

**CITY OF CONROE, TEXAS**  
**CITIZEN-DRAFTED ORDINANCE FOR ACTION BY THE CITY COUNCIL**  
**AN ORDINANCE LIMITING CITY MASS SURVEILLANCE AND SYSTEMATIC TRACKING**

*This document is drafted as the ordinance and petition text required by Home Rule Charter Section 7.02 (Initiative): to be presented to the City Council, which must within ten days either adopt it without alteration as to meaning or effect under this Ordinance's own Section 15(a), or call a special election at which the qualified voters of the City vote on its adoption under this Ordinance's own Section 15(b), all as Charter Section 7.02 provides. The petition initiating this Ordinance must be signed by qualified voters of the City equal in number to twenty percent (20%) of the number of votes cast at the last regular municipal election of the City, signed and verified in the same manner as recall petitions under Charter Sections 6.02 through 6.04, and filed with the person performing the duties of City Secretary together with a copy of this Ordinance attached. Based on the City of Conroe's May 2, 2026 general municipal election (Montgomery County Elections cumulative canvass, City of Conroe Council Place 5: 4,812 total votes cast), twenty percent is approximately 963 signatures; this figure should be confirmed against the official canvass by the City Secretary before a petition is finalized for circulation, as the controlling base election may change if a later regular municipal election intervenes before filing.*

---

**PROPOSED BALLOT PROPOSITION**

Under Tex. Elec. Code Section 52.072(a), the authority ordering the election retains discretion to prescribe the final wording of the proposition, except as otherwise provided by law. Because this Ordinance is proposed for submission to the voters by petition under Home Rule Charter Section 7.02, the ballot form prescribed by Home Rule Charter Section 7.05 controls over the general statutory default and requires the words "FOR the ORDINANCE" and "AGAINST the ORDINANCE" to appear on separate lines following a statement of the Ordinance's nature sufficient to identify it. The following statement and ballot form are submitted for that purpose, drafted to substantially submit the measure with the definiteness, certainty, and facial neutrality required by Tex. Elec. Code Section 52.072(g), as amended by Acts 2025, 89th Leg., R.S., Ch. 146 (S.B. 1025), consistent with the standard previously articulated in *Dacus v. Parker*, 466 S.W.3d 820, 826 (Tex. 2015):

Shall the City of Conroe adopt an ordinance prohibiting the City from acquiring, operating, funding, or obtaining routine access to automated license plate reader systems and other mass-surveillance systems that systematically track, identify, or create searchable records of the movements, associations, activities, or biometric characteristics of members of the public who are not under investigation, while continuing to allow body-worn cameras, dashboard cameras, facility security cameras, targeted drone missions, and other conventional public-safety uses?

☐ "FOR the ORDINANCE"

☐ "AGAINST the ORDINANCE"



**AN ORDINANCE OF THE CITY OF CONROE, TEXAS**  
**LIMITING CITY MASS SURVEILLANCE AND SYSTEMATIC TRACKING;**  
**PROHIBITING THE CITY'S ACQUISITION OF, PARTICIPATION IN, AND**  
**GENERAL OR ROUTINE ACCESS TO PROHIBITED MASS SURVEILLANCE**  
**SYSTEMS; PRESERVING CONVENTIONAL AND TARGETED PUBLIC-SAFETY**  
**USES; PROVIDING FOR TRANSPARENCY AND PUBLIC PROCESS; LIMITING**  
**THE EFFECT OF THIS ORDINANCE AS TO EVIDENCE, PROSECUTIONS, AND**  
**CIVIL LIABILITY; PROVIDING FOR CONSTRUCTION, REPEAL OF**  
**CONFLICTING PROVISIONS, CODIFICATION, SEVERABILITY, AND AN**  
**EFFECTIVE DATE**

**RECITALS**

WHEREAS, publicly available records, including the City of Conroe's submission to the Office of the Attorney General of Texas dated April 28, 2026 and records produced by the City in response to a request under the Texas Public Information Act, document that the City has acquired and operates automated license plate reader camera systems, associated data-network access, and unmanned aircraft; and

WHEREAS, the City Council declined on August 13, 2026 to place a binding public referendum concerning the continued operation of those systems before the voters of the City; and

WHEREAS, no statute of this State presently regulates a municipality's acquisition or operation of automated license plate reader systems, leaving that question to local determination; and

WHEREAS, this Ordinance addresses a single subject, namely the City's own acquisition of, participation in, and general or routine access to mass-surveillance capability, without regard to the particular technology, vendor, product, or system through which that capability is delivered; and

WHEREAS, a distinction between targeted investigation and mass surveillance is necessary to preserve both effective law enforcement and the privacy of residents who are not suspected of any offense; and

WHEREAS, numerous municipalities across the United States have ended agreements for automated license plate reader systems substantially similar to the system operated by the City through deactivation, negotiated early termination, non-appropriation, or non-renewal, without any resulting breach-of-contract liability, demonstrating that a lawful, penalty-free exit from such an agreement is an established and widely used municipal practice; and

WHEREAS, this Ordinance is drafted so as not to impair any pending prosecution, not to affect the admissibility of any evidence, not to create any private cause of action for damages, not to require the breach of any enforceable contract, not to limit cooperation with any federal officer as required by Chapter 752, Texas Government Code, and not to regulate the operation of unmanned aircraft beyond the authority reserved to the City by Section 423.009(c)(2), Texas Government Code;

**BE IT ORDAINED BY THE CITY OF CONROE, TEXAS:**

## SECTION 1. PURPOSE, SCOPE, AND SINGLE SUBJECT

**(a) Purpose.** The purpose of this Ordinance is to limit the City's own acquisition, operation, funding, subscription to, participation in, and general or routine access to systems whose function or practical effect is to systematically collect or create searchable information concerning the movements, locations, activities, associations, vehicles, devices, or biometric characteristics of members of the public who are not subjects of a Particular Lawful Investigation at the time the information is collected.

**(b) Single subject.** This Ordinance addresses a single subject: limiting the City's own acquisition of and access to mass-surveillance capability. Each system or function identified in Section 5 is addressed solely as an illustration of that single subject and not as a separate or independent question.

**(c) Governing distinction.** The distinction established by this Ordinance is between targeted investigation and mass surveillance. The City may investigate particular crimes, incidents, suspects, persons, vehicles, devices, places, accounts, threats, and events meeting the requirements of a Particular Lawful Investigation using lawful conventional tools. The City may not maintain or routinely access a capability that systematically collects information concerning the public generally so that the information may later be searched to reconstruct or analyze the movements or activities of persons who were not investigative targets when the information was collected.

**(d) Scope.** This Ordinance regulates the City's own conduct, contracts, subscriptions, access, and use of municipal resources. It does not regulate the private use of technology by residents or businesses, and it does not regulate, restrict, or impose any duty upon any other governmental entity.

**(e) No effect on budget authority.** Nothing in this Ordinance adopts, amends, supersedes, or directs the City budget, appropriates money, or levies a tax. All budgetary authority remains vested in the City Council as provided by the Charter and by law.

## SECTION 2. DEFINITIONS AND LIMITING CONSTRUCTIONS

In this Ordinance:

**(a) City.** The City of Conroe and its departments, offices, officers, employees, agents, contractors, and persons acting on its behalf or at its direction.

**(b) Prohibited Mass Surveillance System.** A system, service, database, network, platform, sensor network, camera network, device, or combination thereof that, through the City's acquisition, operation, subscription, participation, or access, systematically collects, captures, identifies, retains, aggregates, correlates, or creates searchable records or histories concerning the movements, locations, activities, associations, vehicles, devices, or biometric characteristics of members of the public who are not subjects of a Particular Lawful Investigation at the time the information is collected, where the purpose or practical effect is to enable later identification, tracking, profiling, correlation, or reconstruction of those persons' or vehicles' movements or activities. Functions that satisfy this definition include, without limitation: multi-jurisdictional or nationwide network query access to vehicle-detection data;

automated search of vehicles by attribute, including type, make, color, or accessory; standing or unlimited custom alert lists applied to the public generally; and automated cross-referencing of collected data against federal or state databases in the absence of a Particular Lawful Investigation.

**(c) Determination of purpose or practical effect.** Whether a system's purpose or practical effect satisfies subsection (b) is determined by the system's design and by the manner in which the City actually acquires, configures, or uses it. A system does not fall within subsection (b) solely because it possesses an incidental, disabled, unused, or theoretical capability that the City does not acquire, enable, or use.

**(d) General or Routine Access.** Ongoing, recurring, network-wide, database-wide, bulk, or non-case-specific ability to search, query, retrieve, receive, or analyze data collected concerning members of the public generally, including such ability obtained or retained through a standing subscription, credential, dashboard, delegated login, or query tool, without regard to whether any individual exercise of that ability is separately justified. A search, query, retrieval, or receipt of data that is nominally connected to an open investigation, complaint, or case number, but that exceeds the reasonably necessary scope of that investigation by reaching data concerning persons, vehicles, devices, or locations not reasonably connected to its identified target, constitutes General or Routine Access notwithstanding the existence of that investigation, complaint, or case number. The term does not include evidence independently created and voluntarily supplied by a victim, witness, property owner, business, or other person concerning a particular incident, but a recurring or standing arrangement to receive data does not qualify for this exclusion merely because each individual transmission under that arrangement is nominally voluntary or is nominally tied to a separate incident. The term does not include information the City is legally compelled to receive or preserve by a court, statute, or other legal authority outside the City's own control. The City may adopt internal policies, supervisory authorization procedures, or documented reason-code requirements to help ensure that queries remain within the scope described in this subsection; the existence of such measures assists compliance but does not itself establish compliance with this Ordinance. For the avoidance of doubt, an officer's individual query of a state or federal criminal-justice database, including a wanted-person, stolen-vehicle, or warrant check conducted in connection with a specific traffic stop, call for service, or other Particular Lawful Investigation, is an individualized exercise of lawful authority and does not constitute General or Routine Access merely because the same database is, in a different configuration, also subject to bulk or automated querying. This definition governs the City's institutional compliance with Section 3 and does not itself create a standard of conduct, a notice requirement, or a basis for liability applicable to any individual officer or employee, consistent with Section 12.

**(e) Particular Lawful Investigation.** A lawful investigation directed to a particular crime, incident, suspect, person, vehicle, device, place, account, threat, or event. To qualify, the investigation must be documented by an assigned case number, incident report, complaint, or comparable investigative record created no later than the time of the relevant search, query, or access, and must be supported by reasonable suspicion, articulable in writing, connecting the investigation to an identified person, vehicle, device, place, account, or event. The term does not include generalized crime deterrence, generalized intelligence gathering, or the collection of information concerning the public generally for possible future investigative use. The term

does not include an investigation directed at a category, class, or type of person, vehicle, device, or conduct rather than an identified individual instance, and a description of physical or vehicle characteristics common to a category of persons or vehicles does not by itself identify a particular person or vehicle for purposes of this definition. As used in this definition: a 'place' means a discrete, identified location such as a residence, business, or specific site, and does not include a neighborhood, district, zone, corridor, or the City generally; a 'threat' means a specific, articulable threat connected to an identified person, place, or event, and does not include a generalized public-safety concern or elevated risk level; and an 'event' means a specific occurrence at an identified time and location, and does not include a recurring pattern, trend, crime spree, or series of separate incidents treated as a single investigation. A query or search is not justified by a Particular Lawful Investigation unless it is individually and reasonably necessary to that investigation as defined above; aggregating multiple incidents into a single case number, or characterizing a crime pattern or trend as one investigation, does not by itself satisfy this definition or authorize a query broader than any single qualifying incident would support. The term does not include an investigation opened, reopened, or kept open in whole or in part for the purpose of obtaining or preserving access to a Prohibited Mass Surveillance System, rather than in the ordinary course of investigating a specific suspected violation of law.

**(f) Systematically Collects.** Recurring, automated, networked, persistent, or programmatic collection designed or used to capture information across a population, geographic area, roadway network, camera network, or recurring stream of persons, vehicles, or devices, as distinguished from recording or collecting evidence concerning a particular event, call for service, investigation, emergency, or defined governmental mission.

**(g) No regulation of artificial intelligence as such.** This Ordinance does not regulate the design, training, or internal operation of any artificial intelligence model or system, and shall not be construed or applied in any manner preempted by Chapter 552, Texas Business and Commerce Code. This Ordinance regulates only the City's acquisition of, subscription to, and access to a system's mass-surveillance function, without regard to whether that function is implemented through artificial intelligence, conventional automation, or manual process. A system's use of artificial intelligence, machine learning, or automated analytics does not by itself bring that system within this Ordinance, and a functionally identical system employing no artificial intelligence would be regulated identically under Section 3.

**(h) Not an appropriation or tax measure.** This Ordinance is a regulatory prohibition upon the City's acquisition and operation of specified surveillance capabilities. It does not appropriate money, direct the expenditure of any specific sum, levy a tax, or adopt, amend, or supersede any budget. Any change in City expenditure resulting from compliance with this Ordinance is incidental to the regulation of conduct and is not the purpose or legal effect of this Ordinance. No obligation imposed by Section 9(h) requires any new appropriation.

**(i) Charter.** The Home Rule Charter of the City of Conroe, Texas, as amended.

### **SECTION 3. CORE PROHIBITION**

(a) Except as expressly provided in this Ordinance or as required by superior law, the City shall not acquire, purchase, lease, subscribe to, install, operate, maintain, fund, contract for, participate in, or obtain General or Routine Access to a Prohibited Mass Surveillance System.

(b) The later existence of a criminal investigation, suspect, case number, alert, investigative request, warrant, court order, subpoena, or other particularized law-enforcement purpose does not authorize the City to establish, operate, subscribe to, participate in, or obtain General or Routine Access to a system whose underlying database is created through collection prohibited by this Section. Nothing in this subsection limits the authority of a court or requires the City to disregard binding legal process.

(c) Nothing in this Section restricts the City's administration of, application for, or pass-through of grant or other funds to another entity for that entity's own lawful use, where the City does not thereby acquire or obtain General or Routine Access to a Prohibited Mass Surveillance System.

(d) This Section is subject in all respects to Sections 7, 8, 9, 11, and 12.

### **SECTION 4. AUTOMATED LICENSE PLATE READER SYSTEMS**

(a) Except as expressly provided in this Ordinance or as required by superior law, the City shall not purchase, lease, acquire, install, operate, maintain, fund, contract for, subscribe to, participate in, or obtain General or Routine Access to an automated license plate reader or automated license plate recognition system that systematically captures license plates or comparable vehicle identifiers from vehicles that are not subjects of a Particular Lawful Investigation when captured, where the purpose or practical effect is to create a searchable record of vehicle presence, location, or movement.

(b) This Section applies to fixed, mobile, portable, trailer-mounted, vehicle-mounted, privately hosted, interagency, networked, and functionally equivalent systems, without regard to vendor, manufacturer, owner, product name, hosting arrangement, or technical method.

(c) A subsequent warrant, court order, case number, alert, investigative request, or suspicion concerning a particular vehicle does not authorize the City to maintain, subscribe to, participate in, or obtain General or Routine Access to a database populated through the systematic capture of vehicles that were not subjects of a Particular Lawful Investigation when captured.

(d) This Section is subject in all respects to Sections 8, 9, 11, and 12.

### **SECTION 5. ILLUSTRATIVE COVERED FUNCTIONS**

Subject to Sections 1 and 2(c) and to applicable state and federal preemption, a system may constitute a Prohibited Mass Surveillance System where its use by the City has one or more of the following functions and the system otherwise satisfies Section 2(b). Each function is an illustration of the single subject stated in Section 1 and does not independently prohibit anything:

- (1) biometric identification or tracking applied systematically to members of the public, including facial, gait, voice, iris, fingerprint, or comparable biometric identification;
- (2) automated vehicle identification, classification, correlation, or tracking used to create searchable vehicle-location or movement histories;
- (3) persistent identity tracking, relationship mapping, pattern-of-life analysis, movement reconstruction, or profiling of members of the public generally;
- (4) cellular-device identification or location tracking used broadly or indiscriminately, as distinguished from identification or location of a particular device or target as authorized by law;
- (5) general or routine access to commercial or governmental location databases, data-broker products, connected-device data, or comparable repositories used to reconstruct historical or real-time movements of members of the public generally;
- (6) persistent aerial surveillance that systematically monitors an area or population and creates retrievable histories of persons, vehicles, or movements unrelated to a defined lawful mission;
- (7) interconnected public or private camera networks used to provide General or Routine Access or systematic automated identification, tracking, biometric identification, or searchable movement histories;
- (8) sensor networks used beyond a limited event-detection function to continuously identify, profile, track, or create searchable histories of persons or activities; or
- (9) any later-developed system having substantially the same surveillance function or practical effect.

## **SECTION 6. NO CIRCUMVENTION THROUGH THIRD PARTIES**

- (a)** The City may not accomplish indirectly what this Ordinance prohibits directly. Subject to Section 9, the City shall not enter into or maintain an agreement, subscription, reciprocal-access arrangement, data-sharing arrangement, or other relationship that gives the City General or Routine Access to a Prohibited Mass Surveillance System operated by any other person or entity, including another governmental entity, law-enforcement agency, private surveillance network, vendor, business, homeowners association, contractor, nonprofit organization, or data broker.
- (b)** The City shall not establish a routine or recurring practice of requesting another entity to search a Prohibited Mass Surveillance System on the City's behalf as a substitute for access the City is prohibited from possessing. This subsection does not restrict a request made in connection with a Particular Lawful Investigation.
- (c)** This Section restricts only the City's own conduct in obtaining or requesting access. It does not regulate, restrict, or impose any duty upon any other governmental entity, agency, vendor, business, or person, and does not restrict any state or federal agency operating independently of the City.

**(d)** Nothing in this Section prohibits the City from receiving independently created evidence voluntarily provided concerning a particular incident or investigation, from receiving information transmitted to the City by another agency without solicitation, or from complying with binding legal process. A recurring or standing arrangement under which another agency transmits data to the City on an ongoing basis does not qualify as receipt without solicitation for purposes of this subsection merely because no individual transmission was separately requested, and is instead governed by subsection (a). Such receipt does not authorize the City to establish, maintain, subscribe to, participate in, or obtain General or Routine Access to the underlying prohibited system.

## **SECTION 7. EXPRESSLY PERMITTED CONVENTIONAL AND TARGETED USES**

The following uses are not prohibited solely because they involve cameras, sensors, recordings, aircraft, digital evidence, or automated functions. Each remains subject to all otherwise applicable state and federal law:

**(a) Body-worn and dashboard cameras.** Cameras used to record officers' encounters, calls for service, traffic stops, pursuits, collisions, arrests, searches, evidence collection, and official duties, including lawful retention, review, redaction, disclosure, and evidentiary use. This subsection does not authorize the conversion of such recordings into a system for systematic biometric identification, persistent identity tracking, or searchable movement histories of the public generally, and does not exempt an automated mass vehicle-tracking system merely because equipment is mounted on a vehicle.

**(b) Targeted unmanned aircraft.** The City's use of unmanned aircraft, to the extent authorized by state and federal law, for a defined mission, including searching for or following a particular fleeing suspect; locating a missing, abducted, endangered, or fleeing person; search and rescue; fire or disaster response; tactical response; accident or crime-scene documentation; infrastructure inspection; mapping or surveying; training; equipment testing; or another specific municipal mission. A mission permitted under this subsection must be time-limited and incident-specific and shall not be conducted as a recurring or standing patrol of a geographic area. This subsection does not authorize persistent or systematic aerial monitoring of members of the public generally or the creation of searchable movement histories unrelated to the defined mission. Nothing in this subsection regulates unmanned aircraft operations beyond the authority reserved to the City over its own use under Section 423.009, Texas Government Code, and nothing in it shall be construed to conflict with, condition, or impair any federal aviation authorization held by the City.

**(c) Conventional facility and security cameras.** Fixed or manually operated cameras used to protect City buildings, facilities, parking areas, parks, utilities, or other City property, provided they are not converted into a Prohibited Mass Surveillance System.

**(d) Traffic and infrastructure systems.** Systems used for aggregate traffic counts, traffic-signal control, congestion, speed measurement, roadway conditions, parking occupancy, weather, utilities, infrastructure performance, or comparable non-identifying functions, provided they do not create searchable histories identifying individual persons, vehicles, or devices.

**(e) Event and hazard detection.** Acoustic, gunshot, fire, collision, alarm, emergency, or hazard-detection systems used to detect and respond to a particular event or condition, provided they are not configured or used to continuously identify, profile, track, or create searchable histories of persons or activities beyond what is reasonably necessary for the event-detection function.

**(f) Voluntarily supplied evidence.** Photographs, recordings, security-camera footage, electronic records, or other evidence voluntarily provided by a victim, witness, business, property owner, or other person concerning a particular incident or investigation.

**(g) Ordinary government and evidentiary records.** The lawful retention, preservation, analysis, disclosure, and use of evidence and records generated through conventional governmental operations, including body-camera recordings, dash-camera recordings, 911 records, offense reports, jail records, crash records, and crime-scene evidence, provided such records are not transformed into a Prohibited Mass Surveillance System.

**(h) Administrative and non-surveillance systems.** Computer-aided dispatch, records management, evidence management, payroll, permitting, utility metering and billing, employee identification and building access, fleet management, and comparable administrative systems used for their ordinary governmental function.

**(i) Emergency response.** Any action reasonably necessary to respond to an imminent threat to human life or safety, a declared disaster, or a comparable emergency, for the duration of that emergency.

## **SECTION 8. WARRANTS, COURT ORDERS, AND SUPERIOR LEGAL PROCESS**

**(a)** Nothing in this Ordinance creates a warrant requirement where applicable law does not require one, eliminates a warrant requirement where applicable law does require one, restricts the lawful authority of a court, or directs the City to disregard a warrant, court order, subpoena, preservation requirement, discovery obligation, or other binding legal process.

**(b)** A warrant, court order, subpoena, or other binding legal process may authorize collection, preservation, or production concerning a particular target to the extent provided by law. Such process does not, by itself, authorize the City to establish, operate, subscribe to, participate in, or obtain General or Routine Access to a Prohibited Mass Surveillance System.

## **SECTION 9. EXISTING CONTRACTS, SYSTEMS, AND DATA; TRANSPARENCY AND PUBLIC PROCESS**

To the maximum extent permitted by applicable law and by enforceable contractual obligations, the City shall:

**(a)** cease prohibited operation, participation, subscription, and General or Routine Access as soon as legally permissible;

**(b)** not renew, extend, materially expand, or replace an agreement for substantially the same prohibited mass-surveillance capability;

(c) exercise available termination rights when legally and contractually permissible, including by declining to appropriate funds for continued performance in a subsequent fiscal year where the agreement so permits, and exercise available nonrenewal rights;

(d) not enter into a replacement arrangement with another vendor or entity for substantially the same prohibited function, regardless of the name, branding, or marketing under which that vendor offers its product, and without a new compliance period arising merely from a change in vendor; and

(e) delete or otherwise dispose of City-controlled data produced by a prohibited system when legally permissible and when the data is not required to be preserved by law, binding legal process, records-retention requirements, discovery or disclosure obligations, or evidentiary obligations.

(f) **No required breach.** Nothing in this Ordinance requires the City to breach an enforceable contract, to incur a termination penalty the City Council has not approved, or to violate state or federal law. Where an obligation under subsections (a) through (e) cannot lawfully be performed, that obligation is suspended until it can be lawfully performed.

(g) **No destruction of evidence.** Nothing in subsection (e) authorizes or requires the destruction, deletion, or alteration of any record that is subject to a litigation hold, a pending request under Chapter 552, Texas Government Code, a records-retention schedule, a discovery or disclosure obligation, or any evidentiary preservation duty.

(h) **Transparency and public process; effective immediately.** Without regard to when any obligation under subsections (a) through (e) becomes operative, and effective upon this Ordinance taking effect:

(1) The City shall publish, not less than quarterly, on its public internet website, a report identifying each Prohibited Mass Surveillance System then in use by the City, the vendor of that system, the annual cost, the categories of agencies or entities granted access, and the number and general category of queries or access events by agencies or entities outside the City occurring during the reporting period, reported without regard to the subject matter of any individual query. This paragraph extends only to information the City already possesses or is already required to compile, retain, or produce under Chapter 552, Texas Government Code, and applicable records-retention requirements, and requires no appropriation. This paragraph does not require the City to develop, purchase, or implement any new collection, monitoring, or auditing program or system; reasonable staff time to compile, extract, or categorize data already retained by the City or by a system's vendor or platform in the ordinary course of its operation is not itself a new program, a new system, or a new appropriation. Information excepted from disclosure under Chapter 552 may be omitted or aggregated. Where audit or query-log data described in this paragraph is not retained by a system's vendor or platform in the ordinary course of its operation, the City's duty under this paragraph is limited to the information that is so retained. Each report shall also state, as to each obligation imposed by subsections (a) through (e), whether the obligation has been performed and, if not, the specific legal or contractual obstacle preventing performance as of the date of the report.

(2) Any renewal, amendment, extension, expansion, or new procurement of a Prohibited Mass Surveillance System, or of substantially similar capability, shall be placed upon a City Council agenda as a standalone action item and shall not be placed upon a consent agenda. Public notice of the item shall be given not later than the thirtieth day before the meeting at which it is considered. This paragraph does not apply to action taken in response to a declared emergency or an imminent threat to human life or safety, and does not alter any notice requirement imposed by Chapter 551, Texas Government Code.

(3) The City shall request from each relevant vendor, and shall publish on its public internet website not later than the sixtieth day after the effective date of this Ordinance, the specific contractual terms governing termination for convenience, nonrenewal, and renegotiation of each existing agreement covering a Prohibited Mass Surveillance System, to the extent those terms are not excepted from disclosure under Chapter 552, Texas Government Code, or otherwise confidential under law.

## **SECTION 10. FUTURE TECHNOLOGIES AND FUNCTIONAL EQUIVALENCE**

This Ordinance is intended to remain technology-neutral to the maximum extent permitted by law. A later-developed, renamed, replaced, or reconfigured system is subject to this Ordinance where the City's acquisition, operation, subscription, participation, or access, together with the system's actual surveillance function, satisfy the definitions and prohibitions of this Ordinance. This Section does not independently regulate artificial intelligence systems and is subject in all respects to Sections 2(c) and 2(g).

## **SECTION 11. CONSTRUCTION; PREEMPTION; CONSISTENCY WITH STATE LAW**

**(a)** This Ordinance regulates only the City's own conduct, to the maximum extent authorized by the Home Rule Charter of the City of Conroe and by the laws of this State. It shall not be construed to regulate private persons or businesses, to regulate any other governmental entity, to regulate the operation of unmanned aircraft beyond the authority reserved to the City under Section 423.009, Texas Government Code, or to regulate artificial intelligence systems in any manner preempted by Chapter 552, Texas Business and Commerce Code.

**(b)** This Ordinance is intended to operate consistently with, and not to displace or conflict with, existing state law restricting governmental use of biometric identifiers and governmental deployment of artificial intelligence systems for the unique identification of individuals, including Chapter 560, Texas Government Code, and Chapter 552, Texas Business and Commerce Code. Where state law affords greater protection, state law controls.

**(c)** Nothing in this Ordinance shall be construed to conflict with Chapter 1701, Texas Occupations Code, with any duty imposed upon the City or its officers by state or federal law, or with any obligation of the City under an interlocal agreement lawfully in effect on the effective date of this Ordinance, and this Ordinance does not alter the terms and conditions of employment or the discipline of any City officer or employee.

**(d) Unmanned aircraft; limited to the City's own use.** Every provision of this Ordinance that touches unmanned aircraft applies solely to the City's own use of unmanned aircraft, as

authorized by Section 423.009(c)(2), Texas Government Code. No provision of this Ordinance regulates the operation of an unmanned aircraft by any other person, imposes any registration, licensing, altitude, route, or airspace requirement, or is intended to constitute a measure described by Section 423.009(b), Texas Government Code. Any provision that would otherwise be void under Section 423.009(d) shall be construed as limited to the City's own use, and if it cannot be so construed, shall be severed under Section 14 without affecting any other provision. Nothing in this Ordinance alters the duties imposed on a law enforcement agency by Sections 423.007 and 423.008, Texas Government Code.

**(e) Cooperation with federal officers; no immigration policy.** This Ordinance is immigration-neutral and shall not be construed, applied, or enforced in any manner that prohibits or materially limits any conduct protected by Chapter 752, Texas Government Code. Without limiting the foregoing, nothing in this Ordinance prohibits or materially limits any City officer or employee from: inquiring into the immigration status of a person under lawful detention or arrest; maintaining, sending, requesting, receiving, or exchanging information regarding immigration status with any federal, state, or local entity; assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance upon request; or complying with an immigration detainer request. This Ordinance neither adopts, enforces, nor endorses any policy that prohibits or materially limits the enforcement of immigration laws, and any construction to that effect is disclaimed. This subsection controls over any other provision of this Ordinance with which it may conflict.

**(f)** This Ordinance shall be construed to the maximum extent permitted by the Constitution of the United States, the Constitution of the State of Texas, federal law, state law, and the Home Rule Charter of the City of Conroe. If superior law expressly requires or prohibits conduct inconsistent with this Ordinance, this Ordinance yields only to the minimum extent necessary to comply with that superior law.

## **SECTION 12. LIMITATIONS ON EFFECT; NO PRIVATE RIGHT OF ACTION; NO EVIDENTIARY CONSEQUENCE**

**(a) No suppression or exclusion.** This Ordinance does not create any rule of evidence and does not render any evidence inadmissible in any criminal, civil, or administrative proceeding. No violation of this Ordinance shall constitute grounds for the suppression or exclusion of evidence, for dismissal of any charge, or for the reversal of any conviction.

**(b) No effect on pending or concluded matters.** This Ordinance does not affect any pending investigation, prosecution, or proceeding commenced before its effective date, does not affect any conviction, plea, judgment, or sentence, and does not apply retroactively to conduct occurring before its effective date.

**(c) No private right of action for damages.** This Ordinance does not create a private cause of action for damages, does not waive any governmental or official immunity from suit or liability for damages, and does not create any duty enforceable in damages against the City or any officer or employee of the City.

**(d) Ministerial duties; mandamus and injunctive relief preserved.** The duties imposed on the City and its officers by Sections 3, 4, 6, and 9(h) are ministerial and non-discretionary.

Nothing in subsection (c) or elsewhere in this Ordinance limits, waives, or forecloses the right of any qualified voter or resident of the City to seek mandamus or injunctive relief against a City officer in that officer's official capacity to compel performance of a ministerial duty imposed by this Ordinance, consistent with *City of El Paso v. Heinrich*, 284 S.W.3d 366 (Tex. 2009), and this subsection shall be construed to preserve, and not to diminish, any such remedy otherwise available under Texas law. The enumeration of Sections 3, 4, 6, and 9(h) in this subsection is illustrative and shall not be construed to imply that a duty imposed elsewhere in this Ordinance is discretionary.

**(e) No effect on other agencies.** This Ordinance imposes no obligation upon, and creates no cause of action against, any county, state agency, federal agency, or other governmental entity, and does not restrict the independent conduct of any such entity within the City.

**(f) No negligence per se; no defense.** A violation of this Ordinance does not constitute negligence per se, does not establish a standard of care in any proceeding, and does not create a claim or defense available to any person in any civil, criminal, or administrative matter.

**(g) No effect on state or federal duties.** Nothing in this Ordinance excuses the City or any officer or employee of the City from any duty imposed by state or federal law, including any duty of preservation, production, reporting, cooperation, or disclosure.

### **SECTION 13. REPEAL OF CONFLICTING PROVISIONS; CODIFICATION**

**(a)** All ordinances, resolutions, and policies of the City in conflict with this Ordinance are repealed to the extent of the conflict, and only to that extent. All other provisions remain in full force and effect.

**(b)** This Ordinance shall be codified within the Code of Ordinances of the City of Conroe, and the codifier is authorized to assign an appropriate chapter and section numbering and to make non-substantive conforming changes in numbering, headings, and cross-references.

**(c)** Section and subsection headings are for convenience of reference only and are not part of this Ordinance, and shall not be used to construe or limit any provision.

### **SECTION 14. SEVERABILITY**

**(a)** If any word, phrase, sentence, subsection, section, application, or provision of this Ordinance is held invalid, unconstitutional, preempted, or unenforceable by a court of competent jurisdiction, that determination shall not affect the remaining provisions or applications of this Ordinance, which shall remain effective to the fullest extent permitted by law. The voters and the City Council declare that they would have adopted each remaining provision independently of any provision so held invalid.

**(b)** Without limiting subsection (a): invalidation of Section 16 shall not affect the validity or operation of Sections 3 through 9; invalidation of any subsection or paragraph of Section 9 shall not affect the validity or operation of any other subsection or paragraph of Section 9; and invalidation of any paragraph of Section 5 shall not affect the validity or operation of Sections 3 or 4.

## **SECTION 15. EFFECTIVE DATE**

- (a)** If this Ordinance is adopted by the City Council, it takes effect on the date required by the Charter and by law following its adoption.
- (b)** If this Ordinance is submitted to and approved by the qualified voters at an election, it takes effect on the date the results of that election are canvassed and certified in the manner required by the Texas Election Code, or on the earliest date otherwise required by applicable law, whichever occurs earlier.
- (c)** The first report required by Section 9(h)(1) is due not later than the ninetieth day after the effective date of this Ordinance, and quarterly thereafter.
- (d)** Partial invalidity of any provision under Section 14 does not delay the effective date of the remaining provisions.

## **SECTION 16. INTENT REGARDING REPEAL OR AMENDMENT**

It is the express intent of the voters and of the City in adopting this Ordinance that, to the fullest extent the Home Rule Charter of the City of Conroe and the laws of this State permit, this Ordinance be subject to repeal, suspension, or material amendment only after notice and a public hearing held as a standalone agenda item, and, where this Ordinance has been approved by the qualified voters at an election, only by a subsequent vote of the qualified voters of the City. This Section states the intent of the voters and of the City and does not purport to override any provision of the Charter or of state law under which such protection is unavailable.