



Duncanville Special Called Meeting Agenda

City Council Briefing Room
Duncanville City Hall
203 E. Wheatland Road
Duncanville, TX 75116
(972) 780-5017

Tuesday, October 29, 2024 – 4:00 P.M.

The Duncanville City Hall is accessible to people with disabilities. If you need assistance in participating in this meeting due to a disability as defined under the ADA, please call 972-780-5017 or email city.secretary@duncanvilletx.gov at least three (3) business days prior to the scheduled meeting to request an accommodation.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

Pursuant to Texas Government Code 551.127, one or more members of the governing body may appear via videoconference call. The presiding officer and a quorum of the City Council must be physically present at the above stated location.

The City of Duncanville reserves the right to reconvene, recess or align the Regular Session or called Executive Session or order of business at any time prior to adjournment at the direction and agreement of Mayor and Council.

This is an open meeting conducted in-person and will be broadcast by website and social media channels.

To view the live meeting or previous meetings click on the link below.

<https://duncanvilletx.new.swagit.com/views/454/>

To submit a comment via email the following information is required:

- Submit a comment by 2:00 p.m. on Tuesday, October 29, 2024.
 - Email city.secretary@duncanvilletx.gov
 - Email title: Public Comment – Tuesday, October 29, 2024
 - First Name, Last Name, and Address
-

CALL TO ORDER**RECEIVE PUBLIC COMMENTS****AGENDA ITEMS**

- | | | |
|----|--|---------|
| A. | Settlement and Release Agreement between Casey Lending, LLC, and the City of Duncanville
Settlement and Release Agreement between Casey Lending, LLC, and the City of Duncanville | 3 - 10 |
| B. | Briefing on a proposed naming of the Arts Cultural District from the Arts Commission.
Council Briefing on Arts Cultural District | 11 - 30 |
| C. | Briefing on SB 1893 requiring the adoption of a policy for prohibiting the installation of TikTok and certain other social media applications and services on governmental devices.
Social Media Policy | 31 - 48 |
| D. | City Council to receive a briefing and discuss items including the 2018 Bond Project(s), ARPA, and a proposed 15-year Capital Improvement Plan.
Council Briefing on 2018 Bond Project, ARPA, and Capital Improvement Plan (CIP) | 49 - 50 |

ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located outside the entrance to the City of Duncanville City Hall, next to the entryway doors, a place convenient and readily accessible to the general public, as well as to the City's website www.duncanvilletx.gov and said Notice was posted **by** the following date and time: **Thursday, October 24, 2024, by 5:00 P.M.** and remained posted for at least two hours after said meeting was convened.

Chiquita Taylor, City Secretary

"Guns prohibited on these premises by state law unless licensed under Chapter 411, Tex. Gov. Code. Section 46.035 Texas Penal Code."

"Las armas de fuego están prohibidas en estas instalaciones por la ley estatal a menos que estén autorizadas bajo el Capítulo 411 del Código de Gobierno de Texas. Sección 46.035 del Código Penal de Texas."



STAFF REPORT

MEETING: Special Called Meetings - 29 Oct 2024

TITLE:

Settlement and Release Agreement between Casey Lending, LLC, and the City of Duncanville

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Re-Imagine: High Quality of Life**
 - **Develop, maintain, and encourage safe, attractive, viable family-oriented neighborhoods that embrace diversity and pride, promoting economic vitality.**

STAFF RESPONSIBLE:

Victor Barrera, Economic Development Director

BACKGROUND/HISTORY:

RESOLUTION NO. 2024-272

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROPERTY TRANSFER AGREEMENT BY AND BETWEEN THE CITY OF DUNCANVILLE AND THE DUNCANVILLE COMMUNITY AND ECONOMIC DEVELOPMENT COPORATION, A TEXAS NON-PROFIT CORPORATION; AUTHORIZING THE CITY MANAGER TO SIGN ANY APPROPRIATE DOCUMENTS; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. That the City hereby approves the terms and conditions of the Property Transfer Agreement as set forth in Exhibit <A=, which is attached hereto.

EXHIBIT A 4 LIST OF PROPERTIES 727 S. Cockrell Hill Rd. Legal Description: COCKRELL HILL CROSSING REP LOT 3A ACS 0.5194

POLICY EXPLANATION:

RESOLUTION NO. 2024-272

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROPERTY TRANSFER AGREEMENT BY AND BETWEEN THE CITY OF DUNCANVILLE AND THE DUNCANVILLE COMMUNITY AND ECONOMIC DEVELOPMENT COPORATION, A TEXAS NON-PROFIT CORPORATION; AUTHORIZING THE

CITY MANAGER TO SIGN ANY APPROPRIATE DOCUMENTS; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. That the City hereby approves the terms and conditions of the

Property Transfer Agreement as set forth in Exhibit <A=, which is attached hereto.

EXHIBIT A 4 LIST OF PROPERTIES 727 S. Cockrell Hill Rd. Legal Description: COCKRELL HILL CROSSING REP LOT 3A ACS 0.5194

FUNDING SOURCE:

ORG and Object Number

N/A

Available Budget

\$0.00

Purchase Amount

\$0.00

After Encumber

\$0.00

ACTION ALTERNATIVES:

1. Approved funding in the amount of \$000.00 to perform the _____ and approve Budget Modification FY22 to appropriate \$000.00 from the Budget _____.
2. Do not provide funding for Staff to procure a consultant for _____.
3. Other actions as directed by Council.

ATTACHMENTS:

[Settlement Agreement - Casey Lending LLC](#)

SUIT NO.: TX-17-01635

CITY OF DUNCANVILLE, ET AL.,	§	IN THE DISTRICT COURT
<i>Plaintiffs,</i>	§	
	§	44th JUDICIAL DISTRICT
	§	
v.	§	
	§	
DUNCANVILLE REAL	§	
ESTATE, LLC., ET AL.,	§	DALLAS COUNTY, TEXAS
<i>Defendants.</i>		

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (the “Settlement Agreement”) is made and entered into by and among:

“Tax Lien Holder”: CASEY LENDING, LLC., successor in interest to Propel Financial Services, LLC., as Agent and Attorney-in-Fact for Propel Funding National 1, LLC. (“Casey”)

“Property Owner”: CITY OF DUNCANVILLE

(each a “Party” and, collectively, the “Parties”).

RECITALS

WHEREAS, Casey claims valid ad valorem property tax liens against the real property located at 727 S. Cockrell Hill Rd., Duncanville, TX 75137, and more particularly described as:

LOT 1 OF CHAMMEYVILLE JUNCTION IN THE CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS, AS SHOWN BY THE WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 20070416969 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND MORE COMMONLY ADDRESSED AS 727 SOUTH COCKRELL HILL ROAD, THE CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS.

(the “Property”);

WHEREAS, Casey claims priority ad valorem tax liens against the Property by virtue of those five (5) certain Tax Lien Contracts dated June 17, 2010, March 22, 2011, March 29, 2012, February 26, 2013, and February 19, 2014, and recorded as Document Nos. 201000168211, 201100075801, 201200124912, 201300071007 and 201400042202, respectively, in the Official Public Records of Dallas County, Texas, said liens having been transferred by the appropriate taxing authorities and memorialized by documents recorded as Document Nos. 200900128500, 201000220899, 201100129008, 201200124934, 201300099151 and 201400055109 in the Official Public Records of Dallas County, Texas (the “Lien”); and

WHEREAS, the above-referenced tax liens were reduced to judgment and ordered foreclosed on November 21, 2018 under that one certain *Cause No. TX-17-01635; Dallas County, et al. vs. Duncanville Real Estate, LLC.*: In the 44th Judicial District Court of Dallas County, Texas; and

WHEREAS, Casey is entitled to the current, collective amount of Three Hundred Twenty-Two Thousand Fifty Two and 98/100ths (\$322,052.9) Dollars pursuant to its tax lien contracts, tax liens and the Judgment referenced above; and

WHEREAS, the City of Duncanville now desires to hold title to the Property free and clear from Casey’s tax liens and judgment liens; and

WHEREAS, the Parties now desire to enter into this Settlement Agreement in order to provide for the release of Casey’s Liens against the Property and full settlement and discharge of all claims which either Party has against the other, upon the terms and conditions set forth below.

AGREEMENT

NOW THEREFORE, in consideration of the payment and mutual promises set forth herein, the Parties agree as follows:

1.0 Release and Discharge

1.1 **Casey’s Release:** Casey completely waives, releases and discharges the City of Duncanville, its predecessors, assigns, successors in interest and counsel from any and all past or present claims, causes of action, express or implied warranties, statutory warranties, damages, expenses, and compensation of any nature whatsoever, whether based in contract, tort, statute, the Uniform Commercial Code as adopted in Texas, the Deceptive Trade Practices Act (TEX. BUS. & COMM. CODE ANN. § 17.41, et seq.), or other theory of recovery, whether known or unknown, for actual or punitive damages, which Casey now has, including any claim which may

accrue or arise out of the incidents or allegations described in the Recitals or other claims related to title the Property.

1.2 City of Duncanville Release: The City of Duncanville completely waives, releases and discharges Casey, its predecessors, assigns, successors in interest and counsel from any and all past or present claims, causes of action, express or implied warranties, statutory warranties, damages, expenses, and compensation of any nature whatsoever, whether based in contract, tort, statute, the Uniform Commercial Code as adopted in Texas, the Deceptive Trade Practices Act (TEX. BUS. & COMM. CODE ANN. § 17.41, et seq.), or other theory of recovery, whether known or unknown, for actual or punitive damages, which the City of Duncanville now has, including any claim which may accrue or arise out of the incidents or allegations described in the Recitals or other claims related to title the Property.

1.3 Applies to Successors and Assigns. The release and indemnity provisions shall also apply to each Party's successors, assigns, affiliates, legal representatives, agents, executors, administrators, personal representatives, heirs, transferees, beneficiaries, devisees, trustees, attorneys, insurers, and assigns.

1.4 Compromise of Claims. It is understood and agreed by the Parties that this settlement is a compromise of doubtful and disputed claims, whether known or unknown. It is further understood and agreed by the Parties that there is a risk that subsequent to the execution of the Settlement Agreement, a Party will discover claims which were unknown or unanticipated at the time the Agreement was executed, which if known by said Party on the date the Agreement's execution may have materially affected its decision to execute the Agreement. The Parties understand that by reason of the Agreement, each Party is assuming the risk of such unknown claims and agrees that the release contained herein shall apply to any and all such claims.

1.5 No Admission of Liability. The foregoing releases shall not be construed as an admission of liability on the part of either Party. Any and all liability is expressly denied by each Party, respectively.

2.0 Consideration: In consideration of the releases and the provisions set forth above and in this Settlement Agreement:

2.1 Payment: The City of Duncanville agrees to pay Casey the total sum of TWO HUNDRED THREE THOUSAND AND NO/100 DOLLARS (\$203,000.00) by cashier's check or other certified funds, payable to: Casey Lending, LLC., no later than fifteen (15) days after this Agreement has been executed by all Parties.

2.2 **Release of the Lien:** Casey agrees to execute releases of its liens (contracts, tax liens and judgment lien) claimed against the Property and to record same in the Official Public Records of Dallas County, Texas within fourteen (14) days from its receipt of the payment described in Section 2.1 above.

3.0 **Responsibility for Liens and Tax Liability:** Each Party agrees that he/she/it shall have responsibility for tax liability or consequences, if any, whether assessed by a federal, state, or local taxing authority, arising from the consideration received by said Party hereunder.

4.0 **Attorneys' Fees.** Each Party hereto shall bear its own attorney's fees and costs arising from the actions of its own counsel in connection with the litigation, this Settlement Agreement, and all related matters.

5.0 **Warranty of Capacity to Execute Agreement.** Each Party represents and warrants that no other person or entity has, or has had, any interest in the claims or causes of action referred to in this Settlement Agreement or arising out of the incidents or allegations described in the Recitals; that each Party has the sole right and exclusive authority to execute this Settlement Agreement and receive the consideration specified in it; and that each Party has not sold, assigned, conveyed or otherwise disposed of any of the claims or causes of action referred to in this Settlement Agreement.

6.0 **Representation of Comprehension of Document and Waiver of Reliance.**

6.1 In entering into this Settlement Agreement, each Party represents that said Party is relying on the advice of said Party's respective counsel, who is the counsel of said Party's own choosing, in entering into this Settlement Agreement; that each Party has fully read and understands the terms and conditions of this Settlement Agreement; and that each Party enters into this Agreement voluntarily.

6.2 In entering into this Agreement, each Party expressly represents that it has not considered or relied upon any statement, assertion, communication, promise, or representation, whether written or oral, made by the other Party or the other Party's counsel regarding the meaning or consequences of any provision of this Agreement, except for the terms of this Agreement itself.

7.0 **Confidentiality.** The Parties agree to hold confidential and not to disclose to any third person or entity any information relating to the settlement reached in this claim, the claim or the Settlement Agreement itself, or any incidents arising out of the claim. The sole exceptions to this provision are that a Party or the Party's may make such disclosures as are required by law, including disclosures to state and federal taxing agencies, and may disclose the terms of this

Agreement to their accountants or tax advisors, provided that said Party shall inform his accountants and tax advisors that the terms of this Agreement are strictly confidential and are not to be revealed to anyone else except as required by law. The Parties further agree that this confidentiality provision is a material part of this Agreement.

8.0 Non-Disparagement. Each Party covenants to the other Party that said Party will not refer negatively to or about the other Party or communicate, orally, in writing, or electronically, generally, specifically, or by implication, any facts, information or opinions which objectively reflect adversely upon the other Party or to criticize, disparage, degrade, cast in a negative light, or otherwise harm the reputation of the other Party.

9.0 General Provisions.

9.1 Governing Law: This Agreement shall be governed by the laws of the State of Texas, with the exception of its conflicts of law provisions.

9.2 Venue: Any lawsuit regarding this Settlement Agreement shall be brought exclusively in a state district Court in Dallas County, Texas.

9.3 Legal Construction: Both Parties have jointly cooperated in the preparation of this Settlement Agreement, and it shall not be interpreted or construed against or in favor of any Party by virtue of the identity, interest or affiliation of its preparer. The Parties agree that this Agreement shall be construed as a whole according to its fair meaning. If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provisions hereof, and this Settlement Agreement shall be construed as if the offending provision had never been contained herein.

9.4 Additional Documents. The Parties agree to cooperate fully and execute any and all supplementary documents and to take all additional actions which may be necessary or appropriate to give full force and effect to the basic terms and intent of this Settlement Agreement.

9.5 Amendment or Waiver in Writing. No amendment or waiver of any provision of this Agreement shall be binding on any Party unless consented to in writing by all Parties. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, nor shall any waiver constitute a continuing waiver unless otherwise expressly provided.

9.6 Entire Agreement and Successors In Interest: This Settlement Agreement contains the entire agreement among the Parties and shall be binding upon and inure to the benefit of the successors, assigns, affiliates, legal representatives, executors, administrators,

personal representatives, heirs, transferees, and insurers, including, but not limited to, all their respective heirs, legal representatives, insurers, and assigns of each. This Agreement constitutes the sole Agreement of the Parties hereto and merges, cancels, and supersedes any prior or contemporaneous written or oral agreements, representations, or promises by or between the Parties respecting its subject matter. This Agreement can be modified or changed only in writing. This Agreement is irrevocable and may not be rescinded.

9.7 Effectiveness and Counterparts. This Settlement Agreement shall become effective immediately upon the execution of the Agreement by all Parties as delineated below. This Settlement Agreement may be executed in multiple parts and facsimile and electronic signatures will serve as original signatures.

Executed and Agreed on _____, 2024, by:

For Casey Lending, LLC.:

By: _____
Authorized Representative for
Casey Lending, LLC.

City of Duncanville

By: _____
Authorized Representative for
City of Duncanville



STAFF REPORT

MEETING: Special Called Meetings - 29 Oct 2024

TITLE:

Councilmember Gooden has requested a Council briefing on a proposed Arts Cultural District from the Arts Commission.

Vision Statement:

“Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance.”

STAFF RESPONSIBLE:

Ron Thompson, Arts Commission

BACKGROUND/HISTORY:

Arts Commission presentation to discuss status of cultural district.

- Name of District
- Boundaries
- Requirements for designation according to Texas Commission on the Arts.
- Timeline
- Q&A

POLICY EXPLANATION:

Arts Commission presentation to discuss status of cultural district.

- Name of District
- Boundaries
- Requirements for designation according to Texas Commission on the Arts.
- Timeline
- Q&A

FUNDING SOURCE:

ORG and Object Number

N/A

Available Budget

\$0.00

Purchase Amount

\$0.00

After Encumber

\$0.00

ACTION ALTERNATIVES:

1. Other actions as directed by Council.

ATTACHMENTS:

[23oct2024-arts-commission](#)



**Texas
Commission
on the Arts**

Investing in a Creative Texas

**Are you ready to apply for
Cultural District Designation?**

WHAT is a cultural district?

A cultural district is the anchor of a recognized, labeled, mixed-use area of a community in which there exists a high concentration of arts and cultural facilities, individual artists and events that are promoted to attract cultural tourists.



WHO should apply for cultural district designation?

Communities with an existing concentration of arts and cultural assets clustered in one walkable area of the city that they want to promote to visitors.



TCA Designated Cultural Districts

- Should be ready for tourists NOW
- Districts should be activated with predicable events
- Visitors to the district should know they are in a special place with interesting things to do and see (arts, culture, restaurants, lodging, and fun)



WHEN are the important dates?

Two dates are significant:

- The deadline for letters of intent to apply for Cultural District Designation is **January 31st**.
- The deadline for the full application for Cultural District Designation is **June 15th**.

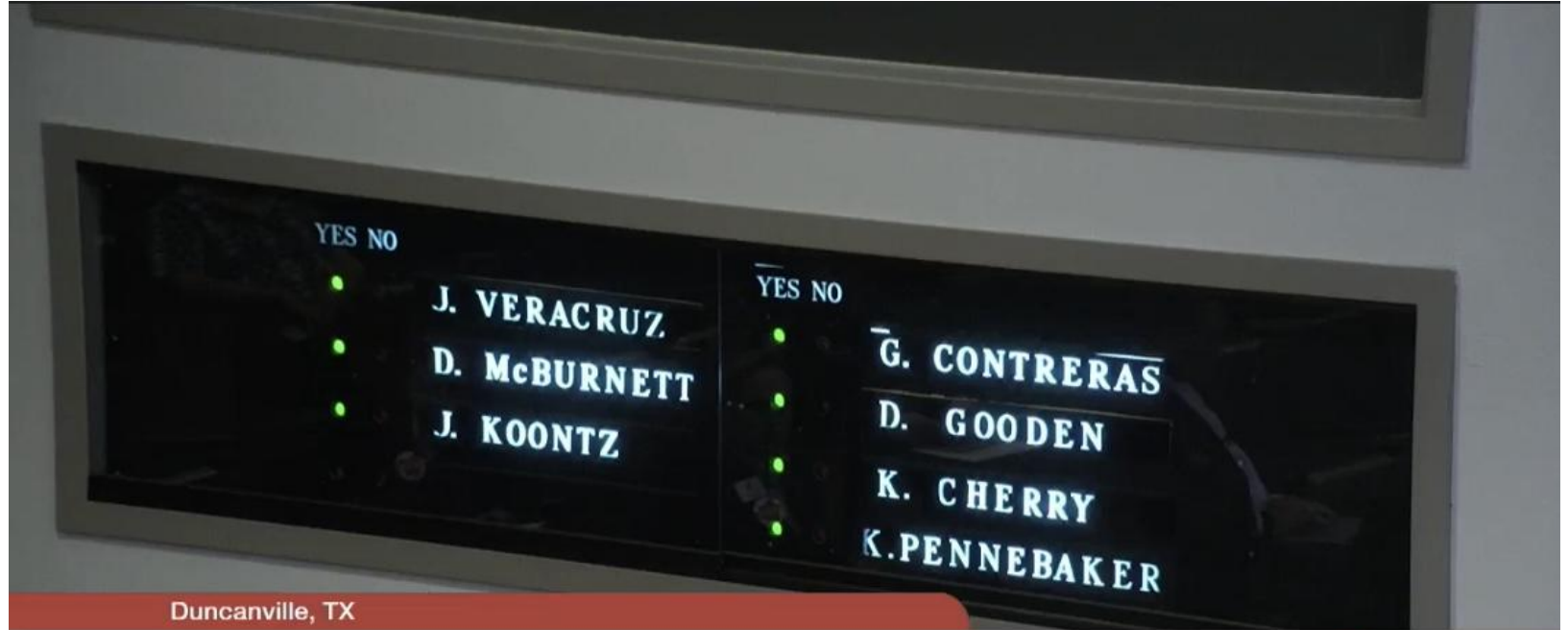


2027

You are ready for district designation when:

- There is strong **political support** for the cultural district.
- **District planning efforts reflect the diversity** of your community.
- You know where **funds** are coming from to pay for the district development, promotion and activities.
- There are **marketing and promotion** strategies in the plans for the cultural district.
- There is strong **support** from arts and cultural leaders.
- You have an agency with staff and management capacity to **act as administrative and fiscal agent**.
- You have **access to research and planning** expertise.
- You know **why you need a cultural district**.





Duncanville, TX

Item 5.D
City Council

October 15, 2024 8:36 pm



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- There is strong **political support** for the cultural district.
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- You know where **funds** are coming from to pay for the district development, promotion and activities.
- There are **marketing and promotion** strategies in the plans for the cultural district.
- There is strong **support** from arts and cultural leaders.
- You have an agency with staff and management capacity to **act as administrative and fiscal agent**.
- You have **access to research and planning expertise**.
- You know **why you need a cultural district**.

What is cultural tourism?

- The travel industry's term describing **travel directed toward arts, heritage, recreation and natural resources.**
- This is not new (*tourists have come to Texas for decades to experience these things*), but it is a good way of **connecting visitors to authentic cultural experiences.**
- These multi-cultural and multi-generation visitors make their travel choices **related to performances, artistic activity, architecture and historical offerings.**
- In Texas, we have **many great cultural destinations.**



What is cultural tourism?

- The travel industry's term describing travel directed toward **arts, heritage, recreation** and **natural resources**.
- This is not new (tourists have come to Texas for decades to experience these things), but it is a good way of connecting visitors to **authentic cultural experiences**.
- These multi-cultural and multi-generation visitors make their travel choices related to **performances, artistic activity, architecture** and **historical offerings**.
- In Texas, we have many great cultural destinations.

How to set district boundaries:

- Select a **contiguous** area that is **walkable**.
- Include **lots of arts activity**.
- The artistic resources should play a vital role in the **livability and economic development** of the city.
- The district must be **actively engaged in promotion**.
- Include **restaurants, venues, hotels** and other amenities.

How to set district boundaries:

- Select a **contiguous** area that is **walkable**.
- Include **lots of arts activity**.
- The artistic resources should play a vital role in the **livability and economic development** of the city.
- ***The district must be **actively engaged in promotion**.***
- Include **restaurants**, **venues**, **hotels** and **other amenities**.

What is walkability?

The built environment is friendly for people living, shopping, visiting and spending time in it. Characteristics include:

- It has a **center** – a main street or a public square;
- **Enough people** for business and activity to flourish;
- **Mixed income** and **mixed use** with affordable housing nearby;
- **Parks** and **public spaces** to gather and play;
- **Designed for pedestrian use** – buildings close to the street with parking at the back;
- **Close** to schools and workplaces; and
- **Streets designed** for bicyclists, pedestrians, people with disabilities, and has public transit.



What is walkability?

The built **environment** is **friendly for people living, shopping, visiting and spending time** in it. Characteristics include:

- It has a **center** – a main street or a public square;
- **Enough people** for business and activity to flourish;
- **Mixed income** and **mixed use** with affordable housing nearby;
- **Parks and public spaces** to gather and play;
- **Designed for pedestrian use** – buildings close to the street with parking at the back;
- **Close to schools and workplaces**; and
- **Streets designed** for bicyclists, pedestrians, people with disabilities, and has **public transit**.

Armstrong Park Cultural District Duncanville, Texas

- We have all the elements for a favorable application; or
- The missing elements are achievable in 2 years
- Public space — the cultural district will always belong to the community
 - All tax money is going to public spaces
 - All private money is going to shared spaces
 - The entire community must work together
 - Outcomes will help make Duncanville more livable
 - Signage and Branding
- **If we call it a cultural district, use it as our cultural district, it will BE our cultural district**



Let's agree tonight:

- Name: **Armstrong Park Cultural District**
- Boundary: **Armstrong Park**

Let's agree later:

- CDME Organization
- Funding Policies, Methodology, Priorities, Metrics
- Program Development, Tracking, Funding
- Off-Campus Development
- Local Stakeholder Development
- Regional, State, Federal Partners



STAFF REPORT

MEETING: Special Called Meetings - 29 Oct 2024

TITLE:

Briefing on SB 1893 requiring the adoption of a policy for prohibiting the installation of TikTok and certain other social media applications and services on governmental devices.

Vision Statement:

“Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance.”

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
 - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:

David Kees, Interim Assistant City Manager

BACKGROUND/HISTORY:

Last session, the Texas legislature passed S.B. 1893, which prohibits the use of TikTok and certain other social media applications and services on governmental devices. The bill specifically requires cities and other political subdivisions to adopt a policy: (1) prohibiting the installation of TikTok or another covered application on any device owned or leased by the governmental entity; and (2) requiring the removal of covered applications from those devices.

Although the bill went into effect immediately upon being signed by the governor in 2023, the requirement that a city adopt a policy described above did not apply until the Department of Information Resources (DIR) and the Department of Public Safety (DPS) jointly developed a model policy for governmental entities to use in developing their own local policy. The DIR/DPS model policy was recently released on September 16, 2024.

DIR guidance provides that governmental entities, including cities, have until November 20, 2024 to adopt their local policies required by S.B. 1893. It should be noted that city policies adopted to comply with S.B. 1893 need not mirror the DIR/DPS model policy, but it is expected that the DIR/DPS model policy is used in developing the city policy. The law provides, and the model policy reflects, that city-adopted policies may allow for the installation and use of a covered application to the extent necessary for: (1) providing law enforcement; or (2) developing or implementing information security measures.

Cities that have not yet adopted a local policy relating to TikTok and other covered social media applications are encouraged to review the DIR/DPS model policy, and consult with local counsel to ensure adoption of a local policy by the November 20, 2024 deadline.

FUNDING SOURCE:

ORG and Object Number

ctaylor

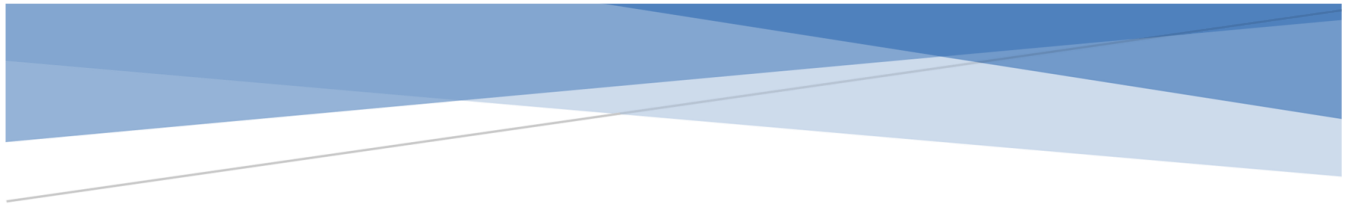
<u>Available Budget</u>	<u>Purchase Amount</u>	<u>After Encumber</u>
\$0.00	\$0.00	\$0.00

ACTION ALTERNATIVES:

1. Other actions as directed by Council.

ATTACHMENTS:

[Model Policy for Preventing Use of Prohibited Technology and Covered Applications](#)
[Draft Tiktok policy](#)



ENTITY NAME

Covered Applications and Prohibited Technology Policy

Date: September 16, 2024

Version: 1.0

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INSTRUCTIONS FOR GOVERNMENTAL ENTITY

This document is intended to serve as a model policy for Texas governmental entities to modify and adopt to fulfill the requirements of Government Code Chapter 620 and the Office of the Governor's directive regarding the installation and use of prohibited technologies on personal devices used to conduct state business. Entities should review this document and implement any organization-specific components as necessary. Sections in the policy **[contained in bold brackets]** are intended to be replaced by the entity implementing the policy.

Please direct questions regarding this model policy to GRC@dir.texas.gov.

1.0 INTRODUCTION

1.1 PURPOSE

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 prohibits the use of covered applications on governmental entity devices.

As required by the Governor's directive and Senate Bill 1893, this model policy establishes a template that entities subject to the directive or bill may mimic to prohibit the installation or use of covered applications or prohibited technologies on applicable devices.

1.2 SCOPE AND APPLICATION

Due to distinctions in requirements between the Governor's directive and SB 1893, Sections 2 and 3 apply to distinct organizations. Where appropriate, each section will identify the unique entities to whom the section applies and the appropriate definitions.

Governmental entities, including local governments, must adopt a covered applications policy as described by [Section 2.0](#).

State agencies to whom the Governor issued his December 7, 2022, directive must adopt a prohibited technology policy as described by [Section 3.0](#). To the extent a state agency is also subject to the requirements of Senate Bill 1893, that agency must also adopt a covered applications policy as described by [Section 2.0](#).

2.0 COVERED APPLICATIONS POLICY FOR GOVERNMENTAL ENTITIES

2.1 SCOPE AND DEFINITIONS

Pursuant to Senate Bill 1893, governmental entities, as defined below, must establish a covered applications policy:

- A department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Education Code Section 61.003.
- The supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government.
- A political subdivision of this state, including a municipality, county, or special purpose district.

This policy applies to all [Governmental Entity] full- and part-time employees, contractors, paid or unpaid interns, and other users of government networks. All [Governmental Entity] employees are responsible for complying with this policy.

A covered application is:

- The social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.
- A social media application or service specified by proclamation of the governor under Government Code Section 620.005.

2.2 COVERED APPLICATIONS ON GOVERNMENT-OWNED OR LEASED DEVICES

Except where approved exceptions apply, the use or installation of covered applications is prohibited on all government-owned or -leased devices, including cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

[Governmental Entity] will identify, track, and manage all government-owned or -leased devices including mobile phones, tablets, laptops, desktop computers, or any other internet-capable devices to:

- a. Prohibit the installation of a covered application.
- b. Prohibit the use of a covered application.
- c. Remove a covered application from a government-owned or -leased device that was on the device prior to the passage of S.B. 1893 (88th Leg, R.S.).
- d. Remove an application from a government-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.

[Governmental Entity] will manage all government-owned or leased mobile devices by implementing the security measures listed below:

- a. **[Restrict access to “app stores” or unauthorized software repositories to prevent the installation of unauthorized applications.]**
- b. **[Maintain the ability to remotely wipe non-compliant or compromised mobile devices.]**
- c. **[Maintain the ability to remotely uninstall unauthorized software from mobile devices.]**
- d. **[Other Governmental Entity-implemented security measures.]**

2.3 ONGOING AND EMERGING TECHNOLOGY THREATS

To provide protection against ongoing and emerging technological threats to the government’s sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional social media applications or services that pose a risk to this state.

DIR will annually submit to the Governor a list of social media applications and services identified as posing a risk to Texas. The Governor may proclaim items on this list as covered applications that are subject to this policy.

If the Governor identifies an item on the DIR-posted list described by this section, then **[Governmental Entity]** will remove and prohibit the covered application.

[Governmental Entity] may also prohibit social media applications or services in addition to those specified by proclamation of the Governor.

2.4 BRING YOUR OWN DEVICE POLICY

If **[Governmental Entity]** has a “Bring Your Own Device” (BYOD) program, then the

[Governmental Entity] may consider prohibiting the installation or operation of covered applications on employee-owned devices that are used to conduct government business.

2.5 COVERED APPLICATION EXCEPTIONS

[Governmental Entity] may permit exceptions authorizing the installation and use of a covered application on government-owned or -leased devices consistent with the authority provided by Government Code Chapter 620.

Government Code Section 620.004 only allows **[Governmental Entity]** to install and use a covered application on an applicable device to the extent necessary for:

- (1) Providing law enforcement; or
- (2) Developing or implementing information security measures.

If **[Governmental Entity]** authorizes an exception allowing for the installation and use of a covered application, **[Governmental Entity]** must use measures to mitigate the risks posed to the state during the application's use **[including:**

- **Measures that the Governmental Entity deems appropriate for its own policy.]**

[Governmental Entity] must document whichever measures it took to mitigate the risks posed to the state during the use of the covered application.

[A Governmental Entity may include additional language within its policy as to which employees may install and use the covered application subject to its exception.]

3.0 PROHIBITED TECHNOLOGY POLICY FOR STATE AGENCIES

3.1 SCOPE

This policy applies to all state agencies to whom the Governor issued his December 7, 2022, [directive](#). This policy applies to all **[Agency Name]** employees, including interns and apprentices, contractors, and users of state networks. All **[Agency Name]** employees, contractors, and state network users to whom this policy applies are responsible for complying with these requirements and prohibitions.

3.2 STATE AGENCY-OWNED DEVICES

Except where approved exceptions apply, the use or download of prohibited applications or websites is prohibited on all state-owned devices, including cell phones, tablets, desktop and laptop computers, and other internet capable devices.

The **[Agency Name]** must identify, track, and control state-owned devices to prohibit the installation of or access to all prohibited applications. This includes the various prohibited applications made available through application stores for mobile, desktop, or other internet capable devices.

The **[Agency Name]** must manage all state-owned mobile devices by implementing the security controls listed below:

- a. Restrict access to “app stores” or nonauthorized software repositories to prevent the install of unauthorized applications.
- b. Maintain the ability to remotely wipe noncompliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall unauthorized software from mobile devices.
- d. Deploy secure baseline configurations for mobile devices as determined by **[Agency Name]**.

3.3 PERSONAL DEVICES USED FOR STATE AGENCY BUSINESS

Employees and contractors may not install or operate prohibited applications or technologies on any personal device that is used to conduct state business, which includes using the device to access any state-owned data, applications, email accounts, non-public facing communications, state email, VoIP, SMS, video conferencing, CAPPS, Texas.gov, and any other state databases or applications.

A state agency that authorizes its employees and contractors to use their personal devices to conduct state business must also establish a “Bring Your Own Device” (BYOD) program. If an employee or contractor has a justifiable need to allow the use of personal devices to conduct state business, the employee or contractor must ensure that their device complies with **[State Agency’s]** BYOD program, which may include proactive enrollment in the program.

[State Agency’s] BYOD program prohibits an employee or contractor from enabling prohibited technologies on personal devices enrolled in the **[State Agency]** program.

3.4 SENSITIVE LOCATIONS

[**State Agency**] identify, catalogue, and label all sensitive locations. A sensitive location is any location, physical or logical (such as video conferencing, or electronic meeting rooms), that is used to discuss confidential or sensitive information including information technology configurations, criminal justice information, financial data, personally identifiable data, sensitive personal information, or any data protected by federal or state law.

An employee whose personal device, including their personal cell phone, tablet, or laptop, is not compliant with this prohibited technology policy may not bring their personal device into sensitive locations. This includes using their unauthorized personal device to access any electronic meeting labeled as a sensitive location.

Visitors granted access to sensitive locations are subject to the same limitations as employees and contractors. If a visitor is granted access to a sensitive location and their personal device has a prohibited application installed on it, then the visitor must leave their unauthorized personal device at an appropriate location that is not identified as sensitive.

3.5 NETWORK RESTRICTIONS

DIR has blocked access to prohibited technologies on the state network. To ensure multiple layers of protection, [**State Agency**] has also implemented additional network-based restrictions, which include:

- a. Configuring agency firewalls to block access to statewide prohibited services on all agency technology infrastructures, including local networks, WAN, and VPN connections.
- b. Prohibiting personal devices with prohibited technologies installed from connecting to agency or state technology infrastructure or state data.
- c. With the [**State Agency**] executive head's approval, providing a separate network that allows access to prohibited technologies with the approval of the executive head of the agency.
- d. [**Additional Measures that the State Agency deems appropriate for its own policy.**]

3.6 PROHIBITED TECHNOLOGIES EXCEPTIONS

Only the **[State Agency]** executive may approve exceptions to the ban on prohibited technologies. This authority may not be delegated. All approved exceptions to applications, software, or hardware included on the prohibited technology list must be reported to DIR.

Exceptions to the prohibited technology policy must only be considered when:

- the use of prohibited technologies is required for a specific business need, such as enabling criminal or civil investigations; or
- for sharing of information to the public during an emergency.

For personal devices used for state business, exceptions should be limited to extenuating circumstances and only granted for a predefined period of time. To the extent practicable or possible, exception-based use should only be performed on devices that are not used for other state business and on non-state networks, and the user should disable cameras and microphones on devices authorized for exception-based use.

3.7 BRING YOUR OWN DEVICE POLICY FOR A GOVERNMENTAL ENTITY NOT SUBJECT TO THE GOVERNOR'S PROHIBITED TECHNOLOGY DIRECTIVE

If a Governmental Entity is not subject to the Governor's prohibited technology directive but is subject to Senate Bill 1893, it may also consider prohibiting the installation or operation of prohibited technologies and covered applications on employee-owned devices that are used to conduct government business.

If **[Governmental Entity]** has a "Bring Your Own Device" (BYOD) program, then the **[Governmental Entity]** shall institute a "Bring Your Own Device" (BYOD) policy requiring the enrollment of these personal devices in the entity's program before their continued use in conducting governmental business.

3.8 ONGOING AND EMERGING TECHNOLOGY THREATS PURSUANT TO THE GOVERNOR'S DIRECTIVE

To provide protection against ongoing and emerging technological threats to the state's sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional technologies posing concerns for inclusion in this policy.

DIR posts the list of all prohibited technologies, including applications, software, hardware, or technology providers, to its website. If, after consultation between DIR and DPS, a new technology must be added to this list, DIR will update the prohibited technology list posted on its website.

[**State Agency**] will implement the removal and prohibition of any listed technology on all applicable devices. [**State Agency**] may prohibit other technology threats in addition to those on the posted list should [**State Agency**] determine that such prohibition is appropriate.

4.0 POLICY COMPLIANCE

All [**State Agency**] employees shall sign a document annually confirming their understanding of the agency's covered applications and prohibited technology policies. Governmental entities that are subject to Senate Bill 1893 but not subject to the Governor's December 07, 2022, directive may elect not to require employees to complete an annual certification.

[**Governmental Entity**] will verify compliance with this policy through various methods, including but not limited to, IT/security system reports and feedback to leadership.

An employee found to have violated this policy may be subject to disciplinary action, including termination of employment.

5.0 POLICY REVIEW

This policy will be reviewed [**entity-defined frequency**] and updated as necessary to reflect changes in state law, additions to applications identified under Government Code Section 620.006, updates to the prohibited technology list posted to DIR's website, or to suit the needs of [**Governmental Entity**]

CITY OF DUNCANVILLE

TikTok and Prohibited Technology Policy

Date: November 19, 2024

Version: 1.0

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1.0 INTRODUCTION

1.1 Purpose

On December 7, 2022, the Governor of Texas mandated the prohibition of the TikTok application on all state-owned and issued devices due to security concerns regarding data surveillance. This policy establishes guidelines for the City of Duncanville to align with state directives.

1.2 Scope

This policy applies to all full-time and part-time employees, contractors, interns, and any users accessing city networks and devices.

2.0 COVERED APPLICATIONS POLICY FOR THE CITY OF DUNCANVILLE

2.1 Scope and Definitions

A ****covered application**** includes TikTok or any successor application developed by ByteDance Limited. This policy applies to all city employees and users of city networks.

2.2 Covered Applications on City-Owned or Leased Devices

The installation or use of covered applications on city-owned devices is strictly prohibited. The City of Duncanville will:

- Maintain an inventory of all city-owned devices.
- Ensure compliance through regular monitoring and management practices.
- Remove any covered application found on city devices.

2.3 Ongoing and Emerging Technology Threats

The city will monitor and evaluate emerging technologies posing security risks. Any application identified by the Texas Department of Information Resources (DIR) will be considered for prohibition.

2.4 Bring Your Own Device (BYOD) Policy

Employees utilizing personal devices for city business must not install or operate covered applications. The BYOD policy will ensure compliance with this restriction.

2.5 Covered Application Exceptions

Exceptions may only be granted for law enforcement or necessary security measures, with documentation required for any such exceptions.

3.0 PROHIBITED TECHNOLOGY POLICY

3.1 Scope

This policy applies to all employees, contractors, and users of city networks.

3.2 City-Owned Devices

Prohibited applications, including TikTok, are banned on all city-owned devices. The city will implement security controls to prevent unauthorized installations.

3.3 Personal Devices Used for City Business

The use of prohibited applications on personal devices for city business is not permitted. Employees must comply with the BYOD policy.

3.4 Sensitive Locations

Employees must not bring non-compliant devices into sensitive locations where confidential information is discussed.

3.5 Network Restrictions

Access to prohibited technologies will be blocked on the city network. Additional network restrictions may be implemented as needed.

3.6 Prohibited Technology Exceptions

Exceptions to the prohibition may only be approved by the city's executive leadership for specific, justifiable needs.

3.7 BYOD Policy for City Employees

Employees using personal devices for city business must enroll their devices in the BYOD program and comply with all security requirements.

3.8 Ongoing and Emerging Technology Threats

The city will continually assess technological threats and update the prohibited technology list as necessary.

4.0 POLICY COMPLIANCE

All employees must acknowledge understanding of this policy annually. Non-compliance may result in disciplinary actions.

5.0 POLICY REVIEW

This policy will be reviewed annually and updated as necessary to reflect changes in state law or city needs.

Feel free to modify any sections to better fit the specific needs of the City of Duncanville!



STAFF REPORT

MEETING: Special Called Meetings - 29 Oct 2024

TITLE:

City Council to receive a briefing and discuss items including the 2018 Bond Project(s), ARPA, and a proposed 15 year Capital Improvement Plan.

Vision Statement:

“Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance.”

Pillar:

- **Advance: Marketing Strategy of the City and Community Engagement Plan**
 - Strengthen communication and engagement within the community while championing the City of Duncanville regionally, nationally, and internationally.
- **Develop: Infrastructure Improvement Strategy**
 - Ensure the viability and adaptability of the city’s infrastructure, facilities, and transportation network through thoughtful financial and long-term planning.
- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
 - Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.

STAFF RESPONSIBLE:

Douglas Finch, City Manager
Richard Jackson, Director of Fiscal Services
Jennifer Otey, Budget Administrator

BACKGROUND/HISTORY:

City Council to receive a briefing and discuss items including the 2018 Bond Project(s), ARPA, and a proposed 15 year Capital Improvement Plan.

POLICY EXPLANATION:

City Council to receive a briefing and discuss items including the 2018 Bond Project(s), ARPA, and a proposed 15 year Capital Improvement Plan.

FUNDING SOURCE:

ORG and Object Number

N/A

Available Budget

\$0.00

Purchase Amount

\$0.00

After Encumber

\$0.00

ACTION ALTERNATIVES:

1. Other actions as directed by Council.