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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)

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.

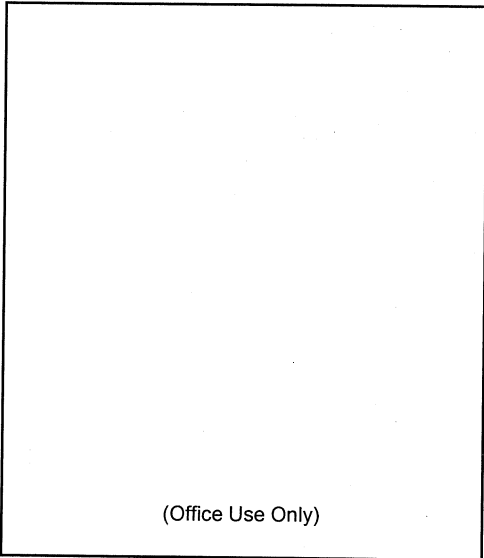
(b) Within 10 days after any change in the facts required to be stated pursuant to subdivision (a), an amended statement containing the information required by subdivision (a) shall be filed as provided therein. The information submitted to the Secretary of State shall be on a form prescribed by the 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 11th 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 5th Street, 5th Floor
Eureka, California 95501

Lake County

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255 No. Forbes Street
Lakeport, California 95453

Lassen County

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

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

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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

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900 Coombs Street, Room 116
P. O. Box 298
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Kathleen Williams, County Clerk/Recorder
520 Main Street, Room 102
Quincy, California 95971

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San Francisco, California 94102-4678

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P. O. Box 990880
Redding, California 96099

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510 N. Main Street
Yreka, California 96097

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2300 County Center Drive
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Santa Rosa, California 95403

Tehama County

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P. O. Box 250
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Trinity County

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P. O. Box 1215
Weaverville, California 96093-1215