

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 9/14/2022

Staff Report No. 22-288

TO: AC Transit Board of Directors
FROM: Jill A. Sprague, General Counsel
SUBJECT: Board Policy 607

ACTION ITEM

RECOMMENDED ACTION(S):

Consider review of Board Policy 607, Statute of Limitations Re: California Code of Civil Procedure §1094.5 and Resolution 17-016, with no recommended changes.

STRATEGIC IMPORTANCE:

There is no strategic importance associated with this report.

BUDGETARY/FISCAL IMPACT:

There is no budgetary/fiscal impact associated with this report.

BACKGROUND/RATIONALE:

On February 20, 1985, the Board adopted resolution No. 604, which became Board Policy 607 - Statute of Limitations Re: California Code of Civil Procedure Section 1094.5. On April 26, 2017, Board Policy 607 was amended, and Resolution No. 17-016 was adopted which repealed Resolution No. 604.

California Code of Civil Procedure (CCP) Section 1094.5 provides for review of administrative decisions, including suspension, demotion, dismissal; 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. CCP Section 1094.6(f) provides, “[i]n making a final decision as defined in subdivision (e), the local agency shall provide notice to the party that the time within which judicial review must be sought is governed by this section.” Board Policy 607 reiterates the provisions of the California Code of Civil Procedure related to the right to file a writ of mandate from certain employment decisions and the requirement to notify the party of the time within which judicial review must be sought pursuant to CCP Sections 1094.5 and 1094.6.

Based on a review of these sections, staff believes that Board Policy 607 accurately reflects the District’s obligations under the statute, and no revisions are being recommended.

ADVANTAGES/DISADVANTAGES:

There are no advantages or disadvantages associated with this report.

ALTERNATIVES ANALYSIS:

There are no alternatives to the course of action recommended in this report.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Board Policy 607 Adopted February 1985
Resolution No. 17-016

ATTACHMENTS:

1. Board Policy 607

Prepared by:

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Approved/Reviewed by:

Linda A. Nemeroff, District Secretary

Jill A. Sprague, General Counsel