

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 6 TO CHAPTER 1 OF THE FRESNO
MUNICIPAL CODE, RELATING TO CITY ATTORNEY
SUBPOENA POWER

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 6 is hereby added to Chapter 1 of the Fresno Municipal Code is to read:

ARTICLE 6

CITY ATTORNEY SUBPOENA POWER

Section	1-601.	Enforcement of Local Laws.
Section	1-602.	Enforcement of State Laws.
Section	1-603.	Enforcement.

SECTION 1-601. – ENFORCEMENT OF LOCAL LAWS.

(a) In investigating any matter where the City Charter, this Code or any other ordinance of the City grants or affords to the City Attorney the duty or power to investigate, enforce, or prosecute a matter, the City Attorney shall have the power to inspect, upon reasonable notice, all papers, books accounts, records, documents and other items that may be relevant to the City Attorney’s investigation, enforcement action or prosecution.

(b) The City Attorney shall also have the power to issue subpoenas for the attendance of witnesses, to compel their attendance and

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: AMK

Ordinance No.

testimony, to administer oaths and affirmations, to take evidence, and to issue subpoenas for the production of any papers, books, accounts, records, documents or other items that may be relevant to the City Attorney's investigation, enforcement action or prosecution.

(c) The City Attorney may exercise these powers prior to or following the filing of any civil, criminal, or administrative action to the fullest extent permitted by law.

SECTION 1-602. – ENFORCEMENT OF FEDERAL OR STATE LAW.

(a) Unless otherwise prohibited by federal or state law, in investigating, enforcing or prosecuting any matter where federal or state law grants or affords to the City Attorney, the duty or power to investigate, enforce, or prosecute any matter under federal or state law, the City Attorney shall have the power to inspect, upon reasonable notice, all papers, books, accounts, records, documents or other items that may be relevant to the City Attorney's investigation, enforcement action or prosecution.

(b) The City Attorney shall also have the power to issue subpoenas for the attendance of witnesses, to compel their attendance and testimony, to administer oaths and affirmations, to take evidence, and to issue subpoenas for the production of any papers, books, accounts, records, documents or other items that may be relevant to the City Attorney's investigation, enforcement action or prosecution.

(c) The City Attorney may exercise these powers prior to or following the filing of any civil, criminal, or administrative action to the fullest extent permitted by law. The City Attorney shall notify Council of all subpoenas issued.

SECTION 1-603. – ENFORCEMENT. If any person refuses or fails to comply with a subpoena of the City Attorney issued pursuant to this Article, the City Attorney may petition any court of competent jurisdiction for an order compelling the person to attend and testify or produce the books, papers, records, accounts, documents, or other items required by the subpoena before the officer named in the subpoena.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Senior Deputy City Attorney