

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

AGENDA DATE: May 8, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Mario M. D'Agostino, DCM (915) 212-5605

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 2. Set the standard for a safe and secure City

SUBGOAL: 2.3 Increase public safety operational efficiency
2.8 Implement effective code enforcement strategies to reduce nuisances, enhance visual appearance and improve overall health and safety

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 May 11, 2023, Title 42 will be lifted and the Federal Government anticipates a significant increase in the flow of migrants through our area which will exceed our sheltering and transportation capacity and will require the continued activation of the City's Emergency Operations Plan.

PRIOR COUNCIL ACTION:

On May 23, 2022, City Council passed Ordinance No. 019333 which has been renewed every month since then with the latest renewal on April 24, 2023, Ordinance No. 019478.

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Fire Department

SECONDARY DEPARTMENT: OEM



*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

**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 May 8, 2023 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, for federal fiscal year 2023, Southwest encounters were at 1,055,320 of which 419,147 were Title 42; and

WHEREAS, the El Paso sector of CBP had 39,512 land border encounters in the month of March, 2023; and

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

WHEREAS, Secretary Mayorkas of the Department of Homeland Security (DHS) has commented that he expects a surge in migration after Title 42 ends; and

WHEREAS, DHS has created an immigration benefit through which migrants from certain nations can request asylum and be paroled into the country; 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

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, the primary challenge for the non-governmental organizations (NGO’s) assisting in the effort is that the NGO’s do not have the volunteer base to sustain or increase current capacity at their current hospitality sites; and

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WHEREAS, the Office of Emergency Management has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; 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, the number of migrants released into the community continues to grow; and has been as high as 1,700 in a single day; and

WHEREAS, the Mexican government estimates that approximately 15,000 are now camped in Ciudad Juarez awaiting an opportunity to cross the border; and

WHEREAS, the volume of migrants at the border and released into the United States has gained the attention of international and national media; 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, donations to the migrants from the public are best received at the assisting NGO's and shelters in lieu of delivery to spaces where migrants gather; and

WHEREAS, additional shelter space is being prepared for the thousands of migrants released into the community; and

WHEREAS, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; 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 those who would take advantage of this wave of migrants; and

WHEREAS, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take 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 4 of the 28 international ports of entry between Texas and Mexico; and

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WHEREAS, based on mass migration events in the recent 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, which is concerning, as 161,439 cargo trucks pass across the Bridge of the Americas alone annually; 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, 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 31st 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:

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 May 8, 2023 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.

(Signatures begin on Following Page)

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PASSED AND ADOPTED, this ____ day of May, 2023.


THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



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

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