

ORDINANCE NO. 4504

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8, SECTIONS II AND IV OF THE CITY OF MESQUITE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL, AS AMENDED, TO COMPLY WITH TEXAS DEPARTMENT OF TRANSPORTATION ETHICS REQUIREMENTS; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, in June 2017, the Texas Department of Transportation (TxDOT) performed an evaluation of all grant recipients' internal ethics and compliance programs as outlined in Title 43 of the Texas Administrative Code §10.51; and

WHEREAS, as a result of their review, TxDOT is requiring additions to the City of Mesquite General Government Policies and Procedures Manual (Manual), as amended, in order to comply; and

WHEREAS, the City Manager recommends adoption of this amendment to the Manual.

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

SECTION 1. That Chapter 8, Sections II and IV of the City of Mesquite General Government Policies and Procedures Manual (Manual) is hereby amended to read as follows, in all other respects said Manual and Chapter to remain in full force and effect:

- (a) *Chapter 8, Section II.* Amend Chapter 8, Section II of the Manual by adding an additional sentence at the end of the opening paragraph to read as follows:

Individuals who report suspected non-compliance with law or suspected actions below can do so without the fear of retaliation.

- (b) *Chapter 8, Section IV.* Amend Chapter 8, Section IV of the Manual by deleting the opening paragraph in its entirety and adding a new opening paragraph to Chapter 8, Section IV of the Manual to read as follows:

To the greatest extent practical, the City will use a progressive discipline system. The City, however, is not obligated to use all of the progressive disciplinary steps. Additionally, the City may begin the disciplinary process at any level, up to and including termination, based upon the severity of the infraction. The department director or assigned supervisor will be responsible for responding to evidence of non-compliance with the law or the standards of conduct listed in Chapter 8.I, "Standards of Conduct," and taking appropriate action to prevent future non-compliance. All suspensions, demotions, terminations or resignations in lieu of terminations of employees, regardless of probationary status or employment category (part-time, seasonal, etc.), shall be approved by the Human Resources Director or the Director's designee prior to action being

taken. All meetings relating to disciplinary action other than an appeal of a disciplinary action will be between City representatives and the employee. There shall be no right of representation in such meetings. The City disciplines employees based on their entire record. The City is not required to use separate disciplinary tracks for each type of misconduct.

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.

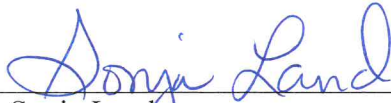
SECTION 5. That upon passage of this ordinance all employees of the City of Mesquite shall be notified of the amendments to the Manual.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of August, 2017.



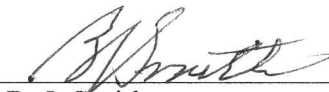
\_\_\_\_\_  
Stan Pickett  
Mayor

ATTEST:



\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:



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B. J. Smith  
City Attorney