



Mayor Javier Villalobos
Mayor Pro Tem/Commissioner Joaquin Zamora
Commissioner Tony Aguirre, Jr.
Commissioner J. Omar Quintanilla

Commissioner Rodolfo "Rudy" Castillo
Commissioner Victor "Seby" Haddad
Commissioner Pepe Cabeza de Vaca
City Manager Roel "Roy" Rodriguez, P.E.

**NOTICE OF SPECIAL MEETING TO BE HELD BY THE
MCALLEN BOARD OF COMMISSIONERS
TUESDAY, MAY 16, 2023 – 12:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN TEXAS, 78501**

AGENDA

<https://zoom.us/j/5087553077?pwd=TjduYjR4U2l3cWU1NjlsZzlsM2hJUT09>

Members of the public that wish to listen to the meeting can log in to the virtual Zoom meeting or dial (346) 248-7799 US (Houston) Meeting ID: 508 755 3077 Passcode: 878576.

Individuals that wish to participate in the meeting or comment on an agenda item should call (956) 681-1020 by 11:30 am. Any individual dialing in acknowledges his or her phone number may be visible to the public.

"At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code."

CALL TO ORDER

- 1. Consideration of Extension of the Mayor's Disaster Declaration relating to immigration.**
- 2. Consideration and Possible Action regarding Position of Fire Chief at McAllen Fire Department.**
- 3. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)**
 - A) Consultation with City Attorney regarding Legal Aspects of Personnel Process. (Section 551.071, T.G.C.)**
 - B) Discussion Regarding Personnel Matters Related to Position of Fire Chief. (Section 551.074, T.G.C.)**

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

C E R T I F I C A T I O N

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on May 12, 2023 at 3:30 PM and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/
Perla Lara, TRMC/CMC, CPM
City Secretary

RESOLUTION NO. 2023-

**RESOLUTION OF THE CITY OF MCALLEN
BOARD OF COMMISSIONERS EXTENDING
LOCAL DISASTER DECLARATION AND
DELEGATING SPECIFIC AUTHORITY TO THE
CITY MANAGER; FINDING THAT THE
MEETING AT WHICH THIS RESOLUTION IS
PASSED IS HEND IN ACCORDANCE WITH
STATE LAW**

WHEREAS, the State of Texas Declared a State of Disaster in Texas on May 31, 2021, certifying under Section 418.04 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico Broder posed an ongoing and imminent threat of disaster for a number of Texas Counties and for all state agencies, including the City of McAllen, affected by this disaster; and

WHEREAS, the City of McAllen declared a State of Local Disaster in McAllen, Texas on August 2, 2021, finding that among other things, U.S. Customs and Border Protection is releasing an alarmingly substantial number of immigrants into the City of McAllen, Texas, and

WHEREAS, local Non-Governmental Organizations, including the Catholic Charities' Humanitarian Respite Center (HRC) have limited resources from which to provide humanitarian aid to the influx of individuals and can no longer without additional support adequately feed, house, provide medical attention or otherwise accommodate the individuals being released into the City of McAllen; and

WHEREAS, the Governor of the State of Texas has renewed and amended the original declaration in subsequent proclamations, most recently on April 21, 2023; and

WHEREAS, based upon changes in Federal law and policies related to immigration to the United States, there is a massive increase in the number of immigrants crossing the international border and enter the City of McAllen, Texas, and

WHEREAS, it is anticipated that approximately tens of thousands of immigrants are now camped directly across in Reynosa, Tamaulipas, Mexico with the intention of crossing the border into the McAllen, Texas, and

WHEREAS, more than 1000 immigrants per day continue to cross the border into the City of McAllen Texas and it is anticipated that a like number or more will continue to cross the border on a daily basis, and

WHEREAS, due to recent increases in immigrants being released into the City of McAllen, Texas, it may face inadequate access to medical care, shelter and other humanitarian necessities including food and water; and

WHEREAS, the surge in immigrant crossings is a significant public safety and security concern, including but not limited to the increased risk of injury or loss of life and property, and

WHEREAS, the City of McAllen may need to take measures to preserve the health and safety of its residents, employees and the public, and

WHEREAS, immigration is under the purview of the federal government and is not under state, county or municipal jurisdiction; and

WHEREAS, McAllen, Texas is consistently ranked the safest city in Texas and third safest city in the country, and endeavors to maintain its exceptional level of safety; and

WHEREAS, mass migration events pose security and delay lawful crossings at the City of McAllen's international ports-of-entry and interfere with international trade, and

WHEREAS, the Mayor of the City of McAllen, Hidalgo County, Texas has determined that extraordinary measures must be taken to protect the public health, safety and general wellbeing of McAllen's citizens, in order to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, Section 418.108(a) of the Texas Government Code provides that the presiding officer of the governing body of a political subdivision may declare a state of local disaster

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS:

That the state of disaster proclaimed for the City of McAllen as a result of the surge of immigrants crossing the international border into the City of McAllen, Texas as a result of changed Federal immigration law and policy, by Mayor Javier Villalobos on April 29, 2023 shall continue until terminated by order of the City Commission.

That the City Commission acknowledge and affirms all authority vested in the Mayor pursuant to Chapter 418 of the Texas Government Code.

That the following delegations are made to the City Manager or his designee in order to efficiently and effectively prepare for and respond to the after effects of the additional immigration surge in McAllen, Texas on May 12, 2023:

1. The authority to seek any necessary waivers of state law or temporary suspension of state laws;

2. The authority to procure, negotiate, and execute contracts for goods and services that are necessary to mitigate, prevent, restore or repair damage caused to City equipment, personal property, and facilities or to protect the safety of City of McAllen residents, given that the emergency of the catastrophic storm that occurred in McAllen, Texas on April 29, 2023, constitutes an unforeseen emergency/matter of urgent public necessity, and the delays posed by competitive procurement of contracts will prevent or substantially impair essential operations;

3. In the event other waivers or immediate action is needed, the City Manager is authorized to take other actions necessary to sustain City operations.

CONSIDERED, PASSED AND APPROVED this _____ day of _____, 2023, at a special meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present, and which was held in accordance with Chapter 551 and 552 of the Texas Government Code.

CITY OF McALLEN, TEXAS

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:

Isaac J. Tawil, City Attorney