

No. _____



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Action in Regards to Resolution on the Border Wall

SUBMITTED BY: Ramiro Veliz, III/Juan Roberto Ramirez/Francisco "Frank" Castillo – Board Members

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: December 15, 2020

RECOMMENDATION:

It is recommended that the Board of Trustees take Action in Regards to Resolution on the Border Wall

RATIONALE:

BUDGETARY INFORMATION:

POLICY REFERENCE & COMPLIANCE:

RESOLUTION OF THE
UNITED ISD IN REGARDS TO THE BORDER WALL

WHEREAS, the Department of Homeland Security (DHS) and the Department of Defense (DOD) have targeted private properties throughout the Laredo Sector for permanent condemnation for the purpose of constructing a border wall, without the requisite congressional authorization for doing so; and

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 the Laredo Sector, the present Administration has waived 27 statutes under the Real ID Act of 2005, which unjustly denies the residents of Webb and Zapata counties 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 Chad Wolf, who's rulemaking led to the Laredo Sector being designated as a location for the border wall and the waiver of 26 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 US District Court in 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 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 United Independent School District, it is hereby RESOLVED that:

1. The Superintendent present this Resolution 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, which ordered DHS to “immediately plan, design, and construct a physical wall along the southern border,” and (ii) Proclamation 9844, “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 the Laredo Sector, 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 on this the _____ day of December, 2020.

Ramiro Veliz, III
United ISD
Board President

Ricardo "Rick" Rodriguez
United ISD
Board Secretary