RESOLUTION NO. 202411

A RESOLUTION OF THE
HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT
ADOPTING POLICY ON PROHIBITED TECHNOLOGIES

WHEREAS, the Hays Trinity Groundwater Conservation District ("HTGCD" or "the District") is a political subdivision of the State of Texas, created by Act of May 28, 1999, 76th Leg., R.S., ch. 1331, 1999 Tex. Gen. Laws 4536, §§ 1-18 and by Act of May 27, 2001, 77th Leg., R.S., ch. 966, 2001 Tex. Gen. Laws 1991, 2027, §§ 3.0301-3.0313, codified at Texas Special District Local Laws Code ch. 8843 ("Act");

WHEREAS, the District has "all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution." HTGCD Act § 8843.101;

WHEREAS, the District is a political subdivision of the state and special purpose district under Chapter 36 of the Water Code. Tex. Water Code Ann. § 36.001(15);

WHEREAS, on December 7, 2022, Governor Greg Abbott required all state agencies to ban the video-sharing application TikTok from all state-owned and state-issued devices and networks over the Chinese Communist Party's ability to use the application for surveilling Texans. Governor Abbott also directed the Texas Department of Public Safety ("DPS") and the Texas Department of Information Resources ("DIR") to develop a plan providing state agencies guidance on managing personal devices used to conduct state business. Following the issuance of the Governor's directive, the 88th Texas Legislature passed Senate Bill 1893, which adopted Chapter 620, Texas Government Code prohibiting the use of covered applications on governmental entity devices;

WHEREAS, pursuant to Chapter 620, Texas Government Code, governmental entities, including special purpose districts such as the District, must establish a covered applications policy. Tex. Gov't Code Ann. §§ 620.001(2)(C), 620.003;

WHEREAS, a "covered application" is defined as "[t]he social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited," or "[a] social media application or service specified by proclamation of the governor under Government Code Section 620.005";

WHEREAS, on September 16, 2024, DPS and DIR published a model policy for governmental entities to use in developing their policies. http://dir.texas.gov/information-security/covered-applications-and-prohibited-technologies;

WHEREAS, in accordance with Chapter 620, Texas Government Code, the District has developed a covered applications policy based on the DPS and DIR model policy attached hereto as Exhibit A and incorporated for all purposes; and

WHEREAS, the Board has reviewed the covered applications policy and finds that it should be adopted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT THAT:

Section 1. The covered applications policy, which is attached to this Resolution and Order as Exhibit A, is hereby adopted by the Board.

Section 2. The covered applications policy shall become effective immediately.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE HAYS COUNTY GROUNDWATER CONSERVATION DISTRICT THIS 5TH DAY OF DECEMBER, 2024.

Bruce Moulton
President, Board of Directors

ATTEST:

David Smith
Secretary/Treasurer, Board of Directors

APPROVED AS TO FORM:

Deborah C. Trejo
Kemp Smith LLP, Counsel