

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING CHAPTER 4 OF THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL BY DELETING SECTION 4.3 IN ITS ENTIRETY AND ADDING A NEW SECTION 4.3 REGARDING NEPOTISM RESTRICTIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, pursuant to the City's Charter, Article IX-A, Section 6, the Human Resources Department presented the Personnel Board with the revisions to Chapter 4 of the General Government Policies and Procedures Manual ("Revisions") on January 18, 2008; and

WHEREAS, the Personnel Board voted to recommend the adoption of the Revisions; and

WHEREAS, the City Manager presented the recommended Revisions to the City Council.

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

SECTION 1. That the City Council of the City of Mesquite hereby adopts the revisions to Chapter 4 of the General Government Policies and Procedures Manual as recommended by the Personnel Board and presented by the City Manager to read as follows, in all other respects said Manual, Chapter and Section to remain in full force and effect:

#### CHAPTER 4 – EMPLOYMENT POLICIES

##### III. NEPOTISM RESTRICTIONS

*Section 4.3.* Amend by deleting the section in its entirety and adding a new Section 4.3 to read as follows:

1. The City will not hire, staff, transfer or promote to any regular position:
  - a. An applicant/employee who is related within the second degree by marriage or within the third degree by blood<sup>1</sup> to any employee where both positions report within the same division or organizational equivalent as defined and identified by each department director and approved by the City Manager.
  - b. An applicant/employee who is related within the second degree by marriage or within the third degree by blood to any employee where such appointment would place the applicant/employee within the relative's immediate supervisory chain of command.

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<sup>1</sup> See relationship chart at the end of this chapter.

- c. An applicant who is related within the second degree by marriage or within the third degree by blood to the Mayor, City Manager or any member of the City Council.
  - d. An applicant/employee where any familial relationship exists and a close working relationship is required between the positions, where there exists a potential for a conflict of interest between the positions or where the existence of the familial relationship between the positions is deemed not in the best interests of the City of Mesquite by the City Manager.
- 2. In addition to the above, the City's Police or Fire Department will not hire to any regular position an applicant who is the parent, step-parent or spouse of any current employee in the same department.
  - 3. Nepotism restrictions do not apply to employees classified as seasonal except as set forth in the City Charter.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That the policy and procedures contained in the General Government Policies and Procedures Manual are not intended to create contractual rights between the City of Mesquite and its employees.

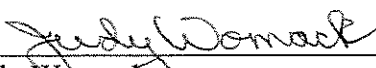
SECTION 5. That upon passage of this ordinance all employees of the City of Mesquite shall be notified of the manual and all amendments made herein to the General Government Policies and Procedures Manual.

SECTION 6. That the ordinance shall take effect immediately from and after its passage.

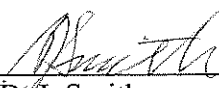
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of February, 2008.

  
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John Monaco  
Mayor

ATTEST:

  
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Judy Womack  
City Secretary

APPROVED:

  
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B.J. Smith  
City Attorney