

**CITY OF SANDY OAKS, TEXAS**

**RESOLUTION NO. 2021-138**

**A RESOLUTION OF THE CITY OF SANDY OAKS, TEXAS, PROHIBITING THE CARRYING OF A FIREARM 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.**

**WHEREAS**, Texas Penal Code Section 46.03(a)(14) makes it an offense for a person to intentionally, knowingly, or recklessly possess or go with a firearm in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter; and

**WHEREAS**, a governmental entity may display signage in accordance with Texas Penal Code sections 30.06 and 30.07 prohibiting the carrying of a handgun in an open meeting; and

**WHEREAS**, Texas Penal Code Section 30.06 requires that signage created in accordance with that section be “displayed in a conspicuous manner clearly visible to the public”; and

**WHEREAS**, Section 30.07 adds 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 may be difficult for a license holder, without notice provided by signage, to definitively know where he or she can lawfully carry a handgun; and

**WHEREAS**, the City Council of the City of Sandy Oaks, Texas finds that the most appropriate way to protect the attendees of meetings of the City Council or any other board, commission, or committee that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is to prohibit the carrying of a handgun by a license holder in those meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS, THAT:**

**SECTION 1.** Pursuant to Section 46.03(a)(14), Texas Penal Code, a person is prohibited from entering with a firearm into the room or rooms in which any meeting of the City Council or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is being held.

**SECTION 2.** The City Secretary, or his/her designee, is directed to prepare signage in accordance with Texas Penal Code Sections 30.06 and 30.07.


**SECTION 3.** The City Secretary, or his/her designee, is directed to post such signage outside the door to the room or rooms in which any meeting of the City Council or any other board or commission 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 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this resolution are severable and if any phrase, clause, sentence, paragraph, or section of this resolution shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this resolution since the same would have been enacted by the City Council without the incorporation in this resolution of any such unconstitutional phrase clause sentence paragraph or section.

**SECTION 5.** This resolution shall take effect immediately upon its passage.

**PASSED and APPROVED this 9<sup>th</sup> day of September, 2021.**

**CITY OF SANDY OAKS, TEXAS**

  
Micki L. Ball, Mayor

**ATTEST:**

  
Charlotte Rabe, City Clerk