



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority
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LEGAL UPDATE

December 9, 2021

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

From: Steven P. Reiner, Associate General Counsel *SPR*

Subject: Public Agency Statement of Facts
Memo No. 20-2021(CC)

This is a reminder to update your district’s statement of facts listed in the Registry of Public Agencies (“Registry”), a public list of basic facts about a community college district which includes the following:

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

Potential claimants can use the Registry to find names and addresses for filing a claim with a district under the Government Claims Act. The timely filing of a governmental claim is a precondition to filing a lawsuit against a district.

The consequences of failing to maintain the accuracy of this factual information can be significant. 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.

Government Code section 53051 requires every community college district to file a specified statement of facts about the district with the California Secretary of State¹ and with the county clerk for each county in which the district maintains an office after it comes into existence and to periodically amend that

¹ A copy of this form can be found at <https://bpd.cdn.sos.ca.gov/sf/forms/sf-405.pdf>, or by filling out the attached PDF.



statement.

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. Organizational meetings may result in a change in the presiding officer (see fact #4 above). If there are changes in the facts listed above, it is important that you file an amended statement of facts to update the Registry with the Secretary of State and with the county clerk for each county where the district maintains an office. Failure to do so could relieve a claimant of the duty to comply with the Government Claims Act and increase exposure to lawsuits.

Districts should use their full legal name when filing and not an abbreviated acronym.

To be certain your district information is properly filed in the Registry, we advise either using U.S. certified mail, return receipt requested, or obtain a certified copy of the filed document following the instructions that begin on page two of the Registry form.

Attached is a copy of Government Code section 53051 and a Registry form for filing with the Secretary of State. Contact your local county clerk's office for instructions on how to file the statement of facts at the county level.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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State of California

GOVERNMENT CODE

Section 53051

53051. (a) Within 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 with the county clerk of each county in which the public agency maintains an office, a statement of all 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 chairperson, president, or other presiding officer, and clerk or secretary of the governing body of the 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 titled "Registry of Public Agencies," 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 "Registry 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.

(Amended by Stats. 2019, Ch. 329, Sec. 14. (SB 780) Effective January 1, 2020.)



Secretary of State
Registry of Public Agencies
 (Government Code section 53051)

SF-405

IMPORTANT — Read Instructions before completing this form.

There is **No Fee** for a Registry of Public Agencies filing

Copy Fees – First page \$1.00; each attachment page \$0.50;
 Certification Fee - \$5.00

This Space For Office Use Only

1. Type of Filing (Check one.)

- Initial Filing (first Registry of Public Agencies filing for an agency)
- Updated Filing (change to an existing Registry of Public Agencies record)

2. Agency Information

a. Full Legal Name of Public Agency

b. Nature of Update (complete if Updated Filing)

c. County

d. Official Mailing Address

3. Chairperson, President, or Other Presiding Officer

a. Name

b. Title

c. Business or Residence Address

4. Clerk or Secretary

a. Name

b. Title

c. Business or Residence Address

5. Other Members of the Governing Board (Enter as many as applicable. Attach additional pages for additional members.)

Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address

6. Date and Sign Below (Additional members set forth on attached pages, if any, are incorporated herein by reference and made part of this Form SF-405, Registry of Public Agencies.)

_____ Date

_____ Signature

_____ Type or Print Name

Instructions for Completing the Registry of Public Agencies (Form SF-405)

The governing body of a public agency is required, within 70 days after the commencement of the agency's legal existence, to file a specified statement of facts about the agency with the Secretary of State. This information is also required to be updated within 10 days of a change to it.

Fees:

- **Filing Fee:** There is **no fee** for a Registry of Public Agencies filing.

Copies: To obtain copies or certified copies of the filed document, include payment for copy fees and certification fees at the time the document is submitted. Copy fees are \$1.00 for the first page and \$0.50 for each additional page. For certified copies, there is an additional \$5.00 certification fee, per copy.

Payment Type: Check(s) or money orders should be made payable to the Secretary of State. **Do not send cash by mail.** If submitting the document in person in our Sacramento office, payment also may be made by credit card (Visa or Mastercard).

If you are not completing this form online, please **type or legibly print** in black or blue ink. **Complete the Registry of Public Agencies (Form SF-405) as follows:**

Item	Instruction	Tips
1.	You must check the appropriate box (check one).	<ul style="list-style-type: none"> • If this is the first Registry of Public Agencies filing for an agency, check "Initial Filing". • If this is a change to an existing Registry of Public Agencies record, check "Updated Filing".
2a.	Enter the full legal name of the public agency.	
2b.	Indicate the nature of the update if this is an updated filing.	<ul style="list-style-type: none"> • Leave this blank for initial filings. • For updated filings, list information that has changed.
2c.	Enter the county or counties in which the agency operates.	<ul style="list-style-type: none"> • List as many as applicable. If additional space is required, attach additional pages.
2d.	Enter the agency's official mailing address.	<ul style="list-style-type: none"> • The complete address is required, including the street name and number, city, state, and zip code. • P.O. box is acceptable.
3a.	Enter the Chairperson, President, or Other Presiding Officer's name.	
3b.	Enter the Chairperson, President, or Other Presiding Officer's official title.	<ul style="list-style-type: none"> • Include the full official title.
3c.	Enter the Chairperson, President, or Other Presiding Officer's business or residence address.	<ul style="list-style-type: none"> • A complete address is required, including the street name and number, city, state, and zip code.
4a.	Enter the Clerk or Secretary's name.	
4b.	Enter the Clerk or Secretary's official title.	<ul style="list-style-type: none"> • Include the full official title.

4c.	Enter the Clerk or Secretary's business or residence address.	<ul style="list-style-type: none"> • A complete address is required, including the street name and number, city, state, and zip code.
5.	Enter the name and business or residence of any other members of the agency's governing board, if applicable.	<ul style="list-style-type: none"> • A complete address is required, including the street name and number, city, state, and zip code. • Attach additional pages if additional space is required.
6.	Date, sign, and print the name of the individual completing the form.	

Where to File: Completed forms along with the applicable fees, if any can be mailed to Secretary of State, Special Filings Unit, P.O. Box 942870, Sacramento, CA 94277-2870 or delivered in person (drop off) to the Sacramento office, 1500 11th Street, 2nd Floor, Sacramento, CA 95814. This form is filed only in the Sacramento office.

Legal Authority: General statutory filing provisions are found in Section [53051](#). All statutory references are to the California Government Code, unless otherwise stated.