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**AC Transit**

**Policy No.** 112

**BOARD POLICY**

**Subject Category: Board & General  
Administrative Matters**

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**CLAIMS AND LAWSUITS**

**STATUTE OF LIMITATIONS RE  
CODE OF CIVIL PROCEDURE SECTION 1094.5**

**ADOPTED BY RESOLUTION NO. 604 -- FEBRUARY 1985**

**ATTACHED**

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**Adopted:** 2/85

**Amendment(s):** \_\_\_\_\_

RESOLUTION NO. 604

RESOLUTION PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE  
SECTION 1094.6(g) MAKING APPLICABLE A NINETY DAY STATUTE  
OF LIMITATIONS FOR JUDICIAL REVIEW OF ANY DECISION OF THE  
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT PURSUANT TO SECTION  
1094.5 OF THE CODE OF CIVIL PROCEDURE

SECTION I: PREAMBLE

This Resolution is adopted by the Board of Directors of the Alameda-Contra Costa Transit District pursuant to California Code of Civil Procedure Section 1094.6(g).

SECTION II: JUDICIAL REVIEW

A. What is Reviewed: This resolution applies to decisions of the Alameda-Contra Costa Transit District or any board member, officer or employee thereof, that are reviewable by a petition for writ of mandate pursuant to Section 1094.5 of the California Code of Civil Procedure, said decisions suspending, demoting, or dismissing an officer or employee or denying an application for any retirement benefit or allowance.

B. Notice Provisions: In making a final decision as defined above, the Alameda-Contra Costa Transit District shall provide notice to the party that the time within which judicial review must be sought is governed by California Code of Civil Procedure 1094.6.

C. Time Limits: With the adoption of this Resolution and by notice as provided by Code of Civil Procedure 1094.6, any petition described above shall be filed not later than the ninetieth (90th) day following the date on which the decision becomes final.

SECTION III: EFFECTIVE DATE

This ordinance shall become effective immediately upon its enactment.

SECTION IV: SAVINGS CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid

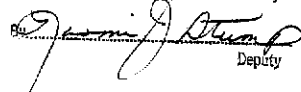
or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Resolution. The Board of Directors of the Alameda-Contra Costa Transit District hereby declare that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

IT IS HEREBY RESOLVED that the above, establishing a ninety day statute of limitations for petitions for writ of mandate to review a final decision of a board member, officer, or employee of the Alameda-Contra Costa Transit District suspending, demoting, or dismissing an officer or employee or denying an application for any retirement benefit or allowance be adopted.

I certify that Resolution No. 604 was duly and regularly adopted by the Board of Directors of the Alameda-Contra Costa Transit District on Wednesday, February 20, 1985.

I further certify that said Resolution No. 604 and related subject matter is recorded on page 234 of Volume No. XX.

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT  
LAWRENCE A. ROSENBERG, Secretary

  
Deputy