



RICARDO A. SAMANIEGO

El Paso County Judge

May 11, 2020

The Honorable Greg Abbott
Governor of Texas
PO Box 12428
Austin, Texas 78711

Dear Governor Abbott,

During this unprecedented time in history, national, state and local governments have attempted to navigate difficult decisions to ensure the health and safety of our communities while balancing the interests of our economy. As a fellow elected official, I understand those challenges and acknowledge and thank you for your work in response to the COVID-19 pandemic. However, there still remains continuing challenges and unique circumstances in my community that warrant further consideration. Therefore, I am requesting, in my capacity as County Judge of El Paso County, a proclamation by you determining that El Paso County merits special consideration and restrictions in order to achieve containment of the COVID-19 virus.

The basis for this request is as follows:

1. **Disproportionate impact on minority populations.** The CDC confirms that “current data suggest a disproportionate burden of illness and death among racial and ethnic minority groups.”¹ According to the CDC, factors such as living conditions, work conditions, underlying health conditions and access to care are suspected as causing this disproportionate impact on minority populations contracting COVID-19.² El Paso fits squarely into these risk factors. According to the most recent Census data from July 1, 2019, El Paso is 83% Hispanic, the median household income is \$44,597 and approximately 23.8% of El Pasoans under 65 years old lack health insurance.³ The demographics alone of our community warrant a cautious approach to combatting COVID-19 in El Paso. Significantly, the Federal Health Resources & Services Administration has designated El Paso County as a medically underserved area.⁴
2. **Steadily increasing cases.** President Trump’s Guidelines to Open up America include regional Gating Criteria that should be satisfied before moving to Phase 1 (opening community). The two criteria require either 1) a downward trajectory of documented cases within a 14-day period, or 2) a downward trajectory of positive tests as a percent of

¹ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>.

² *Id.*

³ <http://www.census.gov/quickfacts/elpasocountytexas>.

⁴ <https://data.hrsa.gov/tools/shortage-area/mua-find>.

total tests within a 14-day period (flat or increasing volume of tests). El Paso fails to satisfy either of the President's critical criteria of a downward trajectory of positive cases or positive test rates within a 14-day period. Indeed, over the last 14 days, El Paso's cases have significantly increased from 802 to 1322. *See* Attachment A (Linear Cases Over Time, Linear Deaths Over Time, and Daily Cases as of May 10, 2020). Also, during this time period, deaths from COVID-19 have increased from 12 to 32 people. *See* Attachment A (Linear Cases Over Time, Linear Deaths Over Time and Daily Cases as of May 10, 2020). Please see Attachment B for the current total number of positive cases and deaths per one-thousand people compared between the top ten populous counties. The increase in both new positive cases and deaths has caused the positive test rate to increase as well. Therefore, neither of the White House's gating criteria has been met.

3. **El Paso has not reached its peak.** El Paso County has been under a Stay at Home, Work Safe Order since March 24, 2020. Even with these restrictions, we continue to see an upward trajectory of our cases. I feel these restrictions have contributed to minimizing the spread of the virus but unfortunately, additional time is needed for El Paso to reach its peak while minimizing the number of deaths in our community. El Paso experienced its first confirmed cases on March 15, 2020; this was a full 9 days after the first confirmed case in Texas. While other jurisdictions have peaked and are now leveling off and in some cases declining, El Paso is not yet in a similar position.
4. **El Paso's testing rates are low.** El Paso's testing rate for COVID-19 is 0.99% of the County population. This rate is woefully low. Obviously, adequate testing is key to helping El Paso quickly identify infected people, and trace and isolate their contacts. We know that this strategy can help prevent more waves of illness. We also know that even if adequate testing can be obtained in El Paso, additional time is needed to ensure that our neighbors in New Mexico and Mexico are capable of performing these same safety measures. According to the World Health Organization, the positive test rate of a population should be no higher than 10%. Positive test rates higher than 10% suggest that more testing of the population is needed. Currently, El Paso County has a positive test rate of 14.08%. *See* Attachment C (Positive Rate Per Test, as of May 10, 2020). This testing rate standard is necessary to adequately assess the viability of moving forward with the full re-opening of a community. El Paso is far from this measure.
5. **El Paso is part of a multiregional area.** El Paso County is in a geographically unique situation unlike any other County in Texas. As you know, El Paso sits on the border of New Mexico and Mexico. And while the vibrancy of our community is dependent upon the important economic and social inter-dependence with our neighbors to the South and West, it is clear that the control of COVID-19 is further complicated in El Paso by the intertwining of approximately 2,370,771 people in a closely knit regional area. Unfortunately, El Paso's COVID-19 data only takes into account the population of El Paso County and not the population in New Mexico or Mexico where the combined population of these neighboring communities exceeds a million people. While El Paso has made valiant efforts to slow the spread of the virus, it cannot control what occurs in another state or country.


6. Based on the foregoing, I am requesting that:

- i. All current restrictions remain in place until El Paso County sees a downward trajectory of positive cases within a 14-day period or a downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests);⁵
- ii. For the planned May 18th re-openings, as indicated in Governor Abbott's Executive Order GA-21, of gyms and exercise facilities, manufacturing services, and office workers in offices, we ask that the reopening of these services be suspended until El Paso County sees a downward trajectory of positive cases within a 14-day period or a downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests);
- iii. For non-essential services already opened, no further increase in capacity be allowed until El Paso County sees a downward trajectory of positive cases within a 14-day period or a downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests);
- iv. That no further non-essential services unscheduled at this time for opening, be allowed to open in El Paso until El Paso County sees a downward trajectory of positive cases within a 14-day period or a downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests);
- v. Given the data that confirms the disproportionate impact of the pandemic on minority populations and the low rate of testing in El Paso County, I am requesting that you increase testing and contact tracing efforts in El Paso County. While the deployment of the Strike Force is helpful, we need more testing and contact tracing that goes beyond just focusing on those that may be symptomatic or in a hot spot. El Paso is in the process of formulating a plan that will provide testing for a minimum of up to 5% of the El Paso County population, but our efforts alone will not get us there. As Governor, you have the ability to advocate and support increased testing measures and to coordinate tracing efforts to ensure the health and safety of your constituents in El Paso. These needs are crucial before further reopening our economy.


This request is supported by many public officials in El Paso, many of whom have signed this letter below. If you have any questions please do not hesitate to contact me. Thank you in advance for your serious consideration.

⁵ www.whitehouse.gov/openingamerica provides in its "Proposed State or Regional Gating Criteria" in order to proceed a phased comeback, a "downward trajectory of documented cases within a 14-day period" should be satisfied.

Sincerely,


Ricardo A. Samaniego
El Paso County Judge



Carlos Leon
County Commissioner, Precinct 1



David C. Stout
County Commissioner, Precinct 2

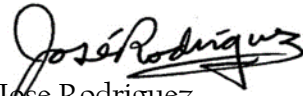

Vincent M. Perez
County Commissioner, Precinct 3

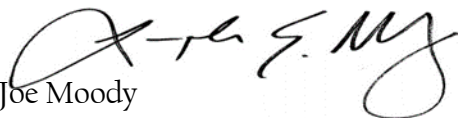

Carl L. Robinson
County Commissioner, Precinct 4



Veronica Escobar
Member of Congress



Ruben Mendoza
Mayor, Horizon City, Texas



Manuel Leos, Sr.
Mayor, Village of Vinton, Texas



Jose Rodriguez
State Senator, Texas, District 29

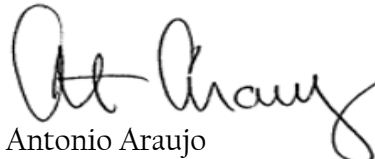

Joe Moody
State Representative, Texas, District 78

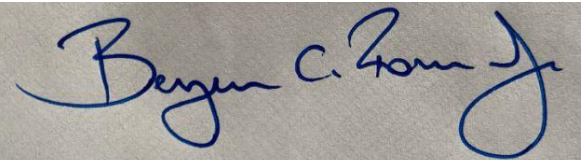

Mary Gonzalez
State Representative, Texas, District 75


Cesar Blanco
State Representative, Texas, District 76


Lina Ortega
State Representative, Texas, District 77


Art Fierro
State Representative, Texas, District 79

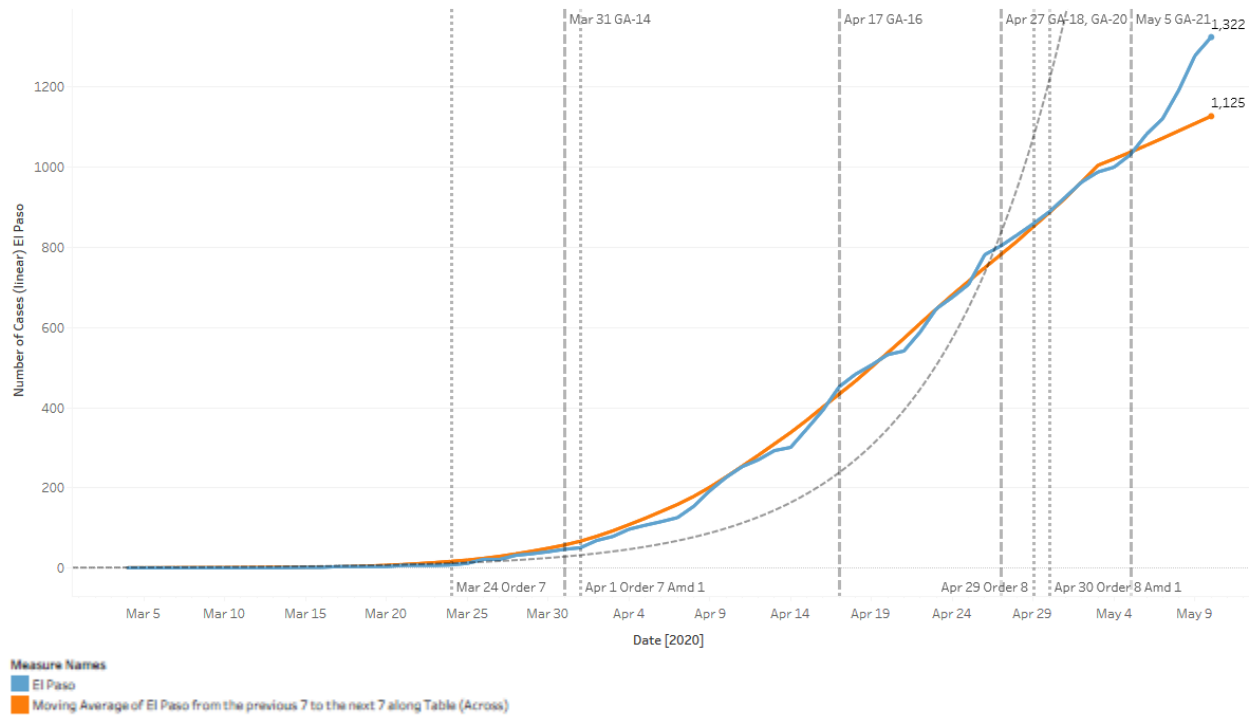

Antonio Araujo
Mayor, San Elizario, Texas



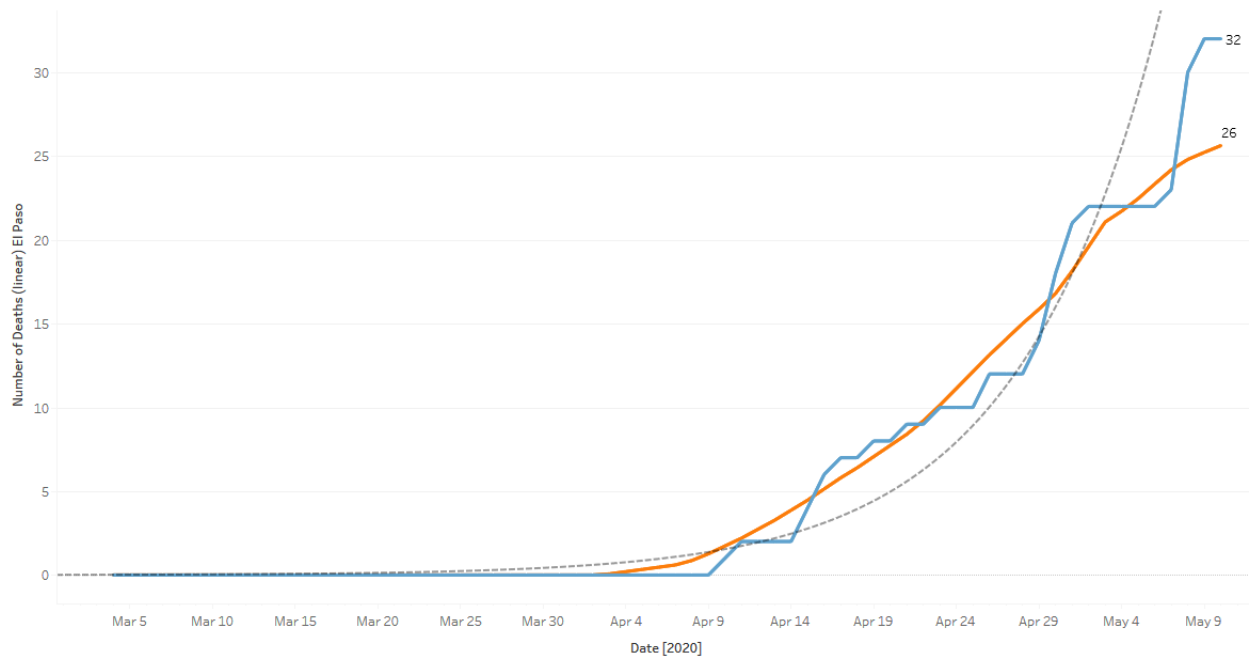
Benjamin Romero
Mayor, Town of Anthony, Texas

ATTACHMENT A

Number of Cases (linear) for El Paso County

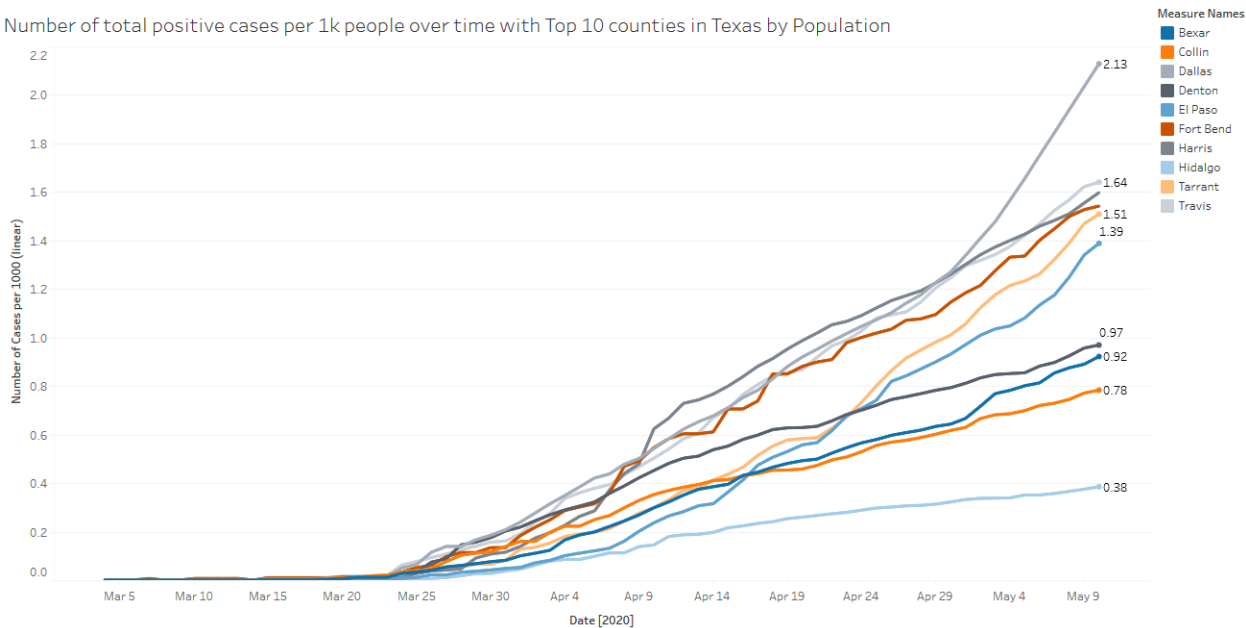


Number of Deaths (linear) for El Paso County

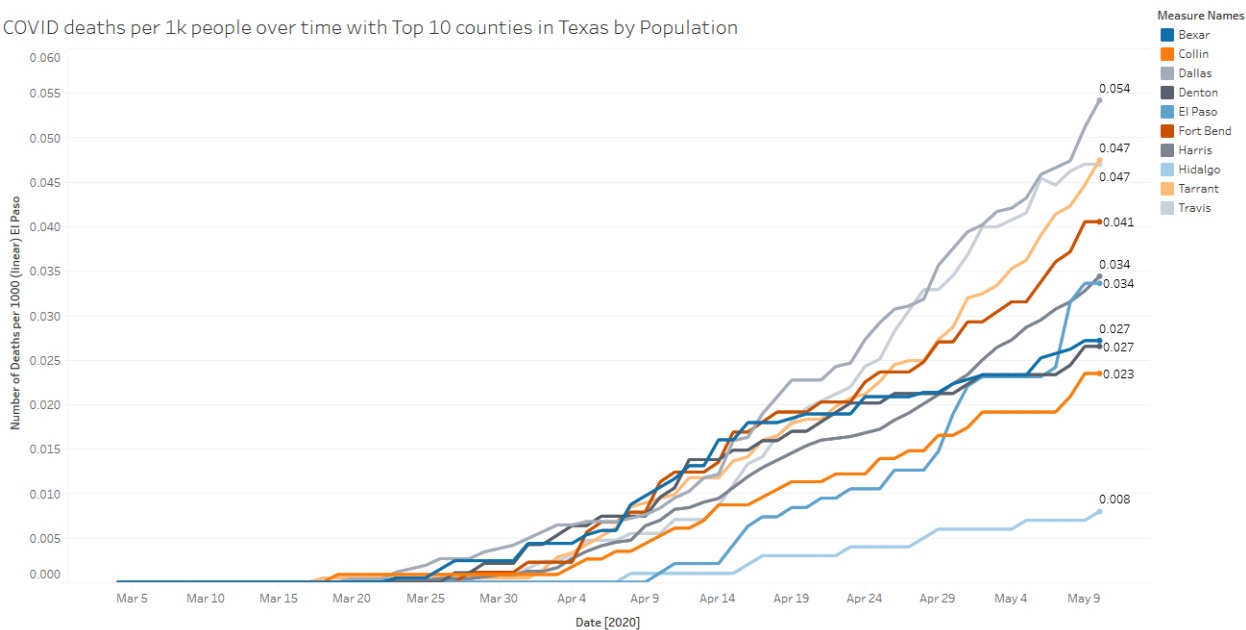


ATTACHMENT B

Number of total positive cases per 1k people over time with Top 10 counties in Texas by Population



COVID deaths per 1k people over time with Top 10 counties in Texas by Population



ATTACHMENT C

Current positive rate per test

