

**DECLARATION OF DISASTER
DUE TO A HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

WHEREAS, the Centers for Disease Control and Prevention has announced the repeal of Title 42, allowing for the inflow of migrants from the southern border; and

WHEREAS, thousands of migrants from Latin America have already gathered at or near the U.S.- Mexico border awaiting processing after Title 42 was struck down by a federal court with the parties agreeing that the injunction would end on December 21, 2022; and

WHEREAS, upon the migrants' arrival into the United States, they are held by CBP who process, set for hearing and then release migrants onto El Paso streets with little to no resources; and

WHEREAS, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

WHEREAS, the City lacks the resources to address a new surge in migration as it did in recent years, in addition to the City dealing with an ongoing global pandemic; and

WHEREAS, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, Customs and Border Protection (CBP) has surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

WHEREAS, for federal fiscal year 2023, Southwest encounters are at 204,273 of which 76,402 are a result of Title 42; and

WHEREAS, the Southwest had 230,678 land border encounters in the month of October, 2022; and

WHEREAS, the El Paso sector of CBP had 53,284 land border encounters in the month of October, 2022 and a total of 53,284 encounters for federal fiscal year 2023; and

WHEREAS, in the month of December 2022, approximately 6000 migrants have been arriving weekly; and

WHEREAS, when the City faced a migrant surge in March of 2019, the Annunciation House, a local non-governmental organization ("NGO"), was able to establish numerous hospitality sites throughout the El Paso region, versus today's smaller number of hospitality sites; and

WHEREAS, the primary challenge is that the NGO does not have the volunteer base to sustain or increase current capacity at its current hospitality sites; and

WHEREAS, in response to the street releases by CBP, the El Paso City-County Office of Emergency

Management (“OEM”) reallocated COVID-19 operations to address the migrant situation; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity and that staff is currently assisting in that function; and

WHEREAS, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 daily street releases by CBP; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City’s Migrant Welcome Center, was over 1,000 on a daily basis; and

WHEREAS, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance, providing services to over 19,300 migrants through October 20, 2022, and

WHEREAS, there were over 40,000 community releases to local NGOs and the City during this period; and

WHEREAS, the City’s Welcome Center sponsored 294 charter buses with 13,900 unsponsored migrants aboard to New York City and Chicago as final destinations; and

WHEREAS, Sun Metro buses transported upwards of 4,800 migrants to the El Paso International Airport, bus stations, the Welcome Center, and shelters; and

WHEREAS, the City provided over 39,000 meals to migrants at the local facilities, and for travel aboard the outbound charter buses; and

WHEREAS, the number of migrants released into the community continues to grow; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region during an ongoing global pandemic; and

WHEREAS, there is the potential for loss of property for both residents and migrants due to those who would take advantage of this wave of migrants; and

WHEREAS, the El Paso International Airport has become saturated with migrants awaiting air travel and the City of El Paso could need to take measures to preserve the health and safety of its customer, employees and

the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel has increased exponentially; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; and

WHEREAS, the Mayor of the City of El Paso is committed to collaborate the efforts of the City to ensure that adequate resources are made available to handle these issues.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF EL PASO:

1. That a local state of disaster is hereby declared for the City of El Paso pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.108(b) of the 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 the City Council of El Paso, or a new local state of disaster on this same topic is declared by the Mayor.
3. Pursuant to §418.108(c) of the 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 Clerk.
4. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City emergency plan.
5. This declaration activates the response and recovery aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary or desirable by those administering such plans, including but not limited to sheltering and instituting curfews as necessary to protect the health, safety and welfare of the public.
6. Pursuant to Texas Health and Safety Code §122.006, the City may adopt rules to protect the health of persons in the City, and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.
7. Pursuant to Texas Health and Safety Code §121.003(a), the governing body of a municipality may enforce any law that is reasonably necessary to protect public health.
8. Pursuant to El Paso City Code 2.48.020(c), the Mayor as Emergency Management Director, may declare a local state of disaster.

ORDINANCE NO. _____

22-1006-11694/PL#1220261/Disaster Declaration/2022 Migrant Crisis/JF/CA

9. Pursuant to El Paso City Code 2.48.020(h), the Mayor issues necessary proclamations, regulations or directives which are necessary for the protection of life and property in the City.
10. That this declaration shall take effect immediately from and after its issuance.

ORDERED this the 17th day of December, 2022.

CITY OF EL PASO, TEXAS



Oscar Leeser
Mayor

ATTEST:



Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney