

RESOLUTION AND ORDER NO. 11-24-111

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF
DIRECTORS ADOPTING A POLICY ON PROHIBITED
TECHNOLOGIES

WHEREAS, the Edwards Aquifer Authority (“EAA”) was created by the Edwards Aquifer Authority Act, Act of May 30, 1993, 73rd Leg., R.S., ch. 626, 1993 Tex. Gen. Laws 2350, as amended (“Act”); and

WHEREAS, under Section 1.02 of the Act, the EAA is a conservation and reclamation district created by virtue of Article XVI, Section 59 of the Texas Constitution, and is a governmental agency and body politic and corporate vested with the full authority to exercise the powers and to perform the functions specified in the Act; and

WHEREAS, the EAA has all of the rights, powers, privileges, authority, functions, and duties provided by applicable general law of this state, including applicable portions of Chapter 49, Texas Water Code, and

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 EAA, 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 EAA has developed a covered applications policy based on the DPS and DIR model policy attached hereto as [Exhibit A](#) and incorporated for all purposes;

WHEREAS, a regular meeting of the Board of the EAA was held on November 12,

2024 at 1:00 p.m., notice of public meeting having been duly and properly posted in accordance with Chapter 551, Texas Government Code; and

WHEREAS, an agenda item was duly listed in the notice of public meeting that is the subject of this Resolution and Order; and

WHEREAS, a majority of the Directors of the Board were in attendance and constituted a quorum; and

WHEREAS, the Board duly considered and took action on the agenda item that is the subject of this Resolution and Order;

WHEREAS, a vote of the majority of the quorum of the Board in attendance passed on, voted in favor of, and adopted the following Resolution and Order; and

WHEREAS, it is in the public interest that the EAA adopt the covered applications policy.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS THAT:

Section 1. The covered applications policy, which is attached to this Resolution and Order as [Exhibit A](#), is hereby adopted by the Board and the General Manger is directed to incorporate it into the EAA's policies.

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

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THIS 12TH DAY OF NOVEMBER, 2024.

Enrique Valdivia
Chairman, Board of Directors

ATTEST:

Benjamin F. Youngblood, III
Secretary, Board of Directors

APPROVED AS TO FORM:

Darcy Alan Frownfelter
General Counsel