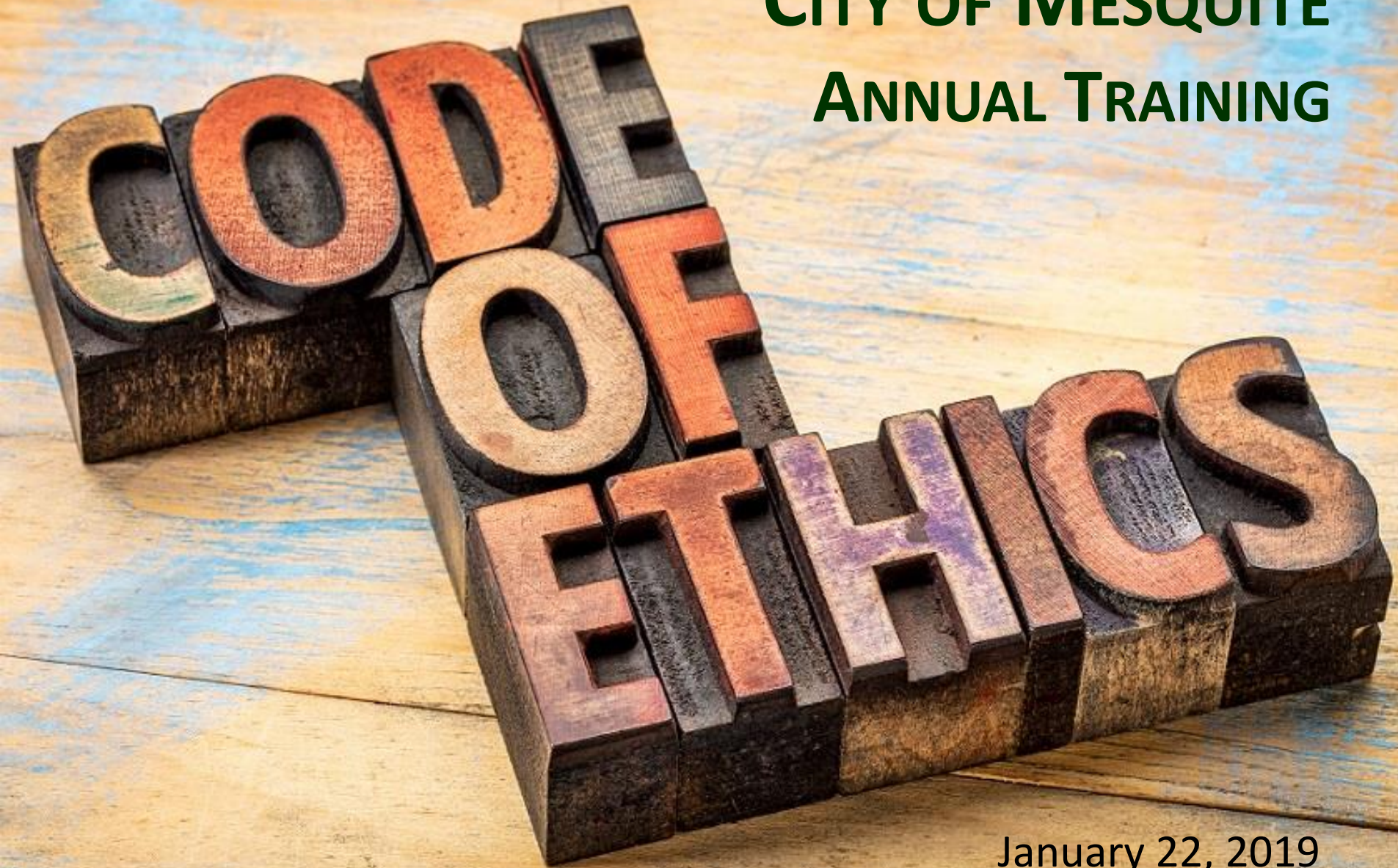


# CITY OF MESQUITE ANNUAL TRAINING



January 22, 2019

# Guiding Documents

- Federal and State Laws
- Mesquite Charter
- Mesquite Code of Ordinances
  - Ordinance No. 1073 (October 9, 1972)
  - Ordinance No. 4504 (August 21, 2017)
- Council Rules of Procedure
  - City of Mesquite General Government Policies and Procedures Manual – Chapter 8 (April 1, 2010)





# Code of Ordinances

Chapter 2 Administration

Division 2 Code of Ethics

Sections 2-121 to 2-125

# Section 2-121 - Definitions

## Sec. 2-121. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means any person employed by the city 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.

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 2-122 – Declaration of policy

(a) It is hereby declared to be the policy of the city that the proper operation of representative government requires that:

(1) Public officials and employees be **independent, impartial, and responsible only to the people** of the city;

(2) The governmental decisions and policy be made in the **proper channels of the governmental structure**;

(3) 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 **which is in conflict with the proper discharge of his duties** in the public interest;

(4) Public office **not be used for personal gain**; and

(5) The city council at all times shall be maintained as a **representative body**.

(b) 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 2-123 – Standards of conduct

(a) No officer or employee of the city shall:

- (1) **Accept any gift** or favor from any person 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.
- (2) **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.
- (3) **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.
- (4) 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.

# Section 2-123 – Standards of conduct

- (5) **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.
- (6) 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.
- (7) **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.
- (8) **Represent**, directly or indirectly, or appear in behalf of **private interests of others** before any agency of the city or any of its agencies.
- (9) Use their official position to **secure special privileges** or exemptions for themselves or others.



## Section 2-124 – 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 2-125 – Penalty

The failure of any officer or employee to comply with or **who violates** one (1) or more of the standards of conduct pursuant to this division, 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, not a member of the fire department or police department subject to V.T.C.A. Local Government Code, Chapter 143, disciplinary action and appeals therefrom shall be in conformance with procedures established by city charter and personnel rules and regulations, and in actions involving members of the fire department or police department covered under V.T.C.A. Local Government Code, Chapter 143, appeals shall be in conformance with the procedures established in that statute.

In the case of a city councilmember, the matter shall be decided by a **majority of the remainder of the councilmembers**. In the case of members of boards or commissions or officers removable by the council, the matters shall be decided by the council. The decision of these bodies shall be final in the absence of bias, prejudice or fraud.



# QUESTIONS?

**OTHER ETHICS RELATED RESOURCES:**

**[HTTPS://WWW.TML.ORG/LEGAL TOPICS-LEGAL ETHICS](https://www.tml.org/legal_topics-legal_ethics)**

**[HTTPS://WWW.ETHICS.STATE.TX.US/](https://www.ethics.state.tx.us/)**