will be rescheduled following the term of this Order. No fine, penalty, or punishment shall issue against a party because of the postponement ordered herein. Municipal Court shall continue to hear all proceedings deemed essential by the state Office of Court Administration, including search and arrest warrant requests, arraignments, criminal magistration proceedings, and requests for temporary restraining orders.

SECTION ELEVEN. City Boards. All City Board, Committee, and Commission meetings are suspended through the term of this order, with the exception of the Planning and Zoning Commission, which shall meet only to consider applications subject to state law-imposed deadlines. The City shall not accept any development applications, variance applications, certificate of appropriateness applications, or administrative appeals requiring approval from the Planning and Zoning Commission, Zoning Board of Adjustment, or City Council shall be accepted for the term of this Order.

SECTION TWELVE. City Manager Authority. The City Manager, or designee, is authorized to take the following actions, but shall provide notice of such to City Council following such action:

- a. make application for local, state, and federal assistance as necessary and/or applicable;
- b. accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials from private, nonprofit, or government sources;

c. terminate or suspend any event that is or may negatively impact the health, safety, and welfare of persons within the City;

d. approve individual purchases up to \$500,000.00 for general expenditures, which includes: fees, professional services, personal services, and other categories exempted from the bid process by the Local Government Code Section 252.022; and

e. suspend disconnections and fees related to the City's provision of utility services.

SECTION THIRTEEN. Limitation of Declaration. This declaration and orders does not extend to law enforcement activities, emergency responses, court operations to include jury operations, and to all school districts or private school facilities within the City.

SECTION FOURTEEN. Effective Date. This proclamation shall take effect immediately from and after its issuance. This disaster declaration supersedes all previous declarations on this matter.

ORDERED and REVISED this the ____ day of March, 2020.

THE CITY OF KERRVILLE, TEXAS

Bill Blackburn, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 06-2020**

**A RESOLUTION AUTHORIZED BY SECTION
418.108(B) OF THE TEXAS GOVERNMENT CODE
EXTENDING THE MAYOR'S DECLARATION THAT
COVID-19 (CORONAVIRUS) POSES AN IMMINENT
THREAT OF DISASTER WITHIN THE CITY OF
KERRVILLE AND DECLARING A STATE OF
DISASTER WITHIN THE CITY**

WHEREAS, on March 16, 2020, Mayor Bill Blackburn, acting in accordance with authority granted to him under the City's Charter and under Section 418.108(a) of the Texas Government Code, declared a local state of disaster ("disaster declaration") for the City due to concerns related to the coronavirus disease 2019 (COVID-19); and

WHEREAS, the Mayor revised and reissued the disaster declaration on March 18, 2020 to account for new information and health recommendations; and

WHEREAS, the Mayor, again taking into account new information and recommendations from federal, state, and local authorities and experts, which included the order issued on March 19, 2020, by Texas Governor Greg Abbot, has revised and reissued the disaster declaration, said declaration attached hereto as **Exhibit A** and dated March 20, 2020; and

WHEREAS, Section 418.108(b) of the Texas Government Code provides that the disaster declaration may not be continued for a period of more than seven days except with the consent of City Council; and

WHEREAS, the conditions necessitating the disaster declaration will continue to exist for a period of more than seven days; and

WHEREAS, City Council supports the disaster declaration signed by Mayor Bill Blackburn on March 16, 2020, as revised, and consents to its continuation for a period of more than seven days;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE:

City Council hereby ratifies the disaster declaration signed by Mayor Bill Blackburn on March 16, 2020, as revised, and consents to its continuation indefinitely, or until such time as it is terminated by order of the Council. Said declaration is attached hereto as **Exhibit A**.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2020.

ATTEST:

Shelley McElhannon, City Secretary

Bill Blackburn, Mayor

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney



CITY OF KERRVILLE, TEXAS

PERSONNEL POLICIES & PROCEDURES MANUAL

Effective March 18, 2020

EMERGENCY EVENT LEAVE POLICY

PURPOSE

The purpose of this policy is to provide guidance and instruction to employees on how to manage time away from work if a leave of absence is needed during a declared emergency event.

BACKGROUND

In the event of a wide scale emergency, and when authorized by the City Manager or an authorized designee, the City of Kerrville must balance a variety of objectives when determining how best to ensure the continuity of operations and reduce the impact on the workplace. In the event an emergency rises to the level that results in school dismissals, child care program closures, quarantine, and the like, it will permit an employee appropriate time away from work to provide care for their children, themselves and/or other immediate family members in a manner that allows for the continuity of the required City operations and service delivery.

DEFINITIONS

- **FMLA (Family Medical Leave Act)** – As authorized by Policy 7.15 of the City of Kerrville Personnel Policies & Procedures Manual, a leave designation that applies to qualified employees experiencing serious health conditions themselves or by their immediate family members and which runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker's compensation, as well as leave without pay.
- **Leave of Absence** – As authorized by Policy 7.12 and 7.13 of the City of Kerrville Personnel Policies & Procedures Manual, a leave designation that applies to situations not covered by FMLA and which runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker's compensation, as well as leave without pay.
- **Telecommuting** – An arrangement in which an employee performs regular work at an alternative work site for a specified portion of the work week for a limited and specified period. Occasional work off-site, including work while traveling on City of Kerrville business, does not constitute telecommuting.

SCOPE

This policy will take immediate effect when an emergency or a potential emergency is eminent and is declared, as such, by the City Manager or authorized designee. This policy will remain in effect until the City determines that the emergency or potential emergency is no longer a threat to the City or its employees. No part of this policy will be effective to the extent it conflicts with State or Federal law.

PROCEDURES & RESPONSIBILITIES

If an emergency is declared by the City Manager or authorized designee, employees may be forced to evacuate from their worksite and perform work from home, while others may need to take sick or other leave to recuperate from illness or assist with caring for immediate family members. It is important that all employees understand the various pay and leave flexibilities that may be utilized during an emergency crisis and to enable employees to stay home either for their safety or when ill, to care for an ill family member and/or dependent, or to care for children in the event their children's schools or childcare programs close, or dismiss as a result of the emergency. Employees required to stay home to take care of a child where the school or day care has closed, but there is no illness, will not qualify for the use of sick leave accruals under the current policy. Therefore, in the event of an emergency, the City reserves the right to adjust its leave policies, as well as may allow eligible employees to realize an appropriate negative sick leave balance as outlined below.

1. Before an employee shall be allowed to enter into a negative sick leave balance they shall have exhausted all other applicable accrual balances such as vacation, floating holiday, and compensatory time.
2. Eligible employees will be permitted to accrue **up to 40 hours** of negative sick leave in the event a local emergency is declared by the City Manager or authorized designee.
3. To be eligible, the employee must be a full-time employee, exempt or non-exempt, who works a minimum of forty (40) hours per week on a regular basis and has exhausted all other accrued leave balances.
4. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the City through future accruals, or by cash payment in the event of separation prior to full reimbursement.
5. If the leave qualifies as FMLA-protected leave, the City will require the employee to use paid sick leave, vacation leave, and other accruals pursuant to the FMLA policy in the Employee Policy Manual.
6. 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 balance remaining. **The employee's acknowledgement of this policy will serve as evidence of receipt of this policy and shall serve as permission for the City to make said deduction, without the need for a separate agreement.**

During an emergency, the City 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.

In the event of a wide scale emergency or pandemic, where the employee is not ill, the employee may not take leave, or refuse to work, simply to avoid possible exposure to a causative agent in the workplace. Employees who may have a disability that creates an increased risk associated with the emergency are encouraged to notify HR in order to seek an accommodation under the City's disability policy.

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 in accordance with City policy up to and including termination.

If the need arises, employees who hold positions that are suitable for telecommuting may enter into a Telecommuting Work Arrangement Agreement, per the City of Kerrville's Emergency Telecommuting Policy.

ACCOUNTABILITY

Employees who are found to be in violation of any part of this policy may be subject to disciplinary action as outlined in the City of Kerrville Personnel Policies & Procedures Manual.

ENFORCEMENT

Human Resources will be responsible for the enforcement of this policy.

EMPLOYEE ACKNOWLEDGEMENT & SIGNATURES

I have read and been provided with a copy of this policy and will comply with the contents of this policy.

EMPLOYEE SIGNATURE: _____ DATE: _____

SUPERVISOR SIGNATURE: _____ DATE: _____

DEPARTMENT DIRECTOR
SIGNATURE: _____ DATE: _____