

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION 1473-16-01-16-0289
MODIFYING THE RESOLUTION TO CANCEL THE PROHIBITION
OF CONCEALED HANDGUNS AT MEETINGS GOVERNED BY THE
TEXAS OPEN MEETINGS ACT

WHEREAS, the City Council finds that the State of Texas has passed House Bill 910 which becomes effective January 1, 2016 allowing the concealed or open carrying of handguns by license holders, allowing license holders to carry handguns in public areas to include buildings owned or leased by a governmental entity; and

WHEREAS, the City Council finds that Texas Penal Code Section 30.06 and 30.07 provide statutory notice that a license holder may not carry a handgun either concealed or openly carried into any room which houses a meeting of a governmental entity that is subject to the Open Meetings Act if notices are properly posted; and

WHEREAS, the City Council finds that Texas Penal Code 46.03 also permits the City of Pflugerville (City) to prohibit a handgun license holder from carrying a handgun in portions of a building utilized by a government Court or offices which are essential to the Court operations and to make the determination as to which portions of the building are essential; and

WHEREAS, the City Council finds that the Texas Attorney General has determined the new regulations require the City to confer with the government Court about which portions of the building are essential for the Court and Court offices; and

WHEREAS, the City Council finds it is beneficial for the safety of all participants and attendees to prohibit the carrying of handguns in the Municipal Court, Court Offices and place such statutory notices in compliance with the law at all the relevant locations in the City (as shown in Exhibit A, attached; and,

WHEREAS, the City Council finds it is beneficial for the safety of all participants and attendees to prohibit the open carry of handguns at a Governmental Meeting that is subject to the Open Meetings Act and place such statutory notices in compliance with the law at all the relevant locations in the City (as shown in Exhibit B); and,

WHEREAS, the City Council finds it is beneficial for the safety of all participants and attendees to place signs designating areas where handguns are prohibited pursuant to Texas Penal Code 46.03.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. The City recognizes Penal Code 30.06, 30.07 and 46.03 as the applicable state statutory regulations governing the possession of handguns in municipal buildings.

Section 2. The City hereby prohibits handgun license holders from carrying in City courtrooms, Court offices and portions of the building identified as essential to the function of the Court and Court offices as identified in the schematic attached hereto as Exhibit A.

Section 3. The City shall post signs to be located at the doors to the building(s) and areas within any building which house City courtrooms, Court offices and those areas identified as essential to the function of the Court and Court offices stating:

Essential Court Facilities

Weapons Prohibited

Texas Penal Code §46.03

Section 4. The City also prohibits handgun license holders from carrying handguns openly in rooms during meetings that are subject to the Open Meetings Act as identified in the schematics in Exhibits B. The City shall erect signs to be located at the doors to the building(s) which reflect the specific statutory language for the signage and shall post the signs before the building is open to the public prior to any applicable meeting. At all other times, the signs shall be removed.

Section 5. The City Council directs the City Manager or his designee to post and remove the requisite signs as stated above.

Section 6. This Resolution is effective immediately upon passage and repeals any prior resolutions, policies or practices inconsistent or in conflict with this Resolution.

PASSED AND APPROVED this 9th day of May 2017.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary