



City of Killeen

Legislation Text

File #: RS-23-211, Version: 1

Consider a memorandum/resolution repealing Resolutions 16-075R and 16-076R and directing staff to post notice to prohibit the carrying of firearms at city open meetings.

DATE: December 12, 2023

TO: Kent Cagle, City Manager

FROM: Holli Clements, City Attorney

SUBJECT: Repealing Resolutions 16-075R and 16-076R and directing staff to post notice to prohibit the carrying of firearms at city open meetings

BACKGROUND AND FINDINGS:

In July 2016, City Council passed two resolutions regarding license holders carrying handguns at city meetings: 16-075R allowed the carrying of concealed handguns and 16-076 allowed the open carrying of handguns.

Section 46.03(a)(14) of the Texas Penal Code prohibits firearms in the room where a meeting of a governmental entity is held if the meeting is an open meeting and notice was provided as required by the Texas Open Meetings Act. Sec. 46.15(b)(6) of the Penal Code states that the prohibition above does not apply to a person who is carrying a license to carry a handgun and the handgun is concealed or in a holster. Therefore, license holders may carry a handgun into an open meeting unless signs are posted prohibiting entry pursuant to Penal Code Sec. 30.06 for concealed carry of a handgun or Penal Code Sec. 30.07 for open carry of a handgun.

If this item is approved, staff will place the signs near the entrances to the City Council Chambers before any City Council meeting. The signs can also be posted for other meetings covered by the Texas Open Meeting Act, including Civil Service Commission and Planning and Zoning Commission.

THE ALTERNATIVES CONSIDERED:

The City Council may leave the resolutions in place to continue to allow handguns at city meetings, or the City Council may repeal the resolutions and direct staff to post notice that handguns and other firearms are prohibited at city meetings.

Which alternative is recommended? Why?

It is recommended that City Council determine whether to leave resolutions in place or repeal the resolutions and direct staff to post notice that handguns and other firearms are prohibited at city meetings.

CONFORMITY TO CITY POLICY:

This item conforms to state law.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no financial impact associated with this item.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

It is recommended that City Council determine whether to leave resolutions in place or repeal the resolutions and direct staff to post notice that handguns and other firearms are prohibited at city meetings.

DEPARTMENTAL CLEARANCES:

Click or tap here to enter text.

ATTACHED SUPPORTING DOCUMENTS:

Click or tap here to enter text.