

CHAPTER 11. NOTICES AND APPEALS

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11.010 Giving Notice Where not Otherwise Provided. Whenever this code requires the giving of notice and the manner of giving the notice is not otherwise specified, the notice shall be in writing. If a right may be exercised or an act is to be done, the notice shall be given at least 10 days prior to the time the right is to be exercised or an act is to be done.

(Adopted by Ord. 46, July 23, 1975)

11.020 Method of Service. Whenever this code requires the giving of a notice and the manner of giving notice is not otherwise specified, the notice shall be served either personally or by first class mail in a sealed envelope with postage prepaid, addressed to the person at his last known mailing address and deposited in a facility maintained by the United States Post Office Department.

(Adopted by Ord. 46, July 23, 1975)

11.030 When Service by Mail is Complete. In the case of service by mail, service is complete at the time the notice is deposited in the United States mail. However, if within a given number of days after service, a right may be exercised or an act is to be done by the person to whom the notice is given, the time within which the right may be exercised or the act done is extended one additional day for every 100 miles distance between the place of deposit and the place of address.

Source: Section 1013, Code of Civil Procedure.

(Adopted by Ord. 46, July 23, 1975)

11.040 Computation of Time. The time in which any action provided by this code is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

Source: Section 12, Code of Civil Procedure, and Section 10, Civil Code.

(Adopted by Ord. 46, July 23, 1975)

11.050 Appeal of Administrative Action. A person aggrieved by an administrative action taken by any officer or employee of the district may under this code appeal from the action to the board of directors. The time and manner of appeal is prescribed by Section 11.060 and 11.070.

(Adopted by Ord. 46, July 23, 1975)

11.060 Procedure for Taking Appeal. Wherever this code provides that a decision or order may be appealed and the procedure for taking the appeal is not specified, the person appealing shall file a written notice of appeal with the secretary of the board of directors within 30 days of the action appealed from.

(Adopted by Ord. 46, July 23, 1975)

11.070 Form of Notice of Appeal and Hearing. Upon receiving a notice of appeal, the secretary of the board of directors shall set the matter for a hearing at a regular meeting of the board of directors and shall give the person appealing written notice of the time and place of hearing at least 10 days before the hearing. The board of directors shall hold the hearing within 60 days of the date of the notice of appeal is filed. This time may be extended by agreement between the appealing party and the board of directors.

(Adopted by Ord. 46, July 23, 1975)

11.080 Board Decision Final. The decision of the board of directors after the appellant has had an opportunity to be heard is final and conclusive.

(Adopted by Ord. 46, July 23, 1975)

11.5.010 Definitions.

A. "Decision": as used in this chapter, "decision" means a final decision as described in Chapter 11 of this ordinance code which is subject to review pursuant to Code of Civil Procedure Section 1094.5, suspending, demoting, or dismissing an officer or employee, revoking or denying an application for a permit, license, or other entitlement, or denying an application for any retirement benefit or allowance.

B. "Party" or "Petitioner": as used in this chapter, the terms "Party" or "Petitioner, " means an officer or employee who has been suspended or demoted or dismissed; a person whose permit, license, or other entitlement has been revoked or suspended, or whose application for a permit, license, or other entitlement has been denied; or a person whose application for a retirement benefit or allowance has been denied.

(Adopted by Ord. 108, November 14, 1990)

11.5.020 Time Limit for Seeking Judicial Review of District Determinations. Judicial review of any district determination pursuant to Code of Civil Procedure Section 1094.5 may be had only if the petition for writ of mandate pursuant to Section 1094.5 is filed within 90 days following the date on which the district decision becomes final.

(Adopted by Ord. 108, November 14, 1990)

11.5.030 Notice of Final Decision. Upon issuing its decision, the district shall mail to the party, written notice to the party that the time within which judicial review may be sought is governed by this chapter and Code of Civil Procedure Section 1094.6.

(Adopted by Ord. 108, November 14, 1990)

11.5.040 Request for and Preparation of Administrative Record. The Petitioner may file a request for preparation of the administrative record. Any such request must be in writing and must be made within 10 days after the date the decision becomes final.

The district shall prepare the complete record of the proceedings and shall deliver it to the petitioner within 90 days after receipt of the written request. Such record shall include the transcript of the proceedings, any pleadings, all notices and orders, any proposed decision, the final decision, all admitted exhibits, all rejected exhibits in the district's possession, all written evidence, and any other papers in the case.

The district shall charge its actual costs for transcribing or otherwise preparing the record to the petitioner. The district may require the petitioner to pay a sufficient advance deposit to be applied towards the cost of preparation of the administrative record.

(Adopted by Ord. 108, November 14, 1990)

11.5.050 Extension of Time Upon Delivery of Administrative Record. If the petitioner files a request as described in Section 11.5.040 herein, the time within which a petition pursuant to Code of Civil Procedure Section 1094.5 may be filed shall be extended to no later than the 30th day following the earlier of either the date on which the administrative record is either personally delivered or mailed to the petitioner or his attorney.

(Adopted by Ord. 108, November 14, 1990)