

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, PROHIBITING THE OPEN CARRY OF A HANDGUN, IN A SHOULDER OR BELT HOLSTER, INTO THE ROOM OR ROOMS IN WHICH ANY MEETING OF THE CITY COUNCIL OR ANY OTHER CITY BOARD, COMMISSION OR COMMITTEE THAT IS SUBJECT TO CHAPTER 551, TEXAS GOVERNMENT CODE (OPEN MEETINGS ACT) IS MEETING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Penal Code Section 46.035(c) makes it an offense for a handgun license holder to intentionally, knowingly, or recklessly carry a handgun under the authority of Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), regardless of whether the handgun is concealed or carried in a shoulder or belt holster, into the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code (Open Meetings Act), and the entity provides notice as required by that chapter; and

WHEREAS, pursuant to the authority found in Texas Penal Code Section 46.035(c), the City Council of the Town of Addison, Texas desires to solely prohibit the open carry of a handgun under the authority of Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), in a shoulder or belt holster; and

WHEREAS, Texas Penal Code Section 46.035(i) provides that the prohibition in Section 46.035(c) does not apply unless the license holder is given effective notice; and

WHEREAS, the requirements for effective notice are identified in Texas Penal Code Section 30.07; and

WHEREAS, Texas Penal Code Section 30.07 requires that signage created in accordance with that section be “displayed in a conspicuous manner clearly visible to the public”; and

WHEREAS, Texas Penal Code Section 30.07 includes language that requires that signage be “displayed in a conspicuous manner clearly visible to the public *at each entrance to the property*”; and

WHEREAS, the best interpretation of that conflicting language is to display the signage at the entrance to the meeting room; and

WHEREAS, it is important to note that Texas Penal Code Section 30.07 also authorizes notice through oral communication; and

WHEREAS, the City Council of the Town of Addison, Texas finds that the most appropriate way to protect the attendees of meetings of the City Council or any other City board, commission or committee that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is to prohibit the open carry of a handgun, in a shoulder or belt holster, by a license holder in those meetings.

BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. The findings set forth above are incorporated herein as if set forth verbatim.

Section 2. Pursuant to Texas Penal Code Section 46.035(c), the open carry of any handgun, in a shoulder or belt holster, by a person licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), into the room or rooms in which any meeting of the City Council or any other City board, commission or committee that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is prohibited.

Section 3. In accordance with Texas Penal Code Section 46.035(i), City staff is authorized and directed to provide notice in accordance with Texas Penal Code Section 30.07.

Section 4. City staff is directed to post signage outside the door to the room or rooms in which any meeting of the City Council or any other City board, commission or committee that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is taking place prior to the meeting, and to remove the signage upon the conclusion of the meeting.

Section 5. City staff is directed to post a permanent sign outside the municipal courtroom(s) in accordance with Texas Penal Code Section 30.07, giving notice of the prohibition authorized herein.

Section 6. In the event signage is not posted as authorized and directed, the City Manager or his/her designee shall provide notice of the prohibition authorized by Texas Penal Code Section 46.035(c) through oral communication at the commencement of the meeting.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 8th day of March, 2016.

Todd Meier, Mayor

ATTEST:

By: _____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney