

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

DECLARATION OF LOCAL STATE OF DISASTER

WHEREAS, the public health and safety of the residents of Galveston County are under imminent threat from the influx of foreign nationals unlawfully crossing the Texas-Mexico border. The ongoing border crisis has resulted in thousands of undocumented noncitizens entering the State of Texas and Galveston County; and **There is no evidence in support of this unfounded claim of “imminent threat” to the residents of Galveston County.**

WHEREAS, Governor Abbott declared a state of disaster on May 31, 2021, which was expanded on June 25, 2021, on the basis of threats to public health arising from the ongoing surge of individuals unlawfully crossing the Texas-Mexico border; and **Governor Abbott’s declaration is a poor foundation for this Declaration for Galveston County.**

WHEREAS, this public health threat comes from the flow of illegal drugs in our communities and region, causing addictions, dependencies, and overdoses; the associated violence, resulting from gang and drug activities in our communities and region; the influx of human and sex trafficking in our communities and region; and the elevated risk of exposure to infectious diseases including foreign variants of COVID-19, HIV, tuberculosis, influenza, mumps, measles, rubella, and polio without testing and health regulation of the persons illegally entering our communities and region from nations with higher rates of infection of such diseases; and **Where is the supporting data from the Galveston County Local Health Authority that assesses the actual risk to residents of Galveston County? Where is the data from local law enforcement quantifying the actual impact on crime in Galveston County? We have plenty of home-grown, domestic crime. Before allocating our limited resources, decisions should be made on the basis of evidence-based fact, not political grandstanding.**

WHEREAS, the American Rescue Plan signed in to law on March 11, 2021 by President Joe Biden allocated funds to cities and counties to spend on public health and combat the spread of COVID-19; and **Better late than never, but this could and should have been done under the previous administration, which maintained that the pandemic was a “hoax”.**

WHEREAS, the Galveston County Commissioners Court passed a resolution on May 17, 2021 relating to the Texas-Mexico border crisis finding that extraordinary measures must be taken to ensure the protection of the health, safety, and welfare of Galveston County residents; and **More pretentious political theater.**

WHEREAS, in order to protect the public health of Galveston County citizens and defend Galveston County residents from the imminent harms to public health arising from an open Texas-Mexico border, it is necessary to direct county law enforcement

and financial resources to assist the State of Texas in securing the Texas-Mexico border; and

This is a false narrative on multiple counts. The Texas-Mexico border is 1,254 miles long. If every law enforcement officer in Galveston County were sent to the border, it would make little or no difference on flow of migrants coming into Texas, legal or otherwise. Furthermore, local law enforcement officers have no authority to enforce immigration law.

If this is really a health issue, we would probably be better served by sending medical staff to the border to screen and inoculate migrants, regardless of their immigration status.

WHEREAS, the recent influx of illegal immigrants has overwhelmed federal, state, and local law enforcement capacities which poses a direct threat to the public health safety of Galveston County residents; and

This probably should have read “health and safety”. Again, the risk assessment needs to be quantified before allocating our limited resources outside of the County. We have ample domestic problems with crime in Galveston County without traveling hundreds of miles to find more, even should it actually exist.

WHEREAS, over the past year U.S. Customs and Border Protection has reported a 1,000% increase in apprehensions of illegal immigrants crossing the U.S. -Mexico border; and

Over what time period? Regardless of the magnitude of the border influx, the solution, if there is one, will be a matter of national immigration policy, not grandstanding by local politicians.

WHEREAS, with the surge of illegal immigration on Texas-Mexico border, the public health risks to Galveston County residents are increasing at an alarming rate; and

Again, where is the supporting data from the Galveston County Local Health Authority? If this is, indeed, a real health problem, it should be documented and both the public and local policy makers should be made aware, so that appropriate medical advice can be sought and applied.

WHEREAS, the Texas Government Code Chapter 418 gives the County Judge the power to declare a local disaster within the county "if the threat of disaster is imminent"; and

The keyword here is “if”. Until and unless such a threat is documented and quantified, no such authority should be approved.

WHEREAS, such controls, once implemented have the potential of protecting the lives, property, and public health of Galveston County residents;

The term “controls” is ambiguous and undefined, absent the implementation as defined in any supplementary “Executive Orders”. As such, the “potential” is meaningless rhetoric until the true scope of the problem(s) are documented, and then real solutions are formulated.

BE IT THEREFORE DECLARED BY THE COUNTY JUDGE OF GALVESTON COUNTY:

1. A local state of disaster is hereby declared for Galveston County, Texas pursuant to Section 418.108(a) of the Texas Government Code.

The basis for such a declaration has yet to be established.

2 This state of disaster will continue until rescinded in accordance with the above cited statute, but in no instance will this declaration continue for more than seven days without being authorized by the County Commissioners Court.

Until and unless the actual risks are specifically defined and quantified, no such authorization should be given.

3 This declaration of local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

4 Pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the Galveston County emergency management plan.

How, exactly, does sending County personnel to the State's southern border align with the County's emergency management plan? [Without a review of the plan, this is an open question.]

5 Pursuant to the County Judge's emergency powers authorized under Chapter 418 of the Government Code in times of a declared disaster, it is hereby ORDERED:

5.a Pursuant to Section 362.002(a) of the Texas Local Government Code, Galveston County's law enforcement officials are authorized to provide assistance in concert with the State of Texas or other Texas counties on or near the border which are also experiencing a declared state of disaster and which have requested assistance to uphold the sovereignty and territorial integrity of this State and mitigate public health effects in this county.

Question: Have any other counties, on or near the border, made such a declaration *and* actually requested outside assistance? This sounds more like a solution in search of a problem. Of course, Governor Abbott is running for reelection and has been trumpeting his tough-on-crime theme lately, especially since he is seeing a likely primary challenge. However, that should not be sufficient cause to divert County resources for more political theater. If the resources actually exist, why not utilize them right here in Galveston County?

5.b This declaration hereby establishes the "Galveston County Border Security Response Team" and appoints Galveston County Sheriff Henry Trochesset, Constable Rick Sharp, Constable Jimmy Fullen, and Constable Justin West as Directors of the Team. Directors shall coordinate the deployment of resources to respond to the state of disaster with the State of Texas and other corresponding counties. Any municipal law enforcement agency in the County which wishes to participate in the border disaster response should contact a Director for coordination.

If such a "Border Security Response Team" were to be established, the membership of such a team should be tied to the office, not the individual. (i.e., Sheriff of Galveston County, Constable of Precinct 1, etc.). By naming individual Republican elected officials, this is a blatant partisan political sideshow being funded on the taxpayers dime.

5.c This declaration hereby authorizes the Galveston County Border Security Response Team to propose the use of American Rescue Plan funds allocated to the Galveston County to carry out border security operations in order to protect the public health of Galveston County residents. Proposals shall be submitted by the Team to the County Judge for final approval.

By their own admission at a recent press conference and photo-op, none of these appointees actually have any firsthand knowledge or experience with conditions on the border. If this is really about public health, why aren't any public health officials on the Team, and even leading the effort?

5.d This declaration hereby authorizes the transfer of up to 10% (\$6,600,000) of American Rescue Plan funds allocated to Galveston County, Texas to assist with the construction of a permanent border wall along the Texas-Mexico border to protect the public health of Galveston County residents, subject to the proposal of the Team and final approval of the Judge as described above.

The ARPA funds are designated for public health and to address the public health emergency caused by the novel coronavirus pandemic, not for political adventurism and showboating.

5.e This declaration shall take effect immediately.

IN WITNESS WHEREOF, I affix my signature this 29 day of June, 2021.

Mark Henry

County Judge

Filed with the Clerk of County on, _____, 2021.