

ORDINANCE NO. 1073

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR A CODE OF ETHICS TO COVER OFFICERS AND EMPLOYEES OF THE CITY OF MESQUITE; DECLARING THE POLICY OF THE CITY COUNCIL; DEFINING TERMS; SETTING FORTH THE STANDARDS OF CONDUCT FOR OFFICERS AND EMPLOYEES; PROVIDING FOR THE DISCLOSURE OF PERSONAL AND PRIVATE INTERESTS IN MATTERS PENDING BEFORE ANY COMMITTEE OR BOARD ON WHICH AN OFFICER SITS AND REQUIRING HIM TO REFRAIN FROM VOTING; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the proper operation of representative government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels for the government, and

WHEREAS, the City Council deems it advisable to enact a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid, supplementing State Law and the City Charter, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for enforcement of high ethical standards;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

SECTION 1. DECLARATION OF POLICY It is hereby declared to be the policy of the City of Mesquite that the proper operation of representative government requires that public officials and employees be independent, impartial, and responsible only to the people of the City of Mesquite; that the governmental decisions and policy be made in the proper channels of the governmental structure; that no officer, employee, or member of any standing committee or board should have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature

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which is in conflict with the proper discharge of his duties in the public interest; that public office not be used for personal gain; and that the City Council at all times shall be maintained as a representative body. To implement such a policy, the City Council deems it advisable to enact a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for enforcement of high ethical standards.

SECTION 2. DEFINITIONS In this ordinance unless the context other requires:

- (a) "Employee" means any person employed by the City of Mesquite whether under Civil Service or not, including those individuals on a part-time basis, but shall not be extended to apply to any independent contractor.
- (b) "Officer" means any member of the City Council and any appointive member of a commission or board set up by ordinance, charter or State Law on a permanent basis.

SECTION 3. STANDARDS OF CONDUCT No officer or employee of the City of Mesquite shall:

- (a) Accept any gift or favor from any person, firm, or corporation that might reasonably tend to influence him in the discharge of his official duties, or grant in the discharge of his official duties any improper favor, service, or thing of value.
- (b) Grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond that which is available to every other citizen, individual, or group.
- (c) Disclose information that could adversely affect the property, government, or affairs of the City, nor directly or indirectly, use any information gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.

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- (d) Transact any business on behalf of the City in his official capacity with any business entity with which he is an officer, agent, or member, or in which he owns a substantial interest. In the event that such a circumstance should arise, then he shall make known his interest, and in the case of an officer, abstain from voting on the matter, or in the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so, and have nothing further to do with the matter involved.
- (e) Shall engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to him in the employment of the City, or reflect discredit upon the City, or in which his employment in the City will give him an advantage over others engaged in a similar business, vocation, or activity.
- (f) Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty.
- (g) Receive any fee or compensation for his services as an officer or employee of the City from any source other than the City except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a private organization that he performs for the City if there is no conflict with his responsibilities.
- (h) Represent, directly or indirectly, or appear in behalf of private interests of others before any agency of the City or any of its agencies.
- (i) Use his official position to secure special privileges or exemptions for himself or others.

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The foregoing shall not be deemed to deny to such party any right or privilege guaranteed by law or the Federal and State Constitutions. Where the advocacy of a right or privilege, however, is incompatible with the position held by the advocate, such party shall make an election so that his position with the City of Mesquite and his advocacy will not be incompatible.

Where the advocacy of a right or privilege is occasional and infrequent or involves little or no discretion, the advocate shall abstain from any action as an officer or employee that would reasonably appear to influence the outcome of the matter, such as voting on the matter, sitting on a board or tribunal charged with deciding the issue when the issue is to be decided; or, in the case of an employee, personally processing the matter.

Where the advocacy of the right or privilege is usual and frequent or can reasonably be expected to arise in due course of one's occupation or profession, then such officer or employee shall remove himself from his position with the City, or so much of such position as may be incompatible, until such position of incompatibility ceases to exist.

SECTION 4. DISCLOSURE OF INTEREST Any officer, whether elected or appointed, who has either a personal or private interest in any matter pending before his committee or board shall disclose such interest to the other members of the committee or board and shall refrain from discussing the same with any other member of the committee or board and shall not vote thereon.

SECTION 5. PENALTY The failure of any officer or employee to comply with or who violates one or more of the foregoing standards of conduct, which apply to him, shall constitute grounds for expulsion, reprimand, removal from office, or discharge, whichever is applicable. In the case of an employee of the City, disciplinary action and appeals therefrom shall be in conformance with procedures established by City Charter and personnel rules and regulations including 1269m, V.A.C.S. In the case of a City Councilman, the matter shall be decided by a majority of the remainder of the Councilmen. In the case of members of Boards or Commissions or officers removable by the Council, the matters

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shall be decided by the City Council. The decision of these bodies shall be final in the absence of bias, prejudice, or fraud.

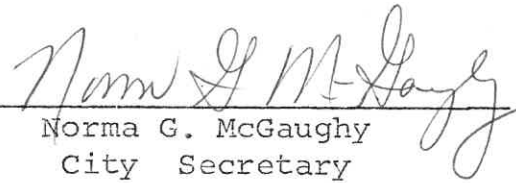
SECTION 6. EFFECTIVE DATE That this ordinance shall take effect immediately from and after the publication of the caption of this ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 9 day of October, A.D., 1972.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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