

NORTH COAST AIR QUALITY MANAGEMENT DISTRICT

RULE 608 – APPEAL OF DECISION

*(Adopted July 13, 1976 as Humboldt Co. APCD)(Adopted as Unified District November 3, 1982)
(Amended and Recodified May 19, 2005).*

1.0 APPEAL OF DECISION:

- 1.1** Judicial review may be had of a decision of the Hearing Board by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this Rule, any such petition shall be filed within 30 days after the decision has been mailed. The right to petition shall not be affected by the failure to seek a rehearing before the Hearing Board.
- 1.2** The complete record of the proceedings or such parts thereof as are designated by the petitioner, shall be prepared by the Clerk of the Hearing Board and shall be delivered to the petitioner within 30 days after a request therefore by him, upon payment of the fee specified in Rule 607.
- 1.3** The complete record includes the pleading, all notices and orders issued by the Hearing Board, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case.
- 1.4** Where the petitioner, within 10 days after the last day on which a rehearing can be ordered, requests the Clerk of the Hearing Board to prepare all or any part of the record, the time within which a petition may be filed shall be extended until five days after its delivery to him. The Hearing Board Counsel may file with the court the original of any document in the record in lieu of a copy thereof.
- 1.5** In any proceeding pursuant to Rule 608, the court shall receive in evidence any order, rule, or regulation of the district board, any transcript of the proceedings before the Hearing Board, and such further evidence as the court, in its discretion, deems proper.