



## **Board Policy No. 607**

### **Statute of Limitations Re: California Code of Civil Procedure §1094.5**

**ADOPTED:** 02/85

**RECENT AMENDMENT:** 04/26/17

**SEE ALSO:** N/A

**SUBJECT CATEGORY:** SECTION 600, LEGAL MATTERS

**SUBSECTION:** CLAIMS AND LAWSUITS

**CONTROL DEPARTMENT:** GENERAL COUNSEL

#### **I. PURPOSE**

The purpose of this Board Policy is to provide information regarding the statute of limitations for judicial review that may be had pursuant to California Code of Civil Procedure (CCP) Section 1094.5 of any decision, as defined below, of the Alameda-Contra Costa Transit District, its Board, officers or agents.

#### **II. PERSONS AFFECTED**

Any District Board Officer or employee who has been suspended, demoted or dismissed; a person whose application for a retirement benefit or allowance has been denied; any person whose application for an entitlement was denied, or any person who had imposed upon him/her a civil or administrative penalty, fine, charge or cost.

#### **III. DEFINITIONS**

**“Decision”** refers to a decision subject to review pursuant to California CCP § 1094.5, suspending, demoting, or dismissing a District Board officer or employee; revoking, denying an application for an entitlement; imposing a civil or administrative penalty, fine, charge or cost or denying an application for any retirement benefit or allowance.

#### **IV. POLICY**

##### **A. Application of Policy**

1. This policy applies to decisions of the Alameda-Contra Costa Transit District or of its Board, officers or agents thereof that are reviewable by a petition for writ of mandate pursuant to California CCP Section 1094.5.

##### **B. Notice to Party of Right to Judicial Review**

1. After 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 CCP Section 1094.6. If there is a provision for a written decision or written findings, the decision is final for purposes of this policy upon the date it is mailed by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the party seeking the writ.

**C. Statute of Limitations**

1. Judicial review of the decision may be had pursuant to California CCP Section 1094.5 only if the petition for writ of mandate pursuant to said section is filed not later than the ninetieth (90<sup>th</sup>) day following the date on which the decision becomes final.

**V. ATTACHMENTS**

None.