

# SCHOOL AND COLLEGE LEGAL SERVICES of California

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## LEGAL UPDATE

January 15, 2010

**To:** Superintendents/Presidents, Member Community College Districts

**From:** Virginia A. Riegel, Senior Associate General Counsel

**Re:** Public Agency Statement of Facts  
Memo No. 03-2010(CC)

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The Roster of Public Agencies is a public list of basic facts about a community college district.

1. The full, legal name of the public agency;
2. The official mailing address of the governing body;
3. The name and residence or business address of each member of the governing body; and
4. The name, title, and residence or business address of the chairman, president, or other presiding officer, and clerk or secretary of the governing body.

Potential tort claimants against a district can use the list to find names and addresses for filing a governmental tort claim with a district. The timely filing of a governmental tort claim with a district is a condition to being able to pursue a tort lawsuit against that district.

The consequences of failing to maintain the currency of this factual information can be significant: tort claimants may be allowed to file lawsuits without first filing timely governmental claims with the district if the basic facts listed above are significantly inaccurate or incomplete. An increase in the number of potential lawsuits places the district and board members at unnecessary risk.

Government Code Section 53051 requires every community college district to file a Statement of Facts about the district with the California Secretary of State and with the county clerk of each

county in which the district maintains an office after it comes into existence and to periodically amend that Statement of Facts.

Subsection (b) of Section 53051 requires districts to file an amended Statement of Facts **within 10 days** after a change in any of these basic facts. As a result of the recent elections and appointments of new board members, a number of our community college district members are welcoming new trustees to their boards. (See fact #3 above.) Organizational meetings may result in a change in the presiding officer. (See fact #4 above.) If there are changes in the district facts listed above, it is important that you file an amended Statement of Facts with the Secretary of State and with the county clerk of each county where the district maintains an office. Failure to do so could relieve a claimant of the duty to comply with the Government Tort Claims Act and increase district exposure to lawsuits.

Attached is a copy of Government Code Section 53051, a Statement of Facts form, and the names and addresses of the Secretary of State and respective county clerks.

The Legal Update is a service provided by School and College Legal Services exclusively to our member clients.

Attachments: Government Code section 53051  
Statement of Facts form  
List of names and addresses for Secretary of State and County Clerks

**Government Code §53051. Information concerning public agency and members of governing board.**

(a) Within seventy (70) days after the date of commencement of its legal existence, the governing body of each public agency shall file with the Secretary of State on a form prescribed by the Secretary of State and also with the county clerk of each county in which the public agency maintains an office, a statement of the following facts:

1. The full, legal name of the public agency.
2. The official mailing address of the governing body of the public agency.
3. The name and residence or business address of each member of the governing body of the public agency.
4. The name, title, and residence or business address of the chairman, president, or other presiding officer, and clerk or secretary of the governing body of such public agency.

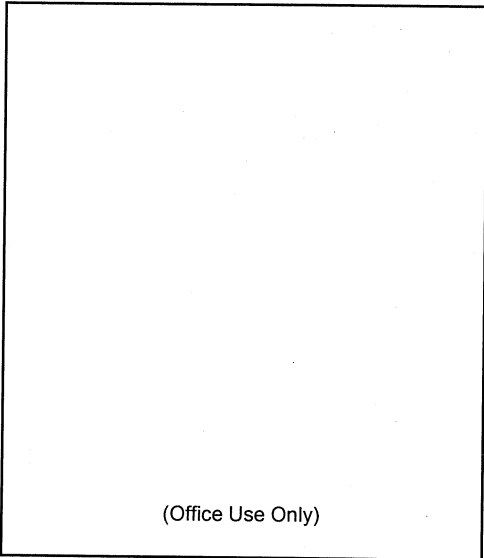
(b) Within 10 days after any change in the facts required to be stated pursuant to subdivision (a), an amended statement containing the information required by subdivision (a) shall be filed as provided therein. The information submitted to the Secretary of State shall be on a form prescribed by the Secretary of State.

(c) It shall be the duty of the Secretary of State and of the county clerk of each county to establish and maintain an indexed "Roster of Public Agencies," to be so designated, which shall contain all information filed as required in subdivisions (a) and (b), which roster is hereby declared to be a public record.



# State of California Secretary of State

## STATEMENT OF FACTS ROSTER OF PUBLIC AGENCIES FILING (Government Code section 53051)



(Office Use Only)

Instructions:

1. Complete and mail to: Secretary of State,  
P.O. Box 942877, Sacramento, CA 94277-0001 (916) 653-3984
2. A street address must be given as the official mailing address or as the address of the presiding officer.
3. Complete addresses as required.
4. If you need additional space, attach information on an 8½" X 11" page, one sided and legible.

New Filing  Update

Legal name of Public Agency: \_\_\_\_\_

Nature of Update: \_\_\_\_\_

County: \_\_\_\_\_

Official Mailing Address: \_\_\_\_\_

Name and Address of each member of the governing board:

**Chairman, President or other Presiding Officer** (Indicate Title): \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

**Secretary or Clerk** (Indicate Title): \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

**Members:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

RETURN ACKNOWLEDGMENT TO: (Type or Print)

NAME [ \_\_\_\_\_ ]

\_\_\_\_\_ Date

ADDRESS \_\_\_\_\_

\_\_\_\_\_ Signature

CITY/STATE/ZIP [ \_\_\_\_\_ ]

\_\_\_\_\_ Typed Name and Title

**California Secretary of State**

Debra Bowen  
California Secretary of State  
1500 11<sup>th</sup> Street  
Sacramento, California 95814

**Alameda County**

Patrick O'Connell, County Recorder/County Clerk  
1106 Madison Street  
Oakland, California 94607

**Del Norte County**

Vicki Frazier, County Recorder/Clerk  
981 H Street, Suite 160  
Crescent City, California 95531

**Humboldt County**

Carolyn Crnich, County Recorder/Clerk  
825 5<sup>th</sup> Street, 5<sup>th</sup> Floor  
Eureka, California 95501

**Lake County**

Pam Cochrane, Clerk/Auditor/Controller  
255 No. Forbes Street  
Lakeport, California 95453

**Lassen County**

Julie Bustamante, County Clerk/Recorder  
220 S. Lassen Street, Suite 5  
Susanville, California 96130

**Marin County**

Michael J. Smith, County Clerk  
Hall of Justice  
3501 Civic Center Drive, Room 247  
San Rafael, California 94903

**Mendocino County**

Susan M. Ranochak, Assessor/County Clerk/Recorder  
501 Low Gap Road, Room 1020  
Ukiah, California 95482

**Modoc County**

Judith J. Stevens, County Clerk/Recorder/Auditor  
204 So. Court Street  
P.O. Box 130  
Alturas, California 96101

**Napa County**

John Tuteur, Recorder/Clerk/Assessor  
900 Coombs Street, Room 116  
P. O. Box 298  
Napa, California 94559-0298

**Plumas County**

Kathleen Williams, County Clerk/Recorder  
520 Main Street, Room 102  
Quincy, California 95971

**San Francisco County**

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1 Dr. Carlton B. Goodlett Place, Room 190  
San Francisco, California 94102-4678

**Shasta County**

Cathy Darling, County Clerk  
P. O. Box 990880  
Redding, California 96099

**Siskiyou County**

Colleen Setzer, County Clerk  
510 N. Main Street  
Yreka, California 96097

**Sonoma County**

Janice Atkinson, County Clerk  
2300 County Center Drive  
La Plaza Building, B177  
Santa Rosa, California 95403

**Tehama County**

Bev Ross, County Clerk/Recorder  
P. O. Box 250  
Red Bluff, California 96080

**Trinity County**

Deanna L. Bradford, County Recorder/Clerk  
P. O. Box 1215  
Weaverville, California 96093-1215