



Office of the City Clerk

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Legislation Text

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2-56-040 Subpoena issuance and contents - Objections.

The inspector general shall issue subpoenas only if (a) he is conducting an investigation, audit, program review, or hearing authorized by this chapter; and (b) the investigation, audit, program review, or hearing relates to misconduct, inefficiency, or waste within the programs and operation of the city government by any person described in Section 2-56-050; and (c) the inspector general has a reasonable belief that such misconduct, inefficiency, or waste, has occurred; and (d) the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation, audit, program review, or hearing. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

A subpoena issued under this chapter shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the inspector general, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, the inspector general shall take no action to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period, the inspector general shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed. The seven-day period may be extended by the inspector general in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of response thereto. The filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with or obstruction of an investigation.

In the case of a refusal to obey a subpoena issued to any person under this section, the inspector general may independently take such action as is necessary to enforce the subpoena through application to a court of

appropriate jurisdiction

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