

**RESOLUTION NO. 2019- R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS FORBIDDING PERSONS LICENSED TO CARRY A HANDGUN, FROM CARRYING A HANDGUN, REGARDLESS OF WHETHER THE HANDGUN IS CONCEALED OR OPENLY CARRIED, IN ANY ROOM OR ROOMS, INCLUDING BUT NOT LIMITED TO THE CITY COUNCIL CHAMBERS, WHERE THE CITY COUNCIL OR ANY CITY BOARD, COMMISSION, COMMITTEE OR BODY IS MEETING IN AN OPEN MEETING SUBJECT TO THE TEXAS OPEN MEETINGS ACT; AUTHORIZING THE CITY MANAGER, THE CITY CLERK, THEIR DESIGNEES AND ANY OTHER OFFICERS, EMPLOYEES OR APPOINTEES RESPONSIBLE FOR SUCH MEETINGS TO PROVIDE NOTICE OF SUCH HANDGUN RESTRICTION IN ACCORDANCE WITH SECTIONS 30.06 AND 30.07 OF THE TEXAS PENAL CODE; AND DECLARING AN EFFECTIVE DATE.**

**RECITALS:**

1. Effective January 1, 2016, Sections 46.035(c) and (i) of the Texas Penal Code provide that a person licensed to carry a handgun, may not carry a handgun, regardless of whether the handgun is concealed or in a shoulder or belt holster, in any room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551 of the Texas Government Code (the "Texas Open Meetings Act") and the entity provided notice under Section 30.06 or 30.07 of the Texas Penal Code.

2. The City Council finds it necessary to forbid persons from carrying handguns, whether concealed or openly carried, in a room or rooms where open meetings of the City Council or any City board, commission, committee or body are held and to authorize the provision of notice regarding such handgun restriction.

3. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**PART 1.** Persons licensed to carry a handgun shall not carry a handgun, regardless of whether the handgun is concealed or openly carried, in any room or rooms where a meeting of the City Council or any City board, commission, committee or body is being held if the meeting is an open meeting subject to the Texas Open Meetings Act.

**PART 2.** The City Manager, the City Clerk, their designees and any other officers, employees or appointees responsible for meetings described in Part 1 are authorized and directed to provide notice of the handgun restriction in Part 1 in accordance with Sections 30.06 and

30.07 of the Texas Penal Code, including notice by oral or written communication.

**PART 3.** This resolution supersedes Resolution No. 2015-177R that prohibited only the open carrying of handguns in a room or rooms where meetings of the city council or any city board, commission, committee, or body are being held.

**PART 4.** This resolution shall be in full force and effect from and after its passage.

**ADOPTED** on August 6, 2019.

Jane Hughson  
Mayor

Attest:

Jamie Lee Pettijohn  
City Clerk