

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING SECTION 6.105 "MEDIA RELATIONS AND PERSONAL SOCIAL MEDIA" OF THE CITY OF ODESSA PERSONNEL POLICIES AND PROCEDURES MANUAL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE

WHEREAS, on November 27, 1990, by Ordinance No. 90-76, the City of Odessa adopted the Odessa Personnel Policies and Procedures Manual to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management; and

WHEREAS, from time to time there is a need to update and or amend the Personnel Policies and Procedures Manual to be consistent with the needs of the City and its employees, to remain compliant with new laws and regulations, or to keep up with advances in technology; and

WHEREAS, during the 88th Legislative Session, the Texas Legislature approved a bill relating to the use of TikTok on devices owned or leased by governmental entities and mandating all governmental entities to adopt a policy prohibiting its installation or use on such devices; and

WHEREAS, the City Council of the City of Odessa has determined that there is a need to amend Section 6.105 of the Personnel Policies and Procedures Manual by adding Article V. entitled Use of Certain Social Media Applications and Services on City Devices Prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ODESSA, TEXAS

Section 1. That Section 6.105 of the Personnel Policies and Procedures Manual is hereby amended by adding Article V. "Use of Certain Social Media Applications and Services on City Devices Prohibited" as follows:

Sec. 6.105 Media Relations and Personal Social Media

V. USE OF CERTAIN SOCIAL MEDIA APPLICATIONS AND SERVICES ON CITY DEVICES PROHIBITED

The City of Odessa prohibits the installation or use of a covered application on any device owned or leased by the City and requires the removal of such applications from those devices.

"Covered application" means:

- i. the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or
- ii. a social media application or service specified by proclamation of the governor under Section 620.005 Texas Government Code.

Section 2. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That this ordinance, since it does not impose any penalty or fine, shall go into effect following adoption on second approval as provided by City Charter Sections 61 and 65, without the need for publication.

The foregoing ordinance was first approved on the 12th day of March, A.D., 2024, by the following vote:

| | |
|--------------------|--------|
| Mark Matta | AYE |
| Steven P. Thompson | AYE |
| Gilbert Vasquez | AYE |
| Greg Connell | AYE |
| Chris Hanie | AYE |
| Denise Swanner | ABSENT |
| Javier Joven | AYE |

The foregoing ordinance was adopted on second and final approval on the 26th day of March, A.D., 2024, by the following vote:

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|--------------------|-----|
| Mark Matta | AYE |
| Steven P. Thompson | AYE |
| Gilbert Vasquez | AYE |
| Greg Connell | AYE |
| Chris Hanie | AYE |
| Denise Swanner | AYE |
| Javier Joven | AYE |

Approved this the 26th day of March, A.D., 2024.

Javier Joven, Mayor

ATTEST:

Norma Aguilar, City Secretary

APPROVED AS TO FORM:

Daniel C. Jones, City Attorney