

ORDINANCE NO. 3086

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE GENERAL GOVERNMENT POLICIES AND PROCEDURES, BY ADOPTING SECTIONS 8.1A(19) AND 19.3; THEREBY PROHIBITING EMPLOYEES FROM UNAUTHORIZED ELECTRONIC EAVESDROPPING AND TAPE RECORDING AND DECLARING AN EMERGENCY.

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

SECTION 1. That the General Government Policies and Procedures is hereby amended by adopting Sections 8.1A(19) and 19.3 to read as follows, said Policies and Procedures in all other respects to remain in full force and effect.

(Amend Section 8.1A by adding paragraph (19) to read as follows:)

19. **Electronic Surveillance, Eavesdropping, and Unauthorized Tape Recording.**
- a. Engaging in electronic surveillance, eavesdropping, unauthorized, secret tape recording, by use of an electronic recording device, of any communications between or among employees or elected representatives of the City of Mesquite.

(Amend Chapter 19 by adding Section 19.3 to read as follows:)

- 19.3 **Electronic Surveillance, Eavesdropping, and Unauthorized Tape Recording.**
- A. **General Policy:** It shall be a violation of City policy for employees to engage in electronic surveillance, eavesdropping, unauthorized or secret tape recording, by use of an electronic recording device, of any communications between or among employees or elected representatives of the City of Mesquite.
- B. **Definitions:**
- a. **Electronic Eavesdropping** is defined as the unauthorized electronic recording by use of an electronic recording device of any communications made by employees of the City of Mesquite without the knowledge of the person making such communications.

- b. **Communications** include, but are not limited to, statement made during meetings, hearings, conferences, counseling, or conversations between employees or elected representatives.

Communications also means any telephonic communication including cellular or mobile phone communications.

- c. **Electronic Recording Devices** include, but are not limited to, tape recorders, dictaphones, pocket recorders, cassette tape players/recorders, and telephonic tape or digital recording devices.
- d. **Employee** includes regular, full and part-time, temporary, volunteer, seasonal and contract employees.

C. Exceptions:

Fire and Police - It shall not be a violation of this policy for employees of the Fire and Police Departments to electronically record communications with or among employees or citizen contacts as necessary in the course and scope of conducting official business.

- D. **Authorization:** The City Manager is authorized to take whatever action is necessary to maintain good order within the organization.

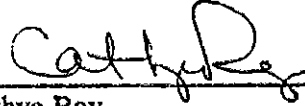
- E. **General:** This policy does not preclude the tape recording of such communication when all parties to the communication are aware of the fact that the communication is being recorded.

- F. **Disciplinary Action:** Violation of this policy is grounds for disciplinary action up to and including termination of employment. The City reserves the right to determine the degree of violation and take appropriate action to maintain the functions and order of the organization.

SECTION 2. The fact that the present ordinances of the City of Mesquite are inadequate for the employees of the City creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 15th day of April, 1996.



Cathye Ray
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

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