



City of Long Beach
Working Together to Serve

Office of Gerrie Schipske
Councilwoman, Fifth District
Memorandum

Date: December 11, 2006

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, Fifth District

For: CHARTER AMENDMENT COMMITTEE

Subject: Providing City Council with Powers to Investigate Municipal Affairs

DISCUSSION

Oversight is an important part of the duties of a legislative body. Many City Charters recognize the importance of providing City Councils with the powers to investigate, upon behalf of the citizens, financial transactions and the official acts and conduct of any office or department of City government, in order for the Council to perform its oversight duties.

Included in the power to investigate must be the power to subpoena witnesses, take testimony and require the production of evidence. Without these powers, the City Council would not be able to conduct meaningful investigations.

Examples of Charter provisions concerning council powers to investigate:

City of Stockton:

SECTION 406. Investigations

The Council or any committee thereof duly authorized by the Council to do so, may investigate the financial transactions, and the official acts and conduct of any office or department of the City government. In conducting such investigations, the Council or any committee thereof shall have the authority to subpoena witnesses, administer oaths and require the production of evidence. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of any such subpoena or order shall be deemed contempt and shall be punishable as provided by the general laws of this State.

City of San Jose:

SECTION 416. Investigations.

The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require

the production of evidence. Disobedience of any subpoena or the refusal to testify upon other than constitutional grounds shall be punishable by contempt proceedings.

City of San Diego:

Section 14: Council Rules

The Council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the Council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior after notification of the charge and opportunity to be heard in defense.

City of Fresno:

SECTION 505. ADMINISTERING OATHS. SUBPOENAS. Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witness, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable.

RECOMMENDATION

It is recommended that the City Council provide to the electors an amendment to the City Charter that would provide investigative powers to the City Council, including but not limited to the power to administer oaths in any investigation, the power and authority to compel attendance of a witness, to issue subpoenas and to compel the production of evidence before it.