1   [Amending Board Rules - Administration of Oaths and Issuance of Subpoena Duces Tecum]

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3   **Motion amending the Board of Supervisors Rules of Order to set forth the process for**

4   **administration of oaths to individuals testifying before the Board pursuant to a**

5   **subpoena, and to authorize the Government Audit and Oversight Committee to**

6   **administer oaths and issue subpoenas duces tecum.**

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8   MOVED, That the Board of Supervisors hereby amends Rule 3.3 of the Board of

9   Supervisors Rules of Order by adding Rule 3.3.1 and Rule 3.3.2 to read as follows:

10   **3.3. Committee Authority.** Committees shall consider only items which have been

11 referred to them by the President, or by the Board, and which have been posted, published,

12 and noticed. The basic function of each committee is to inquire and to recommend actions to

13 the full Board. Additional committee authority exists only when specifically authorized by

14 ordinance or by the Board. Committees shall provide an opportunity for public comment only

15 with regard to items posted, published, and noticed on their meeting agendas. No Supervisor

16 or combination of Supervisors shall employ or engage the services of any person, or authorize

17 or incur any charge, debt or liability against the City unless authority first shall have been

18 given by the Board or is provided by law.

19   **3.3.1. Issuance of Subpoena Duces Tecum by the Government Audit & Oversight**

20 **Committee.** By oral motion adopted by a majority of the members of the Government Audit &

21 Oversight Committee during a subject public hearing, the Committee may instruct the Clerk of

22 the Board to issue a subpoena duces tecum to individuals whose testimony is sought in that

23 subject public hearing on file with the Clerk of the Board, with the request to appear at the

24 Government Audit & Oversight Committee and respond to questions and produce any related

25 materials in their possession on the hearing subject matter.

1 **3.3.2. Administration of Oaths at Government Audit and Oversight Committee**

2 **Meetings.**   The Committee Clerk shall administer an oath to any person testifying before the

3 Government Audit & Oversight Committee pursuant to a subpoena duces tecum issued by the

4 Committee under Rule 3.3.1, excluding City employees testifying in their official capacity and

5 persons testifying during public comment. Notwithstanding the forgoing, the Committee Clerk

6 shall administer an oath to a Department Head when that Department Head is testifying

7 pursuant to a subpoena duces tecum issued under Rule 3.3.1. Any testimony following such

8 an oath shall be given under penalty of perjury. In addition to the authority granted by this

9 Rule, the Board by written motion may authorize any standing committee to administer oaths,

10 consistent with Charter Section 16.114.

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12 FURTHER MOVED, That the Board of Supervisors hereby amends Rule 6.7 of the

13 Board of Supervisors Rules of Order by adding Rule 6.7.1 to read as follows:

14 **6.7. Subpoenas**. Whenever the subpoena power of the Board is to be exercised in an

15 inquiry conducted pursuant to the provisions of the Charter, the subpoena shall be issued

16 upon a motion duly seconded, with an affirmative vote of a majority of the Supervisors

17 present, which subpoena shall be issued and authenticated in the name of the Board by the

18 Clerk of the Board. Any person refusing to obey such subpoena or to produce such books,

19 papers, testimony or other evidence shall be deemed in contempt and shall be subject to

20 proceedings and penalties as provided by general law in such instances.

21 **6.7.1 Administration of Oaths.** The Clerk shall administer an oath to any person

22 testifying before the Board pursuant to a subpoena issued under Rule 6.7, excluding City

23 employees testifying in their official capacity and persons testifying during public comment.

24 Notwithstanding the forgoing, the Clerk shall administer an oath to a Department Head when

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1   the Department Head is testifying pursuant to a subpoena issued under Rule 6.7. Any

2   testimony following such an oath shall be given under penalty of perjury.

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