May 22, 2020

Dear Judge Whitley, Biscoe, Keough, Hidalgo, Cortez, Jenkins, George, Wolff, Eads, Samaniego and Gravell:

We would like to address your May 13 letter regarding the allocation of CARES Act funding to cities and counties. We appreciate the work you are doing as we fight this pandemic and we are very proud that, working together, we have mitigated the spread of COVID-19. The state’s positivity rate is continuing to trend downward and we have kept Texas’ COVID-19 fatality rate among the lowest per-capita in the nation. Our hospitalization rate continues to be low and our statewide hospital capacity remains robust. The State of Texas has taken the lead in mobilizing state resources and leveraging federal resources to ensure we have what we need to continue to fight this disease and support the economic rebuilding that must be done now.

We have been involved daily with you from the beginning, as well as with your local public health authorities and other officials, to make sure every community has the tools to continue to respond to the outbreak.

In addition to dozens of executive orders to mitigate the spread of COVID-19 and expand access to health care, the State has also removed roadblocks to help Texans during the emergency, including waiving dozens of state regulations. We established a Personal Protective Equipment (PPE) supply chain that immediately addressed shortages in communities around the state and currently is distributing about a million masks per day. We deployed the Texas National Guard to bolster our testing operations, and are now conducting over 25,000 tests a day. We have also coordinated both state and federal resources to shore up the food supply chain and get much needed food to food banks.

Most recently, as we enter Phase II of reopening Texas this week, we have dispatched surge teams to nursing homes, meat packing plants, and prisons in cities and counties around the state to increase testing to 100 percent. The State will continue to move forward with the plan to address this emergency, working on behalf of every Texan.

In terms of the CARES Act Coronavirus Relief Fund, it was meant to provide resources for BOTH state and local responses – not local expenses alone, as your letter implies. Texas has led the way in creating a framework to share those resources with local governments.
The Governor’s Office and legislative leadership spent a great deal of time determining the best way to ensure that all of Texas has access to the resources needed to combat COVID-19 in their areas. Texas’ total state and local allocation was based upon population. Similarly, the direct payments to your counties were based on population.

It was the clear intent of Congress that counties were given $175 per capita for all of their citizens and not just those in unincorporated areas. It is our expectation, and we feel certain it is the expectation of county residents who live in cities within your county, that they be treated equally as citizens in the unincorporated areas of the county.

Of the over $5 billion Texas has designated for local governments from the CARES Act, $3.2 billion, or roughly 64 percent, of those funds were given directly to the twelve largest counties and the six largest cities in Texas – a methodology arrived at by Congress and the U.S. Treasury. As you know, the population of the twelve largest counties – including your smaller cities – was in fact included in the methodology to arrive at your county allocation. It is unreasonable to demand additional dollars be allocated locally at this time. It is our expectation that you will work with the smaller municipalities within your jurisdiction to allocate money for them in a fair and equitable manner. We are encouraged to see that many of you have already taken this step.

We have taken the first step by making an initial $55 per capita available to the other counties and cities. We trust in your ability to partner with your local constituencies to meet the needs of all of your citizens in your smaller cities and in the county.

This pandemic is bigger than any one of us. An effective response and recovery will take all Texans working together. We look forward to continued partnership.

Sincerely,

Greg Abbott
Governor

Dan Patrick
Lieutenant Governor

Dennis Bonnen
Speaker of the House

Jane Nelson
Chair, Senate Finance Committee

Representative Giovanni Capriglione
Chair, House Appropriations Committee

Juan Chuy Hinojosa
Vice-Chair, Senate Finance Committee

Representative Oscar Longoria
Vice-Chair, House Appropriations Committee
May 13, 2020

The Honorable Greg Abbott
Governor
Office of the Texas Governor
P.O. Box 12428
Austin Texas 78711

RE: Allocation of CARES Act Funding to Cities and Counties

Dear Governor Abbott:

As the County Judges representing 11 of the 12 largest counties in the state, we write to express both our understanding for the unique challenges you are facing as well as our collective concerns. During this time, we know there are no easy decisions; but we do believe it is important that all decisions reflect the vital importance of county governments in this crisis.

On Monday, May 11, 2020, your office announced the State’s partial allocation of CARES Act Coronavirus Relief Fund (CRF) local government funding and corresponding guidance for certain cities and counties to access these funds. We respectfully ask that your office reconsider this decision. In particular we request you amend your decision to allow cities in the most populous counties who have been most impacted by COVID-19 to have the same access as other cities to these critically needed funds.

The 12 counties represent communities from all across the state and account for approximately 63 percent of the state’s population. The data shows our communities have been most significantly affected by COVID-19 and account for approximately 68.9 percent of all cases in Texas. Simply put, if the State is going to be effective in mitigating this crisis you must partner with our counties.
The direct distribution we received from the US Treasury represents only 28.6 percent of the State’s $11.24 billion allocation. Therein lies the problem—we account for 68.9 percent of all cases and received only 28.6 percent of all CRF funds.

Thus, we ask you to address this shortfall. Our cities need additional access to CRF funds as do our counties which directly received a distribution from the Treasury. Please make available $55 per capita to all cities in the state as well as additional funds to our counties which represent two-thirds of the population and nearly seven out of ten COVID-19 cases.

Counties are your frontline partners in fighting the COVID-19 pandemic. Help us help Texans stay in their homes, keep their jobs, and have food on their table.

Again, we thank you for your willingness to work with all of us. Together, we can weather this storm and create a stronger Texas going forward.

Sincerely,

Glen Whitley
Tarrant County Judge

Sam Biscoe
Travis County Judge

Mark Keough
Montgomery County Judge

Lina Hidalgo
Harris County Judge

Richard Cortez
Hidalgo County Judge

Ricardo Samaniego
El Paso County Judge

Clay Jenkins
Dallas County Judge

Nelson Wolff
Bexar County Judge

Andy Eads
Denton County Judge

KP George
Fort Bend County Judge

Bill Gravell Jr.
Williamson County Judge