

ORDINANCE NO. _____

An ordinance amending Chapter 2, “Administration,” of the Dallas City Code by amending Sections 2-8 and 2-9; providing a process for pre-compliance review of a subpoena; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 2-8, “Hearings and Investigations as to City Affairs – Subpoena Powers of Person or Body Conducting Same,” of Article I, “In General,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“SEC. 2-8. HEARINGS AND INVESTIGATIONS AS TO CITY AFFAIRS - SUBPOENA POWERS OF PERSON OR BODY CONDUCTING SAME.

In all hearings and investigations that may hereafter be conducted by the city council, the city manager, or any person or committee authorized by either or both of them for the purpose of making investigations as to city affairs, shall for that purpose subpoena witnesses and compel the production of books, papers, and other evidence material to such inquiry in the same manner as is now prescribed by the laws of this state for compelling the attendance of witnesses and production of evidence in the corporation court. A person receiving a subpoena in accordance with this section may, before the return date specified in the subpoena, petition the corporation court for a motion to modify or quash the subpoena. This provision for pre-compliance review applies to all subpoenas, including but not limited to those issued pursuant to Chapters III, XIII, and XVI of the City Charter or Sections 19-9, 20-10, 20A-8, 37-35, 37A-4, 40A-4, 46-10, or 50-3 of this code unless a separate pre-compliance review is provided.”

SECTION 2. That Section 2-9, “Same – Penalty for Failure to Testify, Etc.,” of Article I, “In General,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“SEC. 2-9. SAME - PENALTY FOR FAILURE TO TESTIFY, ETC.

Any person who refuses to be sworn or who refuses to appear to testify or who disobeys any lawful order of the city council, the city manager, or any person or committee authorized by either or both of them, fails to file a motion to quash or otherwise demand a pre-compliance review of the subpoena in accordance with Section 2-8, or who fails or refuses to produce any book, paper, document, or instrument touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the city council, the city manager, or any person or committee authorized by either or both of them in the matter of such investigation or inquiry after being summoned to give or produce testimony in relation to any matter under investigation, is guilty of an offense.

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 2 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____