

ORDINANCE NO. 019422

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY  
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN  
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE  
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS  
MIGRATION THROUGH EL PASO**

**WHEREAS**, on May 23, 2022, the Mayor and City Council of the City of El Paso (the "City") passed an Emergency Ordinance No. 019333 "Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso"; and

**WHEREAS**, thousands of migrants from Latin America have already gathered at or near the U.S.- Mexico border in hopes that President Biden will ease immigration restrictions that will make it easier to enter the United States; and

**WHEREAS**, on April 1, 2022, the Centers for Disease Control and Prevention ("CDC") announced the repeal of the Public Health Services Act, 42 U.S.C. §265 ("Title 42"), which was expected to allow for the inflow of migrants from the southern border; and

**WHEREAS**, federal litigation ensued to enjoin the CDC from repealing Title 42 on the intended date of May 23, 2022; and

**WHEREAS**, on June 30, 2022, a United States Supreme Court ruling allowed the President to end the Migrant Protection Protocols, which would allow for the inflow of migrants from the southern border; and

**WHEREAS**, Title 42 was struck down by a federal court with the parties agreeing that the injunction would end on December 21, 2022; 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 2022; 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 over thirty hospitality sites throughout the El Paso region, versus today's fifteen hospitality sites; and

**WHEREAS**, the primary challenge is that the NGO does not have the volunteer base to

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sustain or increase current capacity at its current hospitality sites (ten in El Paso, Texas, three in Las Cruces, New Mexico, one in Deming, New Mexico, and another in Albuquerque, New Mexico); and

**WHEREAS**, although NGO volunteer recruitment efforts will continue, it is not anticipated that the volunteer base will keep up with the current demand, despite the NGO having identified additional facilities that could receive migrants; and

**WHEREAS**, when the U.S. Customs and Border Protection's ("CBP") Central Processing Center is over capacity and NGO space is unavailable, that is when the potential for street releases arises; and

**WHEREAS**, on May 15, 2022, the federal authorities released 119 single adults on the downtown streets of the City of El Paso; and

**WHEREAS**, in response to the May 15, 2022, street release, the El Paso City-County Office of Emergency Management ("OEM") reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO's largest hospitality site; 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 with over 40 staff currently assigned; and

**WHEREAS**, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

**WHEREAS**, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

**WHEREAS**, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

**WHEREAS**, OEM continues to provide COVID-19 isolation and quarantine hotel support to migrant shelters, expanding operations when outbreaks occur in congregate shelter facilities; and

**WHEREAS**, OEM has provided isolation and quarantine services to over 2,708 migrants in close coordination with NGOs since April 2020; and

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**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 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 was over 40,000 community releases to local NGOs and the City during this period; and

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

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

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

**WHEREAS**, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; 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 hot or cold 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 financial advantage of this wave of migrants; and

**WHEREAS**, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of EPIA and to ensure that those operations are



conducted in compliance with the rules and regulations regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

**WHEREAS**, EPIA has become saturated with migrants awaiting air travel and could need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure its facilities as the demand for air travel increases exponentially; and

**WHEREAS**, CBP has released many migrants onto downtown streets leaving many migrants without shelter; 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 potential encampment of large groups of migrants on City rights of way, parks and other City property poses safety risks to migrants and citizens alike; and

**WHEREAS**, in awaiting the due support of the federal government, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

**WHEREAS**, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

**WHEREAS**, OEM and the City will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region; and

**WHEREAS**, this Ordinance shall remain in effect until otherwise terminated, re-enacted, or superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, or state or federal law.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**ORDINANCE NO. 019422**

22-1006-11694 / PL#1220642v.2

Emergency Ordinance -Jan. 2023 Extension & AMD- Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

PASSED AND ADOPTED, this 3<sup>rd</sup> day of January, 2023.



THE CITY OF EL PASO, TEXAS

A handwritten signature in black ink, appearing to read "Oscar Leeser", written over a horizontal line.

Oscar Leeser  
Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Laura D. Prine", written over a horizontal line.

Laura D. Prine  
City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Karla M. Nieman", written over a horizontal line.

Karla M. Nieman  
City Attorney

APPROVED AS TO CONTENT:

A handwritten signature in black ink, appearing to read "Mario M. D'Agostino", written over a horizontal line.

Mario M. D'Agostino, Deputy City Manager  
Public Health & Safety

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