

**ORDINANCE # 009-16**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, REESTABLISHING THE DE LEON POLICE DEPARTMENT; PROPOSING BEN ROWELL AS AGENCY CHIEF ADMINISTRATOR; AND DECLARING AN EMERGENCY NECESSITATING THE WAIVING OF TWO READINGS OF THIS ORDINANCE.**

**WHEREAS**, due to resignations by two members of the City Council of the City of De Leon (the "City Council") received on November 9, 2016, and an existing vacancy due to the passing of the Place 5 Council Member earlier this year, the City Council was unable to operate as it was without a quorum;

**WHEREAS**, the Texas Commission on Law Enforcement ("TCOLE") decommissioned the De Leon Police Department on November 9, 2016 due to the lack of a functioning City Council;

**WHEREAS**, on November 15, 2016, the special election held on November 8, 2016 was canvassed by the quorum required by Section 67.004(a) of the Election Code, and the new Council Member was sworn in, giving the City Council sufficient members to constitute a quorum and so, to conduct business;

**WHEREAS**, on November 23, 2016, a new Mayor and Mayor Pro Tempore were selected by the City Council, and one (1) person was appointed to fill one of the vacancies created by the November 9, 2016 resignations, pursuant to the terms of the City Charter, leaving the Council with five (5) members and only one vacancy to be filled at the May 2017 election;

**WHEREAS**, now that it is fully functioning, the City Council desires to reestablish the De Leon Police Department pursuant to the instructions of TCOLE and to designate Ben Rowell as the De Leon Police Department Agency Chief Administrator; and

**WHEREAS**, the City Council finds that the reestablishment of the De Leon Police Department constitutes an emergency in that the lack of a police department within the City of De Leon endangers the public peace and health and safety of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:**

**SECTION 1.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**SECTION 2.** The De Leon Police Department is hereby reestablished and Ben Rowell is named as the De Leon Police Department Agency Chief Administrator.

**SECTION 3.** Ben Rowell is hereby designated as the Chief of Police of the De Leon Police Department pursuant to Article VIII, Section 3 of the City Charter.

**SECTION 4.** Pursuant to Article VIII, Section 4 of the City Charter, the following individuals are reappointed by the City Council to serve as policemen for the City of De Leon, and shall hold their offices at the pleasure of the City Council for terms of two (2) years under this reappointment.

- Clint Cole
- Allan Wendt
- Victoria Dycus
- James Dyson

Said policemen of the De Leon Police Department shall perform such duties and receive such compensation as previously established by the City Council. Such policemen shall have and exercise like powers, rights, and authority as are vested in the Charter by the Chief of Police, under his direction.

**SECTION 5.** The City Council hereby declares that the reestablishment of the De Leon Police Department is an emergency pursuant to Article VII, Section 10 of the City Charter in that it is for the immediate preservation of the public peace and health and safety of the citizens of the City of De Leon and, as such, the requirement that this Ordinance be read twice under Article VII, Section 8 is hereby waived.

**PASSED, APPROVED, AND ADOPTED** on this the 28th day of November, 2016.

ATTEST  
  
Melinda K. Harbour  
City Secretary



  
Michael Reyna, Mayor