



Jackson County Missouri

Jackson County Courthouse
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Legislation Details (With Text)

File #: 3572 **Version:** 0 **Name:** Legislative subpoenas and enforcement.
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Title: AN ORDINANCE enacting one new section to be known as §5570. to Chapter 55 of the Jackson County Code, 1984, relating to legislative subpoenas and the enforcement thereof.
Sponsors: Dan Tarwater III
Indexes: JACKSON COUNTY CODE, LEGISLATIVE SUBPOENAS & ENFORCEMENT, WITHDRAWN
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
11/22/2004	0	County Legislature	withdrawn	

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI WITHDRAWN 11/22/2004

AN ORDINANCE enacting one new section to be known as §5570. to Chapter 55 of the Jackson County Code, 1984, relating to legislative subpoenas and the enforcement thereof.

ORDINANCE #3572, November 22, 2004

INTRODUCED BY Dan Tarwater, County Legislator

WHEREAS, the Charter, Article II, Section 16, Paragraphs 35 and 36, grants to the Legislature the authority to establish procedures for the conduct of investigations of any question or matter on which the Legislature may lawfully take action; and,

WHEREAS, it is advisable to set forth the manner in which said investigations shall be conducted; and,

WHEREAS, the Legislature hereby promulgates the following procedures for the conduct of investigations by the Legislature; therefore,

BE IT ORDAINED, by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Chapter 55, Jackson County Code, 1984, is hereby enacted, consisting of one new section, to be known as § 5570., to read as follows:

5570. The Chair of the Legislature, in consultation with the other members of the Legislature, may decide to conduct an investigation of any question or matter on which the legislature may lawfully take action;

1)

5570.1 Upon an affirmative vote of a majority of the members of the Legislature, the Chair of the Legislature or his designee may issue subpoenas for witnesses or documents including but not limited to books, records and papers, as appropriate;

5570.2 The Chair of the Legislature or his designee may accomplish service of subpoenas through any legally recognized means available;

5570.3 The Chair of the Legislature or his designee shall establish a hearing date for the witnesses to be heard or the documents to be reviewed;

5570.4 The Chair of the Legislature or his designee shall give not less than twenty-four (24) hours advance written notice of the hearing date to the witnesses and the public

containing the date, time and place of the hearing as well as the subjects included in the investigation;

5570.5 The Chair of the Legislature or his designee shall have the authority to continue the hearing date for good cause shown;

5570.6 A quorum of the Legislature must be present in person at the hearing to conduct the hearing;

5570.7 All hearings conducted under this procedure shall be open to the public;

5570.8 All hearings conducted under this procedure shall be held at either of the Legislative chambers or at some other location designated by the Chair;

5570.9 The Chair of the Legislature or his designee shall preside over the hearing to receive evidence concerning relevant matters which are the subject of the investigation;

5570.10 Testimony and information may be presented at the hearing. The Chair of the Legislature or his designee may limit or restrict any testimony or information that is not pertinent to the issue or is repetitious.

5570.11 Any person subject to a subpoena issued pursuant to this ordinance shall attend in person the hearing as scheduled, and shall testify truthfully to all questions presented to them by the Legislature.

5570.12 The Chair of the Legislature or his designee shall issue written findings of the investigation within 14 days of the date of the hearing;

5570.13 At the discretion of a quorum of the Legislature, any witness or agency that fails to comply with a subpoena or subpoena duces tecum issued by the Legislature according to this procedure may have its funding restricted for the next funding interval;

5570.14 (a) Any person who shall be duly served with a subpoena or subpoena duces tecum issued by the Legislature and who shall fail or refuse to obey all of the terms and conditions of the subpoena or subpoena duces tecum or shall fail or refuse to testify pursuant to such subpoena shall be deemed guilty of contempt against the Legislature, and such contempt is hereby declared to be an ordinance violation; and, upon conviction, therefor, such person shall be punished as provided in this section.

(b) The Circuit Court of Jackson County shall have the power to hear and determine alleged violations of this Ordinance and upon the conviction of anyone thereunder shall punish all such guilty persons by a fine of not less than \$250.00 and not more than \$500.00 per day or by imprisonment at the Jackson County Detention Center for a time not to exceed six months, or by both fine and imprisonment. Upon the failure of such person to pay any fine so assessed, such person may be committed to the Jackson County Detention Center until such fine and the judgment of the court is satisfied. Each day during which an

individual is in contempt of the Legislature shall be a separate violation of this Ordinance.

(c) Any employee of Jackson County who having been duly served with a subpoena or subpoena duces tecum and who shall fail or refuse to obey all of the terms and conditions of the subpoena or subpoena duces tecum or shall fail or refuse to testify pursuant to such subpoena shall in addition to the penalties prescribed above, be immediately suspended without pay until such time as the employee fully complies with the terms and conditions of the subpoena or subpoena duces tecum.

(d) Any employee who shall fail or refuse to obey all of the terms and conditions of a subpoena or subpoena duces tecum or shall fail or refuse to testify truthfully pursuant to such subpoena issued by the Legislature for a period exceeding fourteen (14) days shall be immediately scheduled by the employee's Appointing Authority for a Pre-termination Hearing. The failure or refusal of any Jackson County employee to comply with all of the terms and conditions of a subpoena or subpoena duces tecum issued by the Legislature shall constitute cause for the termination of such employee.

5570.15 The provisions of this of this Ordinance shall not apply to the elected officials of this County, the Charter Officers of this County, or the Judges of the Circuit Court of Jackson County.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Acting Chief Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance #3572 introduced on November 22, 2004 was duly **withdrawn** by SPONSOR TARWATER, CONCURRED BY WAITS AND FINLEY November 22, 2004 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ Nays _____

Abstaining _____ Absent _____

This Ordinance is hereby transmitted to the County Executive for her signature.

Date Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3572.

Date Katheryn J. Shields, County Executive