

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

WHEREAS, on February 26, 2024, District 2 voted against the Motion to extend the Emergency Ordinance extending the May 1, 2023 migrant crisis Disaster Declaration, which defeated the required unanimous consent for such extension; and

WHEREAS, in order to address the fact that the conditions prompting issuance of the May 1, 2023 migrant crisis Disaster Declaration persisted, on February 29, 2024, March 7, 2024 and March 14, 2024, the Mayor declared a disaster under the authority of §418.108(a) of the Texas Government Code due to the conditions described below; and

WHEREAS, said conditions continue to persist; and

WHEREAS, for federal fiscal year 2024, Southwest migrant encounters are at 961,735; and

WHEREAS, the El Paso sector of Customs and Border Patrol (“CBP”) had 482,095 land border encounters and over 174,000 community releases in federal fiscal year 2023; and

WHEREAS, since 2018 periodic waves of mass migration have arrived to the City acutely overstressing and exceeding the limits of our shelter and transportation networks for weeks or months; and

WHEREAS, thousands of migrants from Latin America and around the world gathered at or near the U.S.-Mexico border awaiting processing after Title 42, which was a COVID-19 era mechanism, ended along with the expiration of the Public Health Emergency for COVID-19 in May 2023; and

WHEREAS, upon the migrants’ arrival into the United States, they are held by CBP which processes, sets for hearing and then releases migrants to non-governmental organizations (“NGOs”), the City and County with little to no resources; and

WHEREAS, state and federal infrastructure and support is critical to support efforts led by the City of El Paso Office of Emergency Management (“OEM”) to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, El Paso has required 570 long-distance charters to decompress the region and help migrants without monetary means reach their final destinations safely; and

WHEREAS, migrants aboard the long-distance charters have selected the destination for themselves oftentimes for purposes of reunification with friends and family and immigration reporting requirements; and

WHEREAS, in September 2023, the City purchased the former Morehead Middle School campus to serve as its Community Readiness Center (“CRC”) to assist migrants on a short-term basis; and

WHEREAS, OEM has opened the CRC when the migrant numbers exceeded the local shelter capacity; and

WHEREAS, the number of migrants released into the community has been as high as 1,700 in a single day; and

WHEREAS, there are significant public safety and security concerns related to the waves of migration, including but not limited to the risk of 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, 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; and

WHEREAS, there is potential for loss of property for both residents and migrants due to criminal elements that would take advantage of vulnerable migrants; and

WHEREAS, the El Paso International Airport has at times, during the waves of mass migration, become saturated with migrants awaiting air travel and shelter, and the City of El Paso has at times taken measures to preserve the health and safety of its customers, 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 can increase exponentially; and

WHEREAS, the City of El Paso is home to four of the international ports-of-entry on the U.S.-Mexico border; and

WHEREAS, based on mass migration events in the past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays on multiple occasions; 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 collaborating and communicating as necessary to ensure that adequate resources are made available to handle these issues; and

WHEREAS, this document activates the City's Emergency Management Plans, and therefore reflects the authority of the City of El Paso's OEM in the handling of the local mass migration response and is separate and apart from any authority possessed by any other jurisdiction, including other local, state, or federal agencies.

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

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. 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.
3. 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.
4. 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.
5. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City emergency plan.
6. 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, transportation, instituting curfews and control of ingress and egress to areas as needed to protect the health, safety and welfare of the public.
7. 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.
8. 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.

9. Pursuant to El Paso City Code 2.48.020(c), the Mayor as Emergency Management Director, may declare a local state of disaster.
10. 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.
11. That this declaration shall take effect at 12:01 a.m. on March 22, 2024.

ORDERED this the 21 day of March, 2024.

CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
City Attorney