

# Draft Admin Rules Amendment

This proposed amendment to Planning Commission's Administrative Rules will create subpart G and currently existing subparts will need renumbered after enactment. The recommended language is as follows:

## I. BOARD ADMINISTRATION

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### G. Subpoena Powers.

1. Pursuant to C.O. 1202.02(b)(3)(B), as amended, the Chair or his/her designee may issue subpoenas to compel the attendance of witnesses at hearings before the Commission.
2. Properly requested subpoenas shall be issued on behalf of the City or any party to an action pending before the Planning Commission.
3. Properly requested subpoenas shall be submitted to the Planning Commission with the appropriate deposit at least fourteen (14) calendar days in advance of the underlying hearing.
4. Service of Subpoenas via USPS Certified Mail or Fedex signature carrier shall be issued by the Planning Commission upon approval by the Chair, Acting Chair, or Designee. All other methods of service must be issued by the requesting party upon receiving a signature for issuance from the Chair, Acting Chair, or Designee at least seven (7) calendar days in advance of the underlying hearing to reasonably secure their successful service and the desired witness' appearance at the specified hearing.
5. The requesting party shall provide all evidence of issuance of an approved subpoena and evidence of proper service of an approved subpoena to the Planning Commission prior to attempting to enforce said subpoena at any hearing.
6. A proper subpoena shall contain information substantially similar to the subpoena shown in Appendix A to these Procedural Rules.

7. Subpoenas may be issued by the following methods to be selected by the requesting party, requiring the following deposits paid:
  - a. **Certified Mail – Market Rate**
  - b. **FedEx Signature Carrier – Market Rate**
  - c. **Other Qualified Process Server, as defined in Ohio’s Rules of Civil Procedure – Retained by requesting party**
8. At the request of a non-City party, a hearing may be bifurcated or be continued to allow the party to secure the attendance of one or more necessary witnesses. Said continuance shall toll all time-requirements imposed by the Planning Commission related to the matter from the date of the request until the next hearing. Only one continuance shall be freely given in this context.
9. The Planning Commission may enforce properly issued subpoenas by: (1) requesting the City of Hudson Police Department to locate and bring the subpoenaed party to the underlying hearing; or, (2) referring individuals who defy a properly served subpoena to the City of Hudson Prosecutor for prosecution.
10. There shall be no compensation for witnesses for responding to a subpoena.