

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Allowing the open carrying of handguns at the City's open meetings by no longer posting notice

ORIGINATING DEPARTMENT

City Council

BACKGROUND INFORMATION

Effective January 1, 2016, Texas Penal Code section 46.035(c) provides:

A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in 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, and the entity provided notice as required by that chapter.

Section 46.035(i) provides that effective notice must be given. One method of providing notice is a sign in English and Spanish with specific required language that entry while openly carrying a handgun is prohibited.

DISCUSSION/CONCLUSION

In January 2016, the City Council discussed the recent change to the law regarding the open carrying of handguns. A consensus was reached that the concealed and open carrying of handguns would not be allowed at meetings required to be posted by the Texas Open Meetings Act (Government Code 551), to include City Council, Planning and Zoning Commission, and Civil Service Commission. Following the meeting, staff ordered and began placing signs at the entrance to the rooms where such meetings were scheduled.

At its meeting of July 5, 2016, the City Council directed staff to bring forward a resolution to consider no longer posting notice, thereby allowing open carry of handguns at its meetings.

FISCAL IMPACT

There is no anticipated fiscal impact.

RECOMMENDATION

It is recommended that signs no longer be posted prohibiting the open carry of handguns at open meetings of the city.