

ORDINANCE NO. 599-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, ADDING CHAPTER 1.30 TO THE MURRIETA MUNICIPAL CODE RELATING TO THE ISSUANCE OF SUBPOENAS BEFORE THE CITY COUNCIL

Summary: This ordinance establishes the procedures through which the City Council may authorize the issuance of subpoenas for testimony and/or the production of documents at hearings held before the City Council.

WHEREAS, California Government Code Sections 37104 et seq. provide for the subpoena of witnesses and documents by the City Council for public hearings held by the Council; and

WHEREAS, the City Council desires to provide for the subpoena of such witnesses and/or documents when necessary and approved by the Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 1.30 is hereby added to the Murrieta Municipal Code to read as follows:

“1.30.010 Purpose.

This chapter is adopted for the purpose and intent of establishing a uniform procedure for issuing subpoenas to compel the attendance of witnesses and/or the production of books or other documents for evidence or testimony at proceedings before the City Council.

1.30.020 Authority.

The procedures set forth herein are authorized by California Government Code Section 37104, et seq.

1.30.030 Issuance of subpoena.

Upon authorization by the City Council, a subpoena may issue if authorized under this code or if related to any proceeding within the City Council’s jurisdiction. The subpoena shall be signed by the Mayor and attested to by the City Clerk. It may thereafter be served in the same manner as in civil actions.

1.30.040 Enforcement.

Upon a finding that any person or legal entity has neglected or refused to obey a subpoena issued pursuant to Section 1.30.030, or, appearing, refuses to testify or answer any questions which a majority of the legislative body decide is proper and pertinent, the Mayor shall report the fact to the judge of the Superior Court of Riverside County for further proceedings in the form and manner prescribed by law.

1.30.050 Form of subpoena.

City-issued subpoenas shall be issued on a form approved by the City Attorney.”

SECTION 2. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision 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 and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption, and within fifteen (15) days after its final passage and the City Clerk shall cause it to be posted and published in a newspaper of general circulation, printed, published and circulated in the City in the manner required by law and shall cause a copy of this Ordinance and its certification, to be entered in the Book of Ordinances of the City.

PASSED AND ADOPTED this ____ day of _____, 2023.

Lisa DeForest, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Ordinance No. 599-23 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the ___th day of _____, 2023, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk

I, Cristal McDonald, City Clerk of the City of Murrieta, California further certify that Ordinance No. 599-23 was duly published according to law and the order of the City Council of said City and the same was so published in *Press Enterprise*, a newspaper of general circulation on the following date(s):

Adopted Ordinance: _____, 2023.

In witness whereof, I have hereunto subscribed my name this ___ day of _____, 2023.

Cristal McDonald, City Clerk