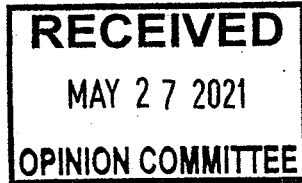


ROB BAIAMONTE
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May 18, 2021

The Honorable Ken Paxton
Attorney General
State of Texas
P.O. Box 12548
Austin, TX 78711-2548

CERTIFIED MAIL #7019164000098244955

RQ-0408-KP
FILE# ML-48954-21
I.D.# 48954

Re: Authority of County Judge after he declares a local disaster, with commissioners' court consent

Dear Attorney General Paxton:

The facts of our situation are as follows:

On April 21, 2021 the Goliad County Judge signed a Declaration of Local State Disaster pursuant to Texas Government Code §418.108(a), a copy is attached as Exhibit A. It went before the Commissioners Court for approval on April 26, 2021 and was consented to.

- 1) The issue is does the County Judge or the Commissioners' Court terminate the Declaration of Local State of Disaster?
- 2) If the court does it, can the County Judge declare a disaster every seven days and circumvent the Commissioners' Court authority?
- 3) Does an influx of illegal aliens fit within the definition of a "disaster"?
- 4) If a declaration is consented to by the Commissioners' Court, can the Judge pay bills incurred by the county out of the contingent and uncommitted fund without the commissioners court approval?

Texas Government Code §418.108(a) allows a county judge to declare a local disaster. Texas Government Code §418.108(b) requires the commissioners court to consent to the disaster if it is longer than seven days.

Unlike the Governor's authority, the Governor does not need consent from the governing body; the county judge does need the commissioner's court consent to extend the declaration past 7 days. Since the county judge needs consent from commissioner's court it stands to reason the commissioners can terminate the declaration.

The counties are divided on this issue. Uvalde County Judge declared a local disaster, attached as Exhibit B, and in paragraph 7 states the declaration is terminated by commissioner's court. Goliad County Judge declared a local disaster, attached as Exhibit C, and in paragraph 8 states the judge terminates the declaration.

Finally, it appears the state legislature is attempting to rein in the powers of the governor, see article in SAcurrent.com attached as Exhibit D. It only makes sense NOT to concentrate so much power in one individual indefinitely.

My second question is if the Commissioners can terminate, can the county judge just declare a disaster every seven days? Here it appears he could not because that would totally circumvent the intent of the statute. No need for the commissioner's to be involved.

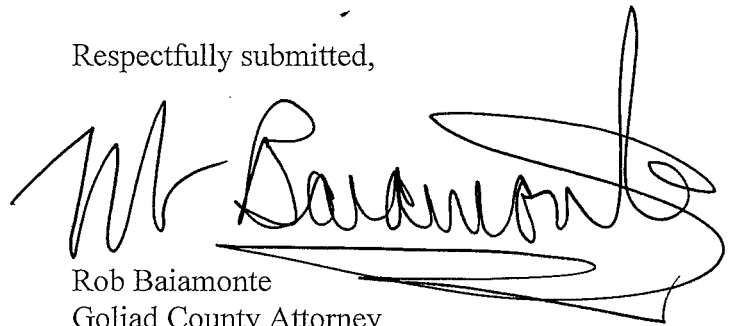
My third question is in regards to what is a disaster. Texas Government Code §428.004(1) defines "disaster" and I am not sure the declaration fits into "other calamity requiring emergency action" because the illegal aliens we catch are usually bail outs during a traffic stop. The last word I received from law enforcement was 10 illegal aliens captured as of April 27, 2021. I am guessing it is a fact question, but I am interested in your opinion if this situation is a disaster.

The final question is in regards to the budget. Our County Judge is under the belief that he has the power to change the time the court meets, contrary to Texas Local Government Code §81.005(a), pursuant to the pandemic declaration, from 9:00 a.m. on Monday's to 6:00 p.m. on Monday's. He has done this even though the majority of the court objects. I'm afraid he also believes the contingent and uncommitted fund is his to spend under this illegal alien declaration to help law enforcement secure the border of Goliad County.

My argument is the legislative intent to share the power among all five members, of the court, on how and when taxpayer dollars are to be spent.

I have done quite a bit of research and can find no guidance; therefore your responses to these inquiries are greatly appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rob Baiamonte", with a large, sweeping flourish underneath.

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