

**3.04.010 Legislative Subpoena Power Granted by Charter – Witness Duties and Rights.**

A. For the purpose of compelling the attendance of witnesses or the production of books, documents or other records, the Council may by resolution direct the Mayor or the Auditor to issue a subpoena under the seal of the City evidence as authorized by the Charter, the Mayor, or the Auditor when directed by the Council or by a committee duly authorized thereto, may cause a subpoena to be issued under his hand and the seal of the City and may cause.

B. After issuance, the subpoena ~~to~~ shall be served by a police officer in the manner of service as prescribed by State law for delivery of a summons by civil process in a court of competent jurisdiction. A return of service shall be delivered to the authority who issued the subpoena within 10 days after its delivery to the person for service, with proof of service of the subpoena or that the person cannot be found.

C. The manner of service and the witness fees and mileage to be paid shall be the same as are now or as may be prescribed by State law for witnesses in the Circuit Court of the State for Multnomah County. Witnesses shall be reimbursed by the City, from funds as directed by Council.

D. It is unlawful for any person so subpoenaed and served to neglect or refuse to attend at the proper time and place and to bring with him or her such book or books, document or documents, or other objects the records mentioned in the subpoena, or, having done so, to refuse or neglect to answer such questions as may be applicable to the matter under investigation or to allow exhibit such portions of such book or books, document or documents, or other thing the records to be examined as may pertain thereto, unless the person has first sought and obtained an order quashing the subpoena from a court of competent jurisdiction, in the same manner as provided for in a civil case. Failure to seek and obtain such an order waives any objections or defenses the person may have against compliance with the subpoena, whether or not the person made any specific objection or raised that specific defense in seeking the order to quash.; provided, that such

E. A witness shall not be required to answer any question or to act in violation of his the witness's rights under the constitutions of the State or of the United States.

F. For purposes of this Chapter 3.04, "records" shall mean any books, paper, documents or other information, in whatever format or however stored.

**3.04.020 Administering oaths to witnesses.** The Presiding Officer of Council may administer oaths to any subpoenaed witnesses in any proceedings under the Council's examination.

**3.04.030 Enforcement of legislative subpoena.**

A. If a person subpoenaed as provided in Section 3.04.010 fails to appear to testify or fails to produce any records as required, or whenever any person so summoned refuses to

answer any question pertinent to the subject under inquiry, the City Attorney may apply to any court of competent jurisdiction for an order to the person to attend and testify, or otherwise to comply with the subpoena.

**B. The City Attorney's application to the court may seek an order requiring the person against whom the subpoena is directed to comply with the subpoena within three days after service of the order, or within such further time as the court may grant, or to justify the failure within that time.**