



STATE OF TEXAS §

§

ORDER NO. 2021- 034

COUNTY OF DE WITT §

**DECLARING A LOCAL STATE OF DISASTER**

**WHEREAS**, on the 10<sup>th</sup> of May, 2021, the Commissioners Court of the County of DeWitt adopted Resolution No. 2021-036 (attached hereto) supporting Operation Lone Star and seeking federal reimbursement of expenses incurred due to the Biden Administration’s “Open Border” policy; and

**WHEREAS**, on the 31<sup>st</sup> day of May, 2021, the Honorable Greg Abbott, Governor of the State of Texas, issued a Proclamation (attached hereto) certifying that an ongoing surge of individuals unlawfully crossing the Texas-Mexico border poses an ongoing and imminent threat of widespread and severe damage, injury, and loss of life and property, including property damage, property crime, human trafficking, violent crime, threats to public health, and a violation of sovereignty and territorial integrity in certain Texas counties and for all state agencies affected by this disaster; and

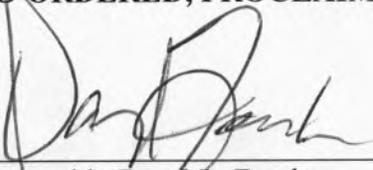
**WHEREAS**, the county budget adopted for fiscal year 2021 did not anticipate the potential of costs associated with the local costs of mitigating the negative effects of an “Open Door” border policy;

**NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF DE WITT COUNTY, TEXAS:**

1. That a state of disaster is declared for DeWitt County, Texas pursuant to §418.108(a) of the Texas Government Code.

2. Pursuant to § 418.108(b) of the Texas Government Code, this state of disaster shall continue for a period of not more than seven days of the date hereof unless the same is continued or renewed by consent of the Commissioner's Court of DeWitt County, Texas.
3. Pursuant to §418.108(c) of the Texas Government Code this declaration of a state of disaster shall be given prompt and general publicity and shall be filed promptly with the DeWitt County Clerk and the Texas Division of Emergency Management.
4. Pursuant to §418.108(d) of the Texas Government Code this declaration of a state of disaster activates the DeWitt County Emergency Management Plan.
5. This Proclamation shall take effect immediately and after its issuance.

**SO ORDERED, PROCLAIMED AND PUBLISHED on this 14<sup>th</sup> day of June 2021.**

  
 \_\_\_\_\_  
 Honorable Daryl L. Fowler  
 County Judge

Attest: Natalie Carson  
 \_\_\_\_\_  
 Honorable Natalie Carson  
 County Clerk

By: \_\_\_\_\_  
 Deputy

**RATIFICATION OF JUDGE'S DECLARATION OF A LOCAL DISASTER**

On this 14<sup>th</sup> day of June, 2021, the Commissioners Court of DeWitt County considered the foregoing Declaration of a Local Disaster while convened in a meeting conforming to the Texas Open Meetings Act and hereby ratify and extend the same until the imminent threat of a local disaster is removed or cancelled by further orders of the Court.

Motion made by Commissioner Randle, and seconded by Commissioner AFTerbach  
 the same is adopted on a vote of 5 Ayes and 0 Nays.

Attest: Natalie Carson  
 \_\_\_\_\_  
 Natalie Carson  
 County Clerk

Date: June 14, 2021



**ORDER NO. 2021-036**

**A RESOLUTION OF THE DE WITT COUNTY COMMISSIONERS COURT; RECOGNIZING THE FAILURE OF THE FEDERAL GOVERNMENT TO ENFORCE FEDERAL IMMIGRATION LAWS; SUPPORTING OPERATION LONE STAR; SEEKING REIMBURSEMENT OF STATE AND LOCAL EXPENSES DUE TO ILLEGAL IMMIGRATION; AND IN COMPLIANCE WITH THE OPEN MEETINGS ACT, CHAPTER 551 OF THE GOVERNMENT CODE.**

**WHEREAS**, all legislative powers, including the power to establish rules of naturalization, are vested in the Congress of the United States and the executive power of the federal government is vested in the president by the constitution of the United States of America; and

**WHEREAS**, in practice, Congress has abdicated much of its immigration and naturalization power, and presidents have assumed more immigration power through Executive Orders; and

**WHEREAS**, Donald J. Trump, the 45<sup>th</sup> President of the United States issued executive orders to bolster the Department of Homeland Security's mission to curtail the volume of illegal immigration, human trafficking, and drug smuggling; and

**WHEREAS**, Joe Biden, the 46<sup>th</sup> President of the United States has issued executive orders that reverse many of the executive orders of President Donald J. Trump and impede the mission of the Department of Homeland Security; and

**WHEREAS**, the executive orders of Joe Biden have created an environment that promotes narcotics smuggling, sex trafficking, and human suffering while simultaneously placing an enormous manpower and financial burden on the State of Texas and local county governments; and

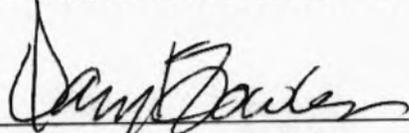
**WHEREAS**, Texas Governor Greg Abbott has initiated Operation Lone Star to combat the costly negative effects of what is essentially an "Open Border" immigration policy and is seeking federal funds to reimburse the State and her local governments; now

**THEREFORE BE IT RESOLVED** that the Commissioners Court of DeWitt County supports the initiative of Governor Abbott and welcomes his efforts to seek federal funds that will alleviate the financial burden on Texas taxpayers; and

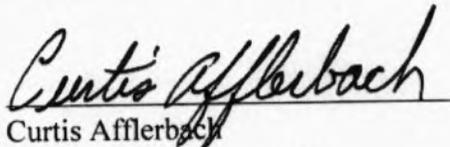
**BE IT FURTHER RESOLVED** that the Commissioners Court of DeWitt County calls upon Joe Biden, the 46<sup>th</sup> President of the United States, to reconsider the immigration policy of his administration; to calculate the humanitarian costs of an "Open Border" immigration policy; and to immediately enforce the laws of the United States with all of the resources available to her, namely: the Department of Homeland Security, Immigration and Customs Enforcement, and the Border Patrol.

**THIS RESOLUTION WAS READ, CONSIDERED, AND ADOPTED DURING A MEETING CONFORMING TO THE TEXAS OPEN MEETINGS ACT ON THIS**  
10<sup>th</sup> **DAY OF MAY, 2021.**

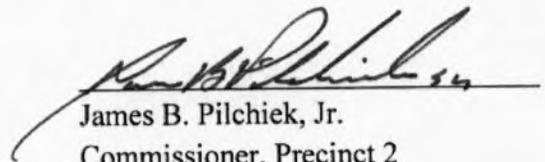
**FOR THE COUNTY OF DE WITT:**



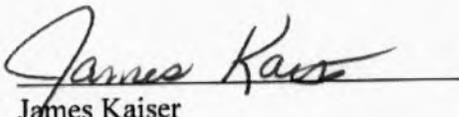
Daryl L. Fowler, County Judge



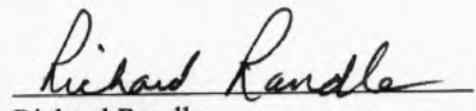
Curtis Afflerback  
Commissioner, Precinct 1



James B. Pilchick, Jr.  
Commissioner, Precinct 2

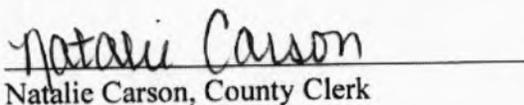


James Kaiser  
Commissioner, Precinct 3



Richard Randle  
Commissioner, Precinct 4

Attest:



Natalie Carson, County Clerk

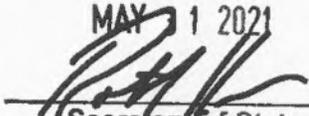
By: \_\_\_\_\_  
Deputy Clerk



GOVERNOR GREG ABBOTT

May 31, 2021

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8PM O'CLOCK

MAY 1 2021  
  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

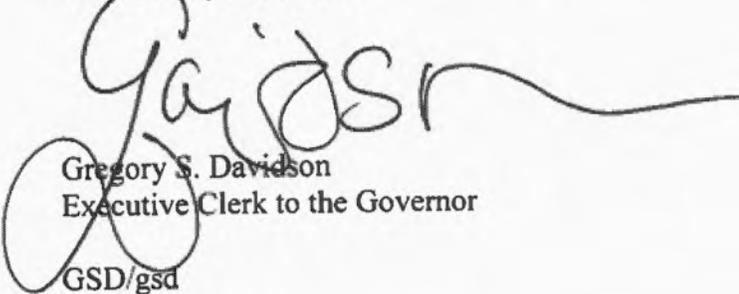
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation certifying that the ongoing surge of individuals unlawfully crossing the Texas-Mexico border poses an ongoing and imminent threat of widespread and severe damage, injury, and loss of life and property, including property damage, property crime, human trafficking, violent crime, threats to public health, and a violation of sovereignty and territorial integrity, in certain Texas counties and for all state agencies affected by this disaster.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, securing the international border is the federal government's responsibility, but the State of Texas has consistently taken action to ensure the safety of all Texans by augmenting federal border security efforts at the Texas-Mexico border; and

WHEREAS, since 2014, Texas has spent roughly \$3.5 billion to help secure the border and protect public safety; and

WHEREAS, in 2021 alone, I have deployed 1,000 troopers from the Texas Department of Public Safety (DPS) and hundreds of soldiers from the Texas National Guard to the border; and

WHEREAS, on March 6, 2021, amidst escalating border crossings, I directed DPS to initiate Operation Lone Star and devote additional law enforcement resources towards deterring illegal border crossings and protecting our border communities; and

WHEREAS, on March 17, 2021, I expanded Operation Lone Star to have DPS interview unaccompanied alien children to identify victims of human trafficking and gain actionable intelligence that will aid in the arrest of traffickers; and

WHEREAS, in fewer than three months since Operation Lone Star began, DPS has made over 1,300 criminal arrests, apprehended over 35,000 illegal migrants, and seized over 10,000 pounds of drugs and over 100 firearms; and

WHEREAS, the federal government used to take seriously its responsibility to enforce federal immigration laws and secure the international border, which allowed Texas to collaborate on law enforcement and related activities along the border; and

WHEREAS, under the Biden Administration, however, the federal government has shown unwillingness, ambivalence, or inability to enforce federal immigration laws, to deter and stop illegal border crossings into the United States, or to meaningfully partner with Texas in pursuing these goals; and

WHEREAS, my calls for the federal government to do its job and secure the border have gone unanswered; and

WHEREAS, the Biden Administration's inaction, whether intentional, reckless, or negligent, is causing a dramatic increase in the number of individuals unlawfully crossing the international border into Texas; and

WHEREAS, the Biden Administration's immigration policies are failing Texans, causing a humanitarian crisis in many Texas communities along the border; and

WHEREAS, there are numerous reports of farmers, ranchers, and other Texans suffering property damage as a result of the increase in unlawful crossings, including damage to crops, livestock, ranch fences, and homes; and

WHEREAS, the Biden Administration's open-border policies have enabled escalating violence from the cartels, dramatically increased the risk of human trafficking, and created a severe crisis of illegal drugs crossing into the United States, including 21.5

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
*Ben* O'CLOCK

MAY 3 1 2021

million lethal doses of fentanyl that were intercepted by DPS from January through April 2021, all of which threatens harm throughout Texas and in other states; and

WHEREAS, the arrest of human smugglers by state and local law enforcement, combined with increased arrests connected with other border-related crime, threatens to substantially increase inmate population in jails to the extent that there may not be an adequate number of jail beds available; and

WHEREAS, the federal government's failure to secure the border has led to so many individuals unlawfully crossing the border that it has unilaterally established roughly ten new migrant detention facilities in Texas that are operated exclusively by the federal government, without any state regulation or oversight; and

WHEREAS, while Texas previously licensed certain residential facilities that house unaccompanied alien children or families, the U.S. Constitution prohibits the federal government from commandeering the State of Texas or its officials to continue administering state-licensed facilities in response to a federal migrant detention crisis caused by the acts or omissions of the federal government; and

WHEREAS, the unabated influx of individuals resulting from federal government policies threatens to negatively impact state-licensed residential facilities, including those that serve Texas children in foster care; and

WHEREAS, in the Texas Disaster Act of 1975, the Legislature charged the Governor with the responsibility "for meeting . . . the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the Governor broad authority to fulfill that responsibility; and

WHEREAS, the Legislature has, in Section 418.004(1), defined a "disaster" as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause;" and

WHEREAS, under Texas law, declaring a disaster allows the use of all available state and local resources needed to manage the situation, activates the state emergency management plan, and empowers the Texas Division of Emergency Management to reassign and fully utilize appropriate personnel where they are needed most; and

WHEREAS, the Legislature has also, in Section 12.50 of the Texas Penal Code, increased the punishments available for certain criminal offenses committed in an area for which a disaster has been declared, including for criminal trespass, burglary, and theft; and

WHEREAS, declaring a disaster also allows the State of Texas to request federal funding for costs related to the disaster, and a number of counties have already declared a local disaster and started accounting for costs that can be made part of a request (Crockett, Edwards, Goliad, Gonzales, Hudspeth, Jeff Davis, Jim Hogg, Kinney, Lavaca, La Salle, Maverick, Presidio, Uvalde, Real, and Val Verde counties); and

WHEREAS, declaring a disaster also allows the State of Texas to request federal funding for costs related to the disaster, and a number of counties have already declared a local disaster and started accounting for costs that can be made part of a request (Crockett, Edwards, Goliad, Gonzales, Hudspeth, Jeff Davis, Jim Hogg, Kinney, La Salle, Lavaca, Maverick, Presidio, Real, Uvalde, and Val Verde counties);

NOW, THEREFORE, I, GREG ABBOTT, Governor of the State of Texas, in accordance

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:21 O'CLOCK

MAY 31 2021

with the authority vested in me by Section 418.014 of the Texas Government Code, do hereby certify that the ongoing surge of individuals unlawfully crossing the Texas-Mexico border poses an ongoing and imminent threat of widespread and severe damage, injury, and loss of life and property, including property damage, property crime, human trafficking, violent crime, threats to public health, and a violation of sovereignty and territorial integrity, in Brewster, Brooks, Cameron, Crockett, Culberson, Dimmit, Duval, Edwards, El Paso, Goliad, Gonzales, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Lavaca, Maverick, McMullen, Pecos, Presidio, Real, Reeves, Starr, Sutton, Terrell, Uvalde, Val Verde, Webb, Willacy, Zapata, and Zavala counties, and for all state agencies affected by this disaster. I do hereby declare a state of disaster for all listed counties covered by this disaster declaration and for all state agencies affected by this disaster.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster, including the use of all available resources of state and local law enforcement to assist and protect Texans from criminal activity and property damage.

I hereby direct DPS to use available resources to enforce all applicable federal and state laws to prevent the criminal activity along the border, including criminal trespassing, smuggling, and human trafficking, and to assist Texas counties in their efforts to address those criminal activities.

I hereby direct the Texas Commission on Jail Standards and the Texas Commission on Law Enforcement to work with Texas counties, to provide appropriate guidance, and to request from the Office of the Governor any necessary suspensions of law, in order to ensure that the counties have the flexibility needed to establish adequate alternative detention facilities or otherwise add or expand capacity; to streamline procedures for licensing and transfers; and to address any staffing issues that may arise in expanding capacity.

I hereby direct the Texas Health and Human Services Commission (HHSC) to take all necessary steps to discontinue state licensing of any child-care facility in this state that shelters or detains unlawful immigrants or other individuals not lawfully present in the United States under a contract with the federal government. Pursuant to Section 418.016 of the Texas Government Code, I hereby suspend Sections 42.046 and 42.048 of the Texas Human Resources Code, and all other relevant laws, to the extent necessary to allow HHSC to deny a license application for any new child-care facility that shelters or detains unlawful immigrants or other individuals not lawfully present in the United States under a contract with the federal government, to renew any existing such licenses for no longer than a 90-day period following the date of this order, and to provide notice and initiate a 90-day period beginning on the date of this order to wind down any existing such licenses.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 31st day of May, 2021.

Handwritten signature of Greg Abbott in cursive script.

\_\_\_\_\_  
GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in cursive script.

\_\_\_\_\_  
RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:00 O'CLOCK

MAY 31 2021