

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO ADD CHAPTER 1.07 (ADMINISTRATIVE SUBPOENAS) OF TITLE 1 (GENERAL PROVISIONS) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO ADMINISTRATIVE SUBPOENAS

WHEREAS, the City of Sunnyvale desires to amend Title 1 (General Provisions) of the Sunnyvale Municipal Code to add a new chapter relating to compelling the production of records pertinent to any matter under investigation pursuant to the Sunnyvale Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 1.07 ADDED. Chapter 1.07 (Administrative Subpoenas) of Title 1 (General Provisions) of the Sunnyvale Municipal Code is hereby added to read as follows:

Chapter 1.07

ADMINISTRATIVE SUBPOENAS

1.07.010. Administrative Subpoena

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The city manager, or his or her designee, shall have the authority to request the city attorney to subpoena witnesses to compel their attendance and testimony at hearings and to require the production of books, papers, records or other relevant items. Any administrative subpoena pursuant to this section shall be submitted in writing by the city attesting that the city has reasonable belief of a violation of this code and must be related to a specific investigation by the city alleging specific violations of this code. The response must be received within 21 days, or a longer period upon mutual agreement of the parties.

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney