



**AUTHORIZATION TO LITIGATE**

WHEREAS the Chief of Police of the City of Killeen, Texas, a municipality within Bell County, promulgated Special Order 22-07 to eliminate low-level marijuana enforcement on November 10, 2022;

AND WHEREAS the Killeen City Council ratified Ordinance 22-089 on December 6, 2022, limiting police officers employed by the City of Killeen from enforcing marijuana laws, including citation, arrest, and testing of substances;

BE IT RESOLVED BY THE COMMISSIONERS OF BELL COUNTY, TEXAS, that the Bell County Attorney is authorized to file suit against the City of Killeen and its agents to enforce Texas Local Government Code section 370.003 by:

- 1) seeking declaratory relief in District Court against the City of Killeen's actions as unconstitutional; and
- 2) seeking injunctive relief in District Court against the City of Killeen from enforcing either the Special Order or Ordinance; and
- 3) seeking injunctive relief against the City of Killeen from punishing police officers for enforcing marijuana laws under the Health and Safety Code, Penal Code, and Code of Criminal Procedure; and
- 4) seeking declaratory relief authorizing Peace Officers licensed by the State of Texas to fully enforce marijuana laws as it is their duty to prevent and suppress crime under Section 2.13 of the Texas Code of Criminal Procedure.

**PASSED AND APPROVED** by the BELL COUNTY COMMISSIONERS COURT on this the 22<sup>nd</sup> day of December, 2022.

*Bill Schumann*  
*FOR d. BLACKBURN*  
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David Blackburn, County Judge

*Russell J. Schneider*  
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Russell Schneider, Commissioner, Pct. 1

*Bill Schumann*  
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Bill Schumann, Commissioner, Pct. 3

*Bobby Whitson*  
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Bobby Whitson, Commissioner, Pct. 2

*John Driver*  
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John Driver, Commissioner, Pct. 4

Attest:

*Shelley Coston*  
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Shelley Coston, County Clerk