

**RESOLUTION No. 2016-192
CITY OF SHOREACRES**

A RESOLUTION EXPRESSLY ALLOWING THE CONCEALED CARRY OF A FIREARM BY A PERSON LICENSED UNDER TEXAS GOVERNMENT CODE, CHAPTER 11, SUBCHAPTER H (HANDGUN LICENSING LAW) INTO THE CITY COUNCIL MEETING ROOM WHEN MEETING ARE BEING HELD BY CITY COUNCIL, BOARDS OR COMMISSIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * *

WHEREAS, Texas Penal Code Section 46.035(c) makes it an offense for a handgun license holder to intentionally, knowingly, or recklessly carry a handgun under the authority of Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), 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 (Open Meetings Act), and the entity provides notice as required by that chapter; and,

WHEREAS, Texas Penal Code Section 46.035(i) provides that the prohibition in Section 46.035(c) does not apply unless the license holder is given effective notice under Penal Code Sections 30.06 and 30.07 by signage displayed in a conspicuous manner clearly visible to the public; and,

WHEREAS, the City Council of the City of Shoreacres affirms the rights of licensed handgun owners to responsibly carry a handgun as authorized under the Texas Government Code, Chapter 411, Subchapter H; and,

WHEREAS, the best interpretation of that conflicting language is to display the signage at the entrance to the meeting room.

NOW, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES, TEXAS:

THAT, the City of Shoreacres expressly allows the concealed carry of a firearm by a person licensed under Chapter 411, Subchapter H (Handgun Licensing Law), 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 held, at which time the room is hereby deemed not to be utilized by the court and therefore not subject to Texas Penal Code Sec. 46.03(a)(3); and,

THAT, city staff is directed to remove signage erected in accordance with Texas Penal Code Sections 30.07.

The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED, this 11th day of July, 2016.

CITY OF SHOREACRES

(CITY SEAL)

By: _____
Kimberly Sanford, Mayor

ATTEST:

David K. Stall, CFM, TEM
City Secretary

M/Z		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MA	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	R. Hoskins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	N. Schnell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed _____ 07.11.16
David Stall, City Secretary - Date

City of Shoreacres



RECONSIDERATION

The below referenced ordinance or resolution, a copy of which is attached hereto was considered and passed by City Council on July 11, 2016.

Ordinance/Resolution

No. R-2016-192

Caption

A RESOLUTION EXPRESSLY ALLOWING THE CONCEALED CARRY OF A FIREARM BY A PERSON LICENSED UNDER TEXAS GOVERNMENT CODE, CHAPTER 11, SUBCHAPTER H (HANDGUN LICENSING LAW) INTO THE CITY COUNCIL MEETING ROOM WHEN MEETING ARE BEING HELD BY CITY COUNCIL, BOARDS OR COMMISSIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

On July 14, 2016, Resolution No. 2016-192 was vetoed by the Mayor and sent back to City Council unsigned for reconsideration. A copy of the Return for Reconsideration is attached hereto.

On July 27, 2016, City Council met and reconsidered Resolution No. 2016-192.

Certification of Reconsideration, Approval, and Adoption

I hereby certify that Resolution No. 2016-192 was reconsidered and passed by City Council on July 27, 2016, and as a result thereof is effective immediately without the mayor's signature.



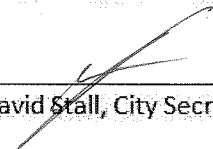
David K. Stall, CFM, TEM
City secretary

07.27.16

Date

M/2		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	R. Hoskins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Z	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	N. Schnell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed



David Stall, City Secretary - Date

City of Shoreacres



RETURN FOR RECONSIDERATION (VETO MEMORANDUM)

The below referenced ordinance or resolution, a copy of which is attached hereto as passed by city council, has not been signed or approved by the mayor. Under the authority granted me by the City of Shoreacres City Code, Sec. 2-37, and the Texas Local Government Code, Sec. 52.003, I am returning said resolution or ordinance for city council reconsideration. My objections to the passage and adoption are set out below.

Ordinance/Resolution

No. R-2016-192

Caption

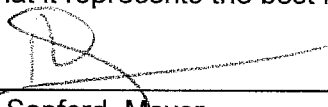
A RESOLUTION EXPRESSLY ALLOWING THE CONCEALED CARRY OF A FIREARM BY A PERSON LICENSED UNDER TEXAS GOVERNMENT CODE, CHAPTER 11, SUBCHAPTER H (HANDGUN LICENSING LAW) INTO THE CITY COUNCIL MEETING ROOM WHEN MEETING ARE BEING HELD BY CITY COUNCIL, BOARDS OR COMMISSIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Date Passed by City Council

July 11, 2016

Statement of Objection(s)

I object to allowing the concealed carry of handguns in the city council chambers and do not believe that it represents the best interest of the city or the voice of the citizens.




Kimberly Sanford, Mayor

7.14.16

Date

NOTICE TO SHOREACRES CITY COUNCIL

The above referenced ordinance or resolution has been returned to the city secretary's office unsigned and with objections before the fourth day after passage. In accordance with city code and state law this ordinance or resolution will be placed on the next city council agenda for the purpose of reconsideration of the vote taken on the date shown above. This ordinance or resolution is not now effective and will not become effective except upon the affirmative vote of three council members at the time of reconsideration. If approved upon reconsideration the ordinance or resolution will become effective with or without the mayor's signature.



David K. Stall, CFM, TEM
City secretary

07.14.16 @ 1547

Date