

MARGIE R. IBARRA  
COUNTY CLERK  
FILED

2020 DEC 22 AM 11:12

WEBB COUNTY, TEXAS

**RESOLUTION OF THE**  
**WEBB COUNTY COMMISSIONERS COURT**

WHEREAS, the Department of Homeland Security (DHS) has targeted <sup>RET</sup> private properties DEPUTY in Webb County for permanent condemnation for the purpose of constructing a border wall, without the requisite congressional authorization for doing so; and

WHEREAS, DHS's proposed border wall, and its 150' enforcement zone with high intensity floodlights, would cut through business and homes in Webb County, dividing it in two, and cause the demolition of homesteads and historic buildings.

WHEREAS, DHS's selection of a 30-foot border wall as the one-size-fits-all solution for border security in the Laredo Sector, without considering less invasive alternatives, was found to be arbitrary and capricious by the Inspector General, on July 14, 2020, in a report styled "CBP Has Not Demonstrated Acquisition Capabilities Needed to Secure the Southern Border"; and

WHEREAS, to expedite construction of the congressionally unauthorized border wall in Webb County, the present Administration has waived 27 statutes under the Real ID Act of 2005, which unjustly denies the residents of Webb County of the equal protection of the law, including protections afforded by the National Environmental Policy Act, Administrative Procedure Act, Clean Water Act, Safe Drinking Water Act, and Clean Air Act; and

WHEREAS, the construction of the border wall in the Laredo Sector entails wholesale destruction of critical habitat in the Rio Grande floodplain, and violates congressionally approved treaties with the Republic of Mexico, specifically guidelines set up by the International Boundary and Water Commission (IBWC) that prohibit construction in the floodplain; and

WHEREAS, the Office of Inspector General has issued a report to Congress dated August 14, 2020, finding that Acting DHS Secretary Chad Wolf, whose rulemaking led to Zapata County

being designated as a location for the border wall and the waiver of 27 laws in the Laredo Sector, was named to his position as Acting Secretary of DHS “by reference to an invalid order of succession,” and the U.S. District Court for the Eastern District of New York likewise ruled on November 14, 2020, that Chad Wolf was not lawfully serving in his position as Acting DHS Secretary and that his decisions have no legal force or effect; and

WHEREAS, the present Administration has waived procurement laws under the Real ID Act of 2005 related to the issuance of construction contracts for its border-wall project in the Laredo Sector, including the waiving of laws requiring open competition, justifying selections, and obtaining otherwise necessary bonding from contractors during the execution of the border wall construction contracts, all of which raise concern as to whether these contracts were corruptly issued by the present Administration;

THEREFORE, by vote of the Commissioners Court of Webb County, Texas, it is hereby RESOLVED that:

1. This Resolution be presented to Alejandro Mayorkas, incoming Secretary of the United States Department of Homeland Security, and to the members of the DHS - Transition Committee of the incoming administration.
2. The incoming Administration issue an immediate Presidential Proclamation dissolving (i) Executive Order 13767, dated January 25, 2017, which ordered DHS to “immediately plan, design, and construct a physical wall along the southern border,” and (ii) Proclamation 9844, January 15, 2019, “Declaring a National Emergency Concerning the Southern Border of the United States”;
3. The incoming Administration issue an immediate moratorium on construction of the border wall in the Laredo Sector, and direct the Department of Justice to stay all condemnation proceedings involving the border wall in Webb County, pending official review of the following:
  - a. Whether construction of the proposed border wall in the Laredo Sector is an appropriate means of securing the border, given other potentially less expensive, less destructive, and more effective alternatives – and promptly release any related findings and studies to the public;

- b. Whether there was any favoritism in the letting of contracts for the construction of the border wall in the Laredo Sector, or other improprieties in the contracting process, that are against the law or against the public interest;
  - c. Announce that the incoming Administration will immediately consider overriding, correcting, and disciplining any actions taken by the current Administration, or the contractors responsible for the construction of the border wall, designed to interfere with the above reviews.
4. The incoming Administration immediately rescind the purported waiver of laws issued by Chad Wolf under the Real ID Act along the southern border, since the original intent of this legislation was addressing terrorism threats, instead of undocumented immigration, as well as the lack of Chad Wolf's rule-making authority under law.

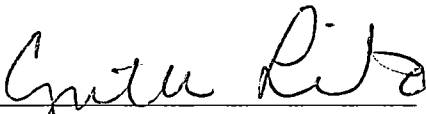
Passed by vote of the Commissioner's Court of Webb County,, Texas. on this the 14<sup>TH</sup> day of December, 2020.

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**Hon. Tano E. Tijerina**  
 Webb County Judge


  
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**The Honorable Jesse Gonzalez**  
 Webb County Commissioner Pct. 1

  
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**The Honorable Rosaura "Wawi" Tijerina**  
 Webb County Commissioner Pct. 2

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**The Honorable John Galo**  
 Webb County Commissioner Pct. 3

  
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**The Honorable Cindy Liendo**  
 Webb County Commissioner Pct. 4

**ATTEST:**

  
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**Margie Ramirez Ibarra**  
 Webb County Clerk

