

ORDINANCE NO. 270-07-26

AN ORDINANCE AMENDING THE CODE OF ORDINANCE TITLE 1, CHAPTER 6 'CITY OFFICERS AND EMPLOYEES', SECTION 1-6-4 'PERSONNEL POLICY GUIDELINES'; AS IT RELATES TO PERSONNEL POLICIES OF THE CITY OF ALAMO, TEXAS, TO NEWLY ESTABLISH SECTION 4.05 'SOCIAL MEDIA AND PROHIBITED TECHNOLOGY POLICY'; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A CUMULATIVE PROVISION; PROVIDING FOR A SEVERABILITY PROVISION; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE'S CAPTION IN A NEWSPAPER OF LOCAL CIRCULATION; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE'S CONTENTS IN THE CODE OF ORDINANCES OF THE CITY OF ALAMO, TEXAS

WHEREAS, The City of Alamo, Texas has adopted Personnel Policies via Ordinance No. 1995-1-30, as amended, in order to provide a professional administrative structure for all its employees; and,

WHEREAS, The City of Alamo, Texas, through Title 1, Chapter 6 – City Officers and Employees – provides and declares its official Personnel Policies by reference; and,

WHEREAS, The City of Alamo, Texas realizes that, over time, there will occasionally be new policies that need to be generated to maximize understanding of an employee's expectations of professional conduct in service to the general public; and,

WHEREAS, The City of Alamo, Texas, has carefully assessed and determined that it is now in the City of Alamo's best interests to establish a fair and reasonable policy regarding the vital but responsible use of social media messaging; and pursuant to the enactment of S.B. 1893 by the State of Texas, the City of Alamo has the statutory obligation to adopt a policy regarding prohibited technology due to its incidence to be maliciously used to compromise the city's sensitive data, or infect its technical systems.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMO, COUNTY OF HIDALGO, STATE OF TEXAS, THAT:

1. The recitals in the preamble to this ordinance are hereby adopted as the findings of the Board of Commissioner; and express the purpose and intent of this ordinance.

2. Title 1, Chapter 6 'City Officers and Employees', Section 1-6-4 'Personnel Policy Guidelines' shall be amended by adding the following:

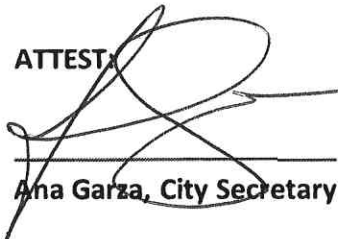
SECTION 4.05 'Social Media and Prohibited Technology Policy'

See the attached **EXHIBIT A** for the full text and content of Section 4.05.

3. After adoption of this ordinance and signature by the Mayor of the City of Alamo, Texas, it shall be effective immediately.
4. The provisions of this Ordinance shall supersede any other provisions, policies, and/or executive orders that may be in conflict herewith.
5. Should there be any phrase, provision, section, paragraph, or other components of this ordinance that are deemed to be invalid or unconstitutional by a court of competent jurisdiction, all other remnants of this ordinance shall remain in full force and effect.
6. The City Secretary is directed to have the caption of this ordinance published in a newspaper of local circulation in accordance to legislative protocol.
7. The City Secretary is directed to have this ordinance be, where applicable, published in the City of Alamo's Code of Ordinances; and further to have the Personnel Policy Handbook be amended to include the ordained provisions approved herein.

READ, DISCUSSED, AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMO, TEXAS, in accordance with the provisions of Chapter 551 of the Texas Government Code, at a Regular Meeting called and publicly held at the City of Alamo's City Hall, on this the 7th day of July, In The Year of Our Lord, 2026.

ATTEST:

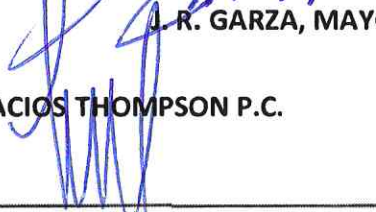


Ana Garza, City Secretary

CITY OF ALAMO, TEXAS



J.R. GARZA, MAYOR



PALACIOS THOMPSON P.C.

APPROVED AS TO FORM: _____

CITY ATTORNEY

EXHIBIT A

SECTION 4 – EMPLOYMENT STANDARDS

Section 4.05 Social Media and Prohibited Technology Policy

1. **Purpose:** The purpose of this ***Social Media and Prohibited Technology Policy***, hereinafter referred to in this section as '***SMPT Policy***' or '***Policy***' is to establish a responsible structure with reasonable guidelines for the use, management, and monitoring of official social media accounts operated by the City of Alamo through appropriate and non-prohibitive technology. Social media serves as a vital but evolving communication tool to inform residents, citizens, businesses, prospective investors, visitors, stakeholders, and interested others regarding City services, programs, events, emergencies, and other matters of public interest.

2. **Statutory Compliance:** The State Legislature of Texas amended Subtitle A, Title 6 'Texas Government Code (TGC)' by adding Chapter 620 'Use of Certain Social Media Applications and Services on Governmental Entity Devices Prohibited' by adopting S.B. 1893; its effective date was enabled on September 1, 2023. Such statute was issued due to the posed cybersecurity, privacy, or operational risk to government-owned or leased devices, and if breached, filtered onto its network(s). In conformance to S.B. 1893's intent, the City of Alamo, via Sec. 620.002, hereby incorporates a policy prohibiting the installation or use of Tik Tok or any application covered by Chapter 620 of the Texas Government Code on any device owned or leased by the City and requiring removal of the application from those devices if already installed. It is declared that Section 620.006 refers to a list of prohibited applications that is annually updated; as such, the most prevailing list of technologies prohibited by this Policy are shown in the following: **dir.texas.gov/information-security/covered-applications-and-prohibited-technologies**. The Texas Department of Information Resources link shown above will be regularly viewed by anyone issued a government-owner or -leased device to be cautiously aware against ongoing and emerging technological threats; said link reflecting a comprehensive list of prohibited applications, software, equipment and manufacturers, as well. Alamo's Policy strictly prohibits the use of these prohibited applications on city devices for City-related purposes. However, Sec. 620.003 provides for 'Exceptions' whereby Tik Tok may be installed and used but only to the extent necessary for providing law enforcement or developing or implementing information security measures, and used in compliance

with documented measures to mitigate risks to the security of the governmental entity's information.

3. **Policy:** The City of Alamo recognizes social media as an evolving technological platform to maximize communications with the general public. Official City (social media) accounts on non-prohibited platforms shall be professionally used only in a manner that is consistent with applicable federal and State laws, City policies and ordinances, public record requirements, and all facets of the First Amendment of the United States Constitution. See 'Content Guidelines' in this same Section 4.05 for further guidance.

4. **Definitions**

Social Media: Any internet-based platform that allows users to create, share, or exchange information, including but not limited to, Facebook Instagram, X (Twitter), YouTube, LinkedIn, and other similar and non-prohibited platforms that currently exist or that may be created for similar purposes.

Official social media city account: Any social media account established, maintained, or authorized by the City Manager of the City of Alamo.

Blocking: an action taken to prevent a user from viewing or virtually interacting with the City's posts and messaging. In regard to Alamo's social media policy, *blocking* is a built-in digital boundary used to shield the general public from messages and/or images that may be deemed obscene, vulgar, induce violent tendencies, reflects harassment/bullying, or expresses other inappropriate messaging as found in #8 and #9 of this Policy. Blocking shall be used only when legally compliant with local, State and Federal laws, inclusive of the U.S. Constitution

5. **Applicability/Compliance:** This Policy applies to all City of Alamo full and part-time employees, including paid or unpaid volunteers/interns, and/or any user of the city's network(s). Also, any official that uses a city-owned device such as cell phones, tablets, desktop and laptop computers and other internet-capable devices, shall be expected to responsibly comply with the expressed measures and intent of this Policy. As a standard of employment, all City of Alamo employees are responsible for complying with the terms and conditions of this Policy; as such, they shall acknowledge and confirm their understanding of this Policy as a part of receiving/reviewing their copy of the City's Personnel Policy manual.

In association with a city employee's compliance to the terms just cited, it is further declared that no employee, whether they have full or part-time status or those persons that may be volunteers or interns performing assigned city tasks, no one shall:

- represent personal opinions as official '*City of Alamo*' positions which tend to compromise or damage the reputation of the city, its leaders, or other employees;
- disclose Personal Identifiable Information (PII) which is confidential or protected information either of a personal or private nature;
- use official social media city accounts for political campaigning, personal business, religious proselyting, or for other for other private purposes;
- engage in conduct that violates, or seems to violate, city policies or any applicable law(s); or
- conduct themselves in a discourteous or unruly manner that the viewer will likely associate such behavior with the professional reputation that the City of Alamo is striving to strengthen and protect.

Note: Nothing in this Policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under State or the U.S. Constitution, as well as labor or other applicable law.

6. **Monitoring:** In a responsible measure to verify compliance of this SMPT Policy, especially the Chapter 620 TGC prohibitions of certain technology platforms, the City of Alamo reserves its right to monitor or track its assigned devices (mobile phones, tablets, laptops, desktop computers, or any other internet-capable devices) through IT/security system reports and typical feedback to departmental directors and/or Management. To maximize the city's security of its internet systems, the City of Alamo shall configure all firewalls to block access to prohibited technologies, including local networks (LAN), internet access (WAN), and virtual private networks (VPN). Due to the vital importance to reduce or eliminate risk of cyber risk-infection, monitoring is crucial; thus, certain actions may be taken to:

- Prohibit the installation of a covered application
- Prohibit the use of a covered application
- Remove a covered application from a government-owned or -leased device that was on the device prior to the passage of S.B. 1893
- Remove an application from a government-owned or -leased device if the Texas Governor issues a proclamation identifying it as a prohibited application.

The City of Alamo will manage all government-owned or -leased mobile devices by implementing the security measures listed below:

- restrict access to “app stores” or unauthorized software repositories to prevent the installation of unauthorized applications;
- maintain the ability to remotely wipe non-compliant or compromised mobile devices;
- maintain the ability to remotely uninstall unauthorized software from mobile devices; and
- establish and implement any other security measure to accomplish statutory compliance and Policy compliance to maximize cyber security of its sensitive information, critical infrastructure, and protect its technological systems.

7. **Authorization:** All official city social media accounts must first be approved by the City Manager; there shall be no delegation of authority for such vetting and potential approval. Department Directors may request from Management the creation of a social media account for legitimate governmental purposes; however, such request will include detailed justification outlining its intent, including why prevailing platforms were not viable for that same purpose.

Login credentials shall be maintained by the City Manager or Assistant City Manager. No employee, city official, or city consultant shall ever create a City-related social media account without prior written authorization.

8. **Content Guidelines:** An official social media city account may be used for the following purposes, though other purposeful criteria may also be eligible:
- providing information regarding city services, programs, etc.;
 - announce public meetings, events, and community activities, etc.;
 - disseminate emergency notifications and public safety information;
 - share public notices and governmental updates;
 - promote community engagement and civic participation;
 - content posted with visual and vibrant images shall be accurate, professional, and compliant with prevailing city policies and ordinances; and
 - other content of similar civic nature and public benefit.
9. **Public Comments:** The City of Alamo encourages public discourse while always striving to maintain a respectful, civil, and reverent forum for insightful dialogue. With

this core foundation expressed, the city realistically declares that due to variable personalities that may inadvertently or intentionally post expressions that clearly invite offense, incite or flare-up violent tendencies, deliberately insult the character of a city official, or expound derogatory opinions on un-founded basis toward a civic goal or accomplishment, or other similar circumstances, it then becomes the responsibility of the City Manager's office (with City Attorney concurrence, if deemed necessary) to remove, block or redact such posted expressions when determined to be classified under one of the following (non-all inclusive) categories:

- It is laced with profanity or obscene language is used;
- Obscene, pornographic or semi-pornographic images are displayed;
- Threats of violence or unlawful conduct is suggested, encouraged, veiled, or intimidated;
- Incites an imminent illegal activity or conduct;
- It expresses clear political propaganda;
- It relates to a commercial advertisement or private business solicitation;
- It is spam or is reflective of repetitive postings;
- It contains content that promotes, encourages, or suggests discrimination or any form of harassment, inclusive of bullying;
- It contains information, hearsay, or innuendo that may compromise public safety or ongoing investigations;
- It contains personal and/or private information, including social security numbers, driver's license numbers, financial account information, protected medical information, private disclosures of legal proceedings, private phone numbers, etc.;
- It contains copyrighted material posted without authorization;
- Content that is clearly un-related to the topic of the original post when such content substantially disrupts the intended purpose of the forum;

With the above declared, the City of Alamo assures that it will not remove, block, and/or redact a user's posted comments solely because they criticize the city's elected officials, employees, policies, or governmental actions. However, should it be determined that a posted expression clearly breaches the afore-listed categories, then the City Manager shall have no other alternative but to comply with the socially protective measures of this Policy.

10. **Blocking Users:** It is declared that official city social media accounts may constitute a public forum under the liberties and privileges secured by the U.S. Constitutions' First

Amendment; as such, users shall not be blocked solely because they respectfully express criticism, disagreements, or unfavorable opinions regarding the City of Alamo;

Blocking may occur when a user repeatedly violates this policy after documented warnings, including:

- Threats of violence; repeated threats of violence;
- Harassment directed at specific individuals;
- Persistent spam or automated postings;
- Impersonation or fraudulent activity;
- Repeated postings of unlawful content; or,
- Any other circumstance that clearly violates the intent of this Policy.

Any decision to block a user must be documented and approved only by the City Manager – this responsibility shall not be delegated to any other. The City of Alamo shall maintain detailed records supporting the reason(s) for any blocking action.

11. **Public Records:** Social media content may constitute a public record under the Texas Public Information Act. Official social media content shall be retained in accordance with applicable records retention requirements. Deleted comments and blocked-user documentation shall be preserved when required by law. Requests for social media records shall be processed in accordance with the Texas Public Information Act, inclusive of its time-sensitive deliverable regulation.
12. **Emergency Communications:** During instances of occasional emergencies, especially when life-safety circumstances are reasonably expected to be at stake, official information shall be approved for posting strictly through authorized personnel as designated by the City Manager or the Emergency Management Coordinator.
13. **Violations:** Employees violating this SMPT Policy may result in proportionate discipline to the measure of violation verified; such disciplinary action taken may rise to termination of said employee, in accordance to due process policies and applicable law.
14. **Effective Date:** This Policy shall become effective upon adoption by the Board of Commissioners of its related Ordinance amending the Personnel Policy Manual; said SMPT Policy measures to be in full force and effect until amended otherwise. Due to the

subject matter whereby technology seems to be continuously evolving, it is understood that this SMPT Policy will be subject to occasional updates and amendments.