

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Manager's Office

**AGENDA DATE:** January 17, 2023

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON NAME AND PHONE NUMBER:** City Manager's Office, Chief Mario D'Agostino,  
(915) 212-5605

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 6 – Set the standard for sound governance and fiscal management.

**SUBGOAL:** 6.8 Support transparent and inclusive government

**SUBJECT:**

Discussion and action on an Emergency Ordinance extending a disaster declaration due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

**BACKGROUND / DISCUSSION:**

On December 17, 2022 a disaster declaration was issued, which will expire on January 23, 2023,

**PRIOR COUNCIL ACTION:**

On April 13, 2022 an Emergency Order was adopted extending a disaster declaration issued on March 17, 2020.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Mario M. D'Agostino*

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

**AN EMERGENCY ORDINANCE  
EXTENDING A DISASTER DECLARATION DUE TO A  
HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS  
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

**WHEREAS**, on December 17, 2022 the Mayor of the City of El Paso issued a Declaration of Disaster due to a new wave of migration through the City of El Paso (the “City”); and

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

**WHEREAS**, for federal fiscal year 2023, Southwest encounters were at 411,125 of which 142,857 were Title 42; and

**WHEREAS**, the El Paso sector of CBP had 53,247 land border encounters in the month of November, 2022; and

**WHEREAS**, the Centers for Disease Control and Prevention has announced the repeal of Title 42, allowing for significantly increased 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**, on December 19, 2022, the Supreme Court of the United States issued an order allowing the injunction to remain in place until further review of the case can be carried out; and

**WHEREAS**, on January 8, 2023, the President of the United States visited the border to assess the situation in part because of the number of migrants has gained the attention of the media and national leadership; and

**WHEREAS**, upon the migrants’ arrival into the United States, they are held by CBP who processes, sets for hearing and then releases migrants onto El Paso streets with little to no resources; and

**WHEREAS**, the number of migrants in need of shelter exceeds the shelter space available through local, state, and federal partnerships; 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

**ORDINANCE NO.** \_\_\_\_\_

22-1006-11694/PL#1222874v.3/(Jan. 2023) Emergency Ordinance extending Disaster Declaration/Dec. 2022 Migrant Crisis/JF/CLA

**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**, 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**, 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 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 at times has reached a saturation level with migrants awaiting air travel and is prepared to take measures if necessary 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**, 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 delays; and

**WHEREAS**, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

**WHEREAS**, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31<sup>st</sup> day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

**WHEREAS**, the condition necessitating the declaration of a state of disaster continues to exist.

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

**ORDINANCE NO. \_\_\_\_\_**

22-1006-11694/PL#1222874v.3/(Jan. 2023) Emergency Ordinance extending Disaster Declaration/Dec. 2022 Migrant Crisis/JF/CLA

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. That the state of disaster proclaimed for the City of El Paso by the Mayor on December 17, 2022 shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of the City Council, whichever is sooner.
3. 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 and is effective upon adoption.

**PASSED AND ADOPTED, this 17<sup>th</sup> day of January, 2023.**

**THE CITY OF EL PASO, TEXAS**

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Oscar Leaser  
Mayor

**ATTEST:**

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Laura D. Prine  
City Clerk

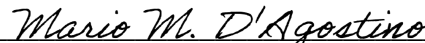
**APPROVED AS TO FORM:**



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Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**



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

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