

AFFIDAVIT OF SWORN STATEMENT

Ralph Inzunza
3878 Beyer Blvd. #44
San Ysidro, Ca. 92073

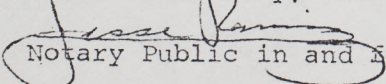
I, Ralph Inzunza, do solemnly swear that the statement I am about to make are true to the best of my knowledge.

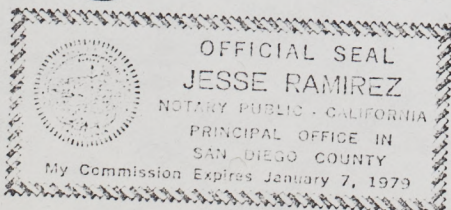
At approximately 11:30 a.m. on December 31, 1975, after returning from submitting the petitions for recall to the City Clerk, Ione M. Campbell, I made a telephone call to Mrs. Campbell concerning the monitoring procedure of the petitions turned in earlier that day. While talking to Mrs. Campbell, she informed me that she was in the process of counting the petitions and that the Assistant City Attorney, Michael Cowett, was in her office. I asked what he was doing there since it was illegal for anyone to be with her while she was counting the petitions. She told me that perhaps I should ask him and immediately put him on the telephone.

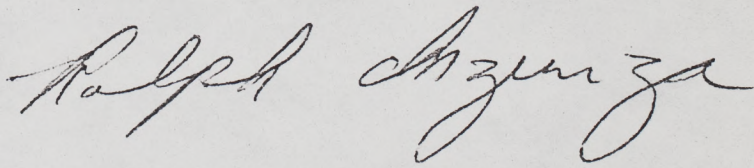
When Mr. Cowett came to the telephone, I ask him to identify himself which he did. I asked him what he was doing in Mrs. Campbell's office while she was counting the petitions. He responded by saying "what do you mean?" I then asked Mr. Cowett if he were monitoring Mrs. Campbell's count of the petitions. He responded by saying, "yes." I told him that he shouldn't be in the office with Mrs. Campbell, and I again asked him if he were watching Mrs. Campbell count the petitions. He again responded by saying yes. I then thanked Mr. Cowett and hung up.

Immediately afterwards, Mr. Manuel Cavada, Nick Inzunza, David Vazquez, and I visited Ione Campbell's office. Upon arriving at Mrs. Campbell's office, she informed me that Mr. Cowett had just left and was probably upstairs in his office. We immediately went to his office where his receptionist told us that Mr. Cowett was gone for the day.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th DAY OF FEB. 1976
at National City, California


Notary Public in and for the County of San Diego, State of California





AFFIDAVIT OF SWORN STATEMENT

CARLOS VAZQUEZ
1022 E.8th St.
National City, Ca 92050

I, Carlos Vazquez, do solemnly swear that the statement I'am about to make are true to the best of my knowledge.

On November 12, 1975, at approximately 1:P.M. Mrs. Consuelo Rubio, Mr. Ralph Arreola and myself visited the Office of Iona Minogue Campbell, City Clerk and Mr. Donald McClean, City Attorney, for the purpose of requesting information concerning the recall Petition filed on November 4, 1975.

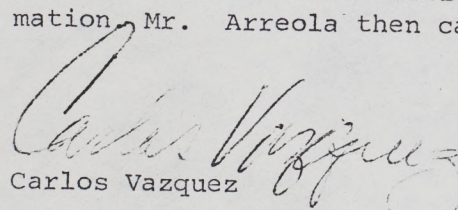
The information requested was concerning the review of the petition by the City Attorney and the City Clerk and if any response was to be published by the City Council on the Charges alledged by the proponents of the recall.

We were told by Mrs. Campbell that no one had reviewed the petition and that any information concerning the petition was confidential. Furthermore, Mrs. Campbell showed us an envelope that supposedly had information about the recall. We then asked if the City Attorney would return, the answer given was that we should call back and ask the City Attorney for information. We then left the office notifying the City Clerk that we would be calling back.

At Approximately 3:15 that afternoon, I called the City Attorney. I was told that he could be reached at his Mission Valley Office. I then called his office, again I was told that he would be there at around 4:P.M. or 4:30 P.M..

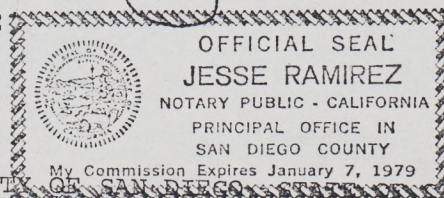
Again, I called the office and I was told that he was in. I identified my self to Mr. McClean. I asked him if he had any information concerning the recall petition, his response was that he had not seen or reviewed the petition and that if I was interested in the petition or needed any information to ask or consult our attorney.

I thanked him and immediately contacted Mr. Ralph Arreola. I told Mr. Areola that Mr. McClean was at his office and that he could call him and ask him for information. Mr. Arreola then called Mr. McCleans office.


Carlos Vazquez

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th day of FEB. 1976
at National City, California

NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA



AFFIDAVIT OF SWORN STATEMENT

REUBEN RUBIO
1729 Cleveland
National City, Cal. 92050

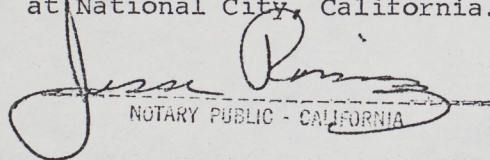
I, Reuben Rubio, do solemnly swear that the statement I am about to make is true to the best of my knowledge.

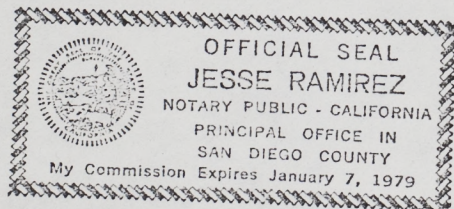
On November 7, 1975, at approximately 6:00 pm I received a call from Mrs. Ione M. Campbell. At that time she stated to me that she was calling from an outside phone because she felt her phone was bugged. She asked me if I could come over to her house for some coffee. At her house, she said, "Tell the fellows that the petitions were not valid." She stated "I hate to see them go to all that work in gathering the signatures and turn them in and then they would be no good." I asked her why she said that and she replied, "Because the petition they handed me says 'recall petition' and not 'petition to intend to recall.' There are 2 words missing, 'intend to.'"

My personal feeling was that someone told her the mistake or told her not to say anything. We finished our coffee and conversed and I went home.

Reuben Rubio

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th day of FEBRUARY 1976.
at National City, California.


NOTARY PUBLIC - CALIFORNIA



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(VERIFICATION — 446, 2015.5, C. C. P.)

STATE OF CALIFORNIA
COUNTY OF

} ss.

I am the Plaintiff / Petitioner in Ad Hoc Committee on
Chicano Rights, et. al. v. Morgan, et. al. Case No. 377709

in the above entitled action; I have read the foregoing COMPLAINT FOR PERMANENT INJUNCTION,
TEMPORARY RESTRAINING ORDER, AND PRELIMINARY INJUNCTION, AND
PETITION FOR WRIT OF MANDATE, FILED ON FEB. 10, 1976,
and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which
are therein stated upon my information or belief, and as to those matters I believe it to be true.

I certify or (declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on March 17, 1976 at San Diego, California
(date) (place)

Oscar O. Canedo, Ph.D.
(Signature)

Oscar O. Canedo Ph.D.

*The verification, being signed under penalty of perjury, does not require notarization.

PETER A. SCHEY, ESQ.
RALPH ARREOLA, ESQ.
Ad Hoc Committee on Chicago Rights
1837 Highland Avenue
National City, CA 92050
Attorneys for Plaintiffs/Petitioners

FILED
Robert D. Zumwalt, Clerk
MAR 17 1976
BY R. MacNEILL, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

AD HOC COMMITTEE ON CHICAGO RIGHTS, an unincorporated organization; HERMAN BACA, an individual; JESSEE RAMIREZ, an individual; CONSUELO RUBIO, an individual; OSCAR O. CANEDO, an individual; BEULAH E. XANDER, an individual,	)	CASE NO. 377709
Plaintiffs/Petitioners,	)	SUPPLEMENTAL POINTS AND
vs.	)	AUTHORITIES IN SUPPORT OF
KILE MORGAN, individually and as Mayor of National City; MICHAEL DALLA, individually and as Councilman of National City; LUTHER REID, individually adn as a Councilman of National City; IONE MINOGUE CAMPBELL, individually and as City Clerk for National City; DOES I-X,	)	COMPLAINT FOR PERMANENT INJUNCTION, TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, AND PETITION FOR WRIT OF MANDATE (C.C.P. 1086)
Defendants/Respondents.)	

I. PLAINTIFFS/PETITIONERS ATTACHED THE CORRECT PRECINCT NUMBERS TO THE RECALL PETITIONS, BUT IF SAID PRECINCT NUMBERS WERE IN ERROR, THE CLERK SHOULD CORRECT THEM OR, ALTERNATIVELY, PETITIONERS SHOULD BE GIVEN THE OPPORTUNITY TO CORRECT THEM BY EITHER BEING DEPUTIZED BY SAID CLERK OR BY BEING ALLOWED TO SUBMIT A CORRECTED COPY OF THE ORIGINAL PETITION.

The question of incorrect or nonexistent precinct numbers was first clearly and fully addressed and resolved by the California

1 RAFAEL A. ARREOLA, ESQ.
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3 305 Center Street
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4 GERALD P. LOPEZ, ESQ.
755 Union Street
5 San Diego, California
Telephone: (714) 236-9381

6 Attorneys for Petitioners
7
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9

10
11 BEFORE THE
UNITED STATES TREASURY DEPARTMENT
12 OFFICE OF REVENUE SHARING
WASHINGTON, D. C. 20220

13 AD HOC COMMITTEE ON CHICANO RIGHTS;
14 RUBEN RUBIO, RAMONA M. DIAZ, MARINA Y.
LOPEZ, MARIE E. ROYBAL, CARMEN GROSVENTRE,
15 CELESTINO MANCILLA GARCIA, JUANA MARTINEZ,

16 Petitioners/Complainants

17 vs.

18 CITY OF NATIONAL CITY, CALIFORNIA, A
MUNICIPAL CORPORATION; ATTORNEY KILE MORGAN,
19 MAYOR, MICHAEL R. DALLA, JOSEPH L. CAMACHO,
RALPH A. PINSON, LUTHER G. REID, MEMBERS
20 OF THE CITY COUNCIL; and, ROBERT S. BOURCIER,
CITY MANAGER,

21 Respondents.
22

)
)
) COMPLAINT FOR
) RELIEF AGAINST
) MISUSE OF REVENUE
) SHARING FUNDS AND
) DISCRIMINATION ON
) THE BASIS OF RACE
) AND ETHNIC ORIGIN

23
24 I. NATURE OF THE CLAIM

25 1. Complainants hereby charge that they, and others
26 similarly situated, are being excluded from participation in,
27 denied the benefits of, and subjected to discrimination under
28 programs and activities funded in whole or in part by funds made

1 available to the City of National City (hereinafter referred to as
2 "City") under the State and Local Fiscal Assistance Act of 1972.
3 Such discrimination is the direct or indirect result of the acts
4 and omissions of respondent, officials of the City government, in
5 violation of 31 U.S.C.A. §1242 of the Revenue Sharing Act,
6 Titles VI and VII of the Civil Rights Act of 1964, the
7 Civil Rights Act of 1871(42 U.S.C. §1983), and the Constitution
8 of the United States of America. The acts and omissions fall
9 into two classes: a) Respondents have expended or appropriated
10 substantial amounts of federal revenue sharing money in programs,
11 activities, or services, in such a manner as to deny to the
12 Mexican-American (Chicano) citizens of the City benefits substan-
13 tially equal to those afforded to white citizens. As a result of
14 this arbitrary, pervasive pattern of discrimination complainants,
15 and other Mexican-American and Spanish-surnamed residents of the
16 "Westside" area of the City, suffered a poor and inferior level
17 of municipal services, including road and storm drain construc-
18 tion and maintenance, library facilities, traffic control and
19 safety, sanitary sewage, and parks and recreational facilities.
20 b) Respondents engage in racially and ethnically discriminatory
21 employment practices in programs funded in whole or in part by
22 federal revenue sharing funds, which practices deny equal employ-
23 ment and promotional opportunities to Chicano and other Spanish-
24 surnamed residents of the City solely on the basis of their
25 ethnic origin. Presently the City has no affirmative action
26 program.

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II. JURISDICTION

2. This complaint is submitted to remedy a continuing violation of 31 U.S.C.A. 1242 of the State and Local Fiscal Assistance ("Revenue Sharing") Act of 1972, 31 U.S.C. §§ 1221 et seq. (Supp. II, 1972) (hereinafter referred to as "the Act"), which provides:

No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [the Act].

3. Treasury Department (hereinafter referred to as "Department") jurisdiction is invoked under 31 U.S.C. §1242(b) of the Act., and Section 51.32 of the Department's rules and regulations (31 C.F.R. §51.32, 38 Fed. Reg. 9132 et seq., April 10, 1973 as amended), which authorizes the filing of complaints by "(a)ny person who believes himself, or any specific class of persons who believe themselves, to be subjected to discrimination prohibited by [31 U.S.C. §1242 of the Act]."

4. Complainants also invoke jurisdiction under: a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§2000(d) et seq.), which prohibits discrimination in any federally funded program or activity, b) Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§2000 (e) et seq.), which prohibits agencies of state and local governments from engaging in discriminatory employment practices, and c) 42 U.S.C. §1983, and the equal protection clause of the Fourteenth Amendment to the Constitution of the United States of America.

... ..

... ..

III. COMPLAINANTS

5. Complainants are Chicano and other Spanish-surnamed citizens of National City who reside in the low-income community called the "Westside", which is approximately bounded by: National Avenue on the East, McKinnely Avenue on the West, 24th Street on the South, and 8th Street on the North. All of the complainants pay taxes to the City government and all of the complainants lack municipal services routinely provided to white citizens, including, but not limited to, road construction and maintenance, storm drainage, sanitary sewage, parks and recreational facilities, and traffic control and safety.

6. The individual complainants are: a) Ad Hoc Committee on Chicano Right is an unincorporated association of Chicano and other Spanish-surnamed residents of National City, whose objective is the preservation and enhancement of the "Westside" as a residential district, for the benefit of the present residents of the "Westside". b) Ruben Rubio, age 62, is a Chicano male who has resided in the "Westside" of National City for 39 years. c) Ramona M. Diaz, age 50, is a married Chicana female, with one child who has resided in the "Westside" for 49 years. d) Marina Y. Lopez is the mother of 2 children who has resided in the "Westside" of National City for 27 years. e) Marie E. Roybal, age 54, is a Chicana female who has resided in the "Westside" for 52 years. f) Carmen Grosventre, age 23, is a Chicana female, the mother of 2 children and has been a resident of the district of National City all her life. g) Celestino Mancilla Garcia, age 58, has resided in the "Westside" of National City for 4 years. h) Juana Martinez, age 36, is a married female Chicana who has 2

1 children, she has resided in the "Westside" of National City for
2 21 years.

3 7. Complainants submit this complaint on behalf of them-
4 selves, and on behalf of the class consisting of Chicano and other
5 Spanish-surnamed persons residing in the "Westside" of National
6 City. There are at least 2,500 members of this class, and members
7 are, therefore, too numerous to be joined in one action as named
8 parties. Complainants' claims are typical of the claim of the
9 other members of the class: respondents have acted, or refused
10 to act, on grounds generally applicable to the entire class, and
11 have denied to complainants, and to the class as a whole, rights
12 guaranteed by laws of the United States and the Constitution.
13 Complainants are represented by counsel who will fairly and
14 adequately represent them and protect the interests of their class
15 in this proceeding.

16 IV. RESPONDENTS

17 8. Respondent City of National City is a unit of general
18 government organized pursuant to the laws of the State of Califor-
19 nia. a) The City is responsible for the conduct of all functions
20 of local government within its city limits, with the exception of
21 those functions performed by either San Diego County, the National
22 School District, and the Sweetwater High School District. Func-
23 tions performed by the City include the provision of police and
24 fire protection, traffic control and safety, the construction,
25 operation, and maintenance of roads, surface and storm drainage,
26 sanitary sewage facilities and the establishing and maintaining of
27 recreational facilities and programs. The City is responsible for
28

1 all hiring and promotional practices affecting public employees of
2 the City. b) The City receives entitlement payments from the
3 Office of Revenue Sharing under the Revenue Sharing Act. The
4 other individual respondents are: a) Kile Morgan is elected
5 Mayor and chief executive officer of the City. b) Michael R.
6 Dalla, Ralph A. Pinson, Joseph L. Camacho, and Luther G. Reid are
7 elected members of the City Council representing the City at
8 large, and c) Respondent Robert S. Bourcier is the City Manager
9 and chief administrative official of the City government. As such,
10 he is responsible for administering the day-to-day affairs of the
11 City government, and performs a wide range of tasks, including
12 ministerial functions and limited policy-making decisions.

13
14 V. STATEMENT OF THE CLAIM

15 A. Employment Discrimination by the City of National City.

16 9. Notwithstanding the high unemployment rate within
17 the Westside community and the ready availability of Spanish-
18 surnamed (Chicano) workers, and despite the City's long history of
19 denial to Chicanos of employment opportunities, the City is
20 presently engaged in a hiring program which deprives Westside
21 residents and other Chicano job applicants of any opportunity to
22 secure desperately needed work, for which these persons are fully
23 qualified.

24 10. The 1970 Census shows that National City had a total
25 population of 43,184 of whom 26.4% were Spanish-surnamed. *1

26 11. In all thirteen city departments the full time
27 employees are disproportionately non-minority. Even the City's
28 own Employee Utilization Analysis which seems to be most liberal

1 in counting Spanish-surnames and is thus subject to question, a
2 copy of which is attached to this Complaint as exhibit "A", and
3 made a part hereof, shows that out of 223 total full time
4 employees within the City's work force, only 20, or 8.96% are
5 Spanish-surnamed. Moreover, most of these 20 employees hold
6 lower echelon, non executive or non management positions. Among
7 the most flagrant affirmative action violations with respect to
8 Spanish-surnamed persons (Chicanos) are: City Manager's with zero;
9 Finance office, zero; Planning, zero; Fire, 4.7%, and; Police,
10 7.6%. Within the Fire Department, the City has engaged in
11 discriminatory recruitment, hiring and promotional practices
12 regarding employment of firefighters. Even today there are but
13 two Spanish-speaking persons on the City Fire Department staff.

14 12. The City's Department of Public Works also maintains
15 racially and ethnically discriminatory recruitment, hiring and
16 promotional practices regarding its employees relegating Chicano
17 and other Spanish-surnamed to lower paying, menial positions,
18 with no meaningful opportunity for advancement to skilled positions
19 and supervisory or management positions.

20 13. Racial and ethnic discrimination is evidenced in
21 many governmental functions in addition to those set forth above,
22 which are merely the most easily perceived manifestations of
23 such discrimination. Additional employment discrimination is
24 evidenced by the fact that the City to date has not adopted an
25 Affirmative Action Plan which in some way might ameliorate the
26 discriminatory employment practices. A proposed affirmative
27 action program has been consistantly tabled by Mayor Morgan and
28 the City Council. The latest tabling of the matter was April 6,

1 1976.² Moreover, the City has been most uncooperative in providing
2 either employment statistics or utilization analyses from which
3 goals and timetables could be set in compiling a workable Affirma-
4 tive Action Plan. This lack of cooperation results in a denial
5 to the Chicano community of an opportunity to be heard on a
6 subject of fundamental importance and further aggravates the
7 pervasive discrimination against Chicanos through out the various
8 departments of the City.

9 14. In addition to being important in and of itself, a
10 termination of the City's practice of employment discrimination is
11 much more crucial in the the "Westside" because of the language
12 barrier. Within the "Westside" approximately 40% of the citizens
13 only speak Spanish, thus major problems arise whenever a non-
14 English speaking person has to call the Fire Department which
15 employs at most two Spanish-speaking persons or the Police
16 Department which only employs a few Spanish-speaking police
17 officers.

18 15. The same barrier is met by the Spanish-speaking community
19 in the case of auto accidents or other emergencies in which
20 communication with City authorities is called for.

21 16. On information and belief, the City's racial
22 discrimination in recruitment, hiring and promotional practices
23 and absence of affirmative action for public employees pervades
24 all areas of City employment in addition to those departments
25 outlined above and Chicano and other Spanish-surnamed residents
26 are uniformly denied equal job opportunities by the City or its
27 agents. All such discriminatory acts and practices receive direct
28 or indirect support from the funds made available to the City

1 under the Revenue Sharing Act.

2 B. Expenditures of Revenue Sharing and Capital Improvements

3 17. According to the "Actual Use Reports" which the City
4 has published in Legal Notices Section of the Local Newspapers,
5 the City received \$637,282 Revenue Sharing Funds thru June 30,
6 1973, earned \$9,966 interest and only spent \$4,319 on the Public
7 Works yard between, 1/1/73 & 6/30/73, thereby keeping a balance of
8 \$642,929, or over 99.3% unspent.^{*3} During Fiscal Year 1973-1974,
9 the City received an additional \$600,479, had funds totaling
10 \$1,313,891 and spent \$324,598 mainly on "Multipurpose and General
11 Government" and recreation, thereby keeping a balance of \$989,293
12 or over 75% unspent.^{*4} During Fiscal Year 1974-1975, the City
13 received an additional \$626,315, from Revenue Sharing, and
14 \$68,609, from interest for a total of \$1,684, 217 available. Of
15 these funds the City spent \$1,339,155 mostly on "Multipurposed
16 and General Government" (i.e. \$1,107,914) and recreation (i.e.
17 \$172,528).^{*5} Virtually all of the above Revenue Sharing Moneys
18 were spent outside the "Westside" to support discriminatory
19 projects and programs which did not benefit claimants or any other
20 residents of said "Westside". The records of the City indicate
21 that \$682,000 in federal revenue sharing money will have been
22 received by the City by June 30, 1976 for Fiscal Year 1975-1976^{*6}.
23 Of these funds \$350,000 will be spent for drainage and flood
24 control outside the "Westside". Twenty-five thousand will be
25 spend for improvements to Las Palmas park, again, outside the
26 "Westside". According to the City Budget 1975-76, the City has
27 \$705,140 in revenue sharing funds available for expenditures for
28 the 1975-1976 fiscal year of which the City intends to

1 spend \$582,000.*7

2 18. Upon inquiry into the City expenditures of Revenue
3 Sharing, claimants were informed by the City that all revenue
4 sharing money would be spent on capital improvements. The capital
5 improvement program of National City for the next five years
6 indicates that, (with one minor exception) all of the expected
7 revenue sharing money will be spent on capital projects located
8 outside the vicinity of the "Westside". The only capital project
9 planned within the "Westside" is the improvement of the facility
10 at Casa de Salud, an old building used by Senior Citizens and
11 some youth. This project, it must be noted has been discussed,
12 and monies for its improvements allocated but not spent during
13 previous years. The City instead has always managed to divert its
14 resources away from Casa de Salud into other areas and "pet"
15 projects.

16 19. For the Fiscal Years from July 1, 1975 to June
17 30, 1980 the City intends to spend \$5,262,080 on capital improve-
18 ments and of that total expenditure only \$65,560, or 1.24%,
19 appears to be of direct benefit to the "Westside".*8

20 C. Recreational Facilities

21 20. The "Westside" of National City is the oldest section
22 of National City and was a well-populated area of San Diego
23 County years before the incorporation of National City itself.
24 Throughout its history the "Westside" has been the poorest area
25 of National City with the fewest municipal services, and recrea-
26 tional facilities, of any area of the City. This disparity
27 between the "Westside" and the rest of National City is apparent
28 by virtue of man factors, one of the most significant and visible

1 being the absence of any Recreational Facilities.

2 21. Since the date of incorporation of the City, all
3 of the funds allocated by the City for park improvements have
4 been used for areas outside of the "Westside" and the present
5 proposal is to spend money for 1975-1976 to improve parks which
6 are not accessible to or used by the Chicano community of the
7 "Westside". For example, of the total park improvement fund:
8 \$22,000 is to be used for "Kimball Park"; Development & Parking";
9 \$170,000 is to be used to Develop Las Palmas Park; and \$15,000 of
10 Revenue Sharing funds to pave a parking lot at Las Palmas Park,
11 and \$6,420 in Revenue Sharing Funds to construct a snack bar at
12 the Municipal Pool, all outside the "Westside". In marked contrast,
13 there is no money allocated to establish even minimal park
14 facilities on the "Westside". For example, the City has stead-
15 fastly failed and refused to build a park or install swings and
16 a sandbox on the "Westside" despite frequent requests for the last
17 ten years. When the "Westside" community approaches the City
18 Council respecting its recreational needs, the City Council's
19 response is to stall, defer, ignore, and avoid confronting the
20 demands, while at the same time it is readying itself to say its
21 monies and priorities must be allocated elsewhere.

22 22. For 1975-1976, the City Council approved a budget of
23 \$520,410 for Parks & Recreation, but in spite of this relatively
24 large expenditure, the residents of the "Westside" will receive
25 little or no benefit.⁹

26 23. With respect to proposed park development and capital
27 expenditures for the next three years the City intends to spend
28 \$1,199,590 on two parks alone, \$564,590 on Kimball Park, and

1 \$635,000 on Las Palmas Park, both outside the "Westside".¹⁰ Of
2 that \$1,199,590 proposed expenditure, the City intends to spend
3 \$833,500, or almost 70% of the total, from Revenue Sharing Money.¹¹
4 Yet when a group of residents from the "Westside", requested the
5 use of some unused vacant City land within the "Westside" for
6 possible recreational facilities, which would only cost a few
7 thousand dollars to improve, the City responded by refusing to
8 make any decisions, "filing" the request indefinitely and telling
9 the people that the City might be able to use the land to park
10 some dump trucks.¹² Again, in contrast, the City intends to spend
11 \$77,090 for the Kimball Building Air Conditioning, hardly a
12 necessary item in the City of National City where over 99% of the
13 people do just fine without any air conditioning.

14 D. Denial of Social Service and Other Programs

15 24. The City fails and refuses to afford to the "Westside"
16 community the sorts of social programs and services it provides
17 to other parts of the City. The City maintains no library facili-
18 ties on the "Westside". The children of the "Westside" must risk
19 the crossings of heavily vehicle traveled National and Roosevelt
20 Avenues, without benefit of the crossing guard in order to reach
21 the existing library. Further, the library has no Chicano
22 Bicultural or Bilingual materials.

23 25. The City maintains no permanent health service
24 facility on the "Westside". The token Health Service is maintained
25 in one small room at Casa de Salud. This health service office is
26 open approximately 10% of the working week.

27 26. In sum, all forms of assistance to the "Westside"
28 community is the result of volunteer efforts by "Westside"

1 community persons rather than any significant degree of effort,
2 commitment or contribution from the City.

3 E. Traffic Safety, Fire, and Police Services

4 27. The pattern of disregard of the community is perva-
5 sive and characterizes the City's entire approach to the Chicano
6 and other Spanish-surnamed members of the "Westside" community.
7 For example, the ordinances of the City provide that the Public
8 Works Department is responsible for traffic safety. This service
9 is unusually important in areas such as the "Westside", where
10 accidents frequently occur as a result of unmarked cross streets.
11 Notwithstanding this clear responsibility the City has deprived
12 and continues to deprive Chicano and other Spanish-surnamed
13 citizens of the "Westside benefits of services which are sub-
14 stantially equal to those afforded white citizens and continues
15 to refuse the installation of even minimal traffic control devises
16 such as stop signs.

17 28. Fire protection is normally considered a very impor-
18 tant service particularly in areas such as the "Westside" where
19 practically all the homes are fairly old and of wood frame
20 construction. A response to a fire and/or questions about fires
21 therefore must be immediate and effective. For "Westside" resi-
22 dents however the response is generally slower, particularly
23 when non-English speaking persons call for assistance. In some
24 instances it takes non-English speaking residents several minutes
25 to get someone who can understand there is a fire and even longer
26 to get a person in the Fire Department who can answer simple
27 questions in Spanish.

28

1 29. Police Services and police protection are also
2 provided in a discriminatory manner with almost complete disregard
3 for the safety and well being of the "Westside" residents. During
4 the last year, for example, one simple call and response to a
5 petty theft, resulted in overreaction by National City's Police
6 Department, a violation of their own policies and procedures, and
7 the death of a Chicano.

8 VI. RELIEF REQUESTED

9 30. Complainants pray that the Secretary of the Treasury
10 take immediate action to remedy the discriminatory acts and
11 omissions of the respondents set forth herein and to enforce the
12 rights guaranteed to complainants under the Constitution and laws
13 of the United States. Specifically, complainants pray that the
14 Secretary:

15 (a) cause an investigation to be made of the facts and
16 circumstances alleged in this complaint, such investigation to
17 commence as soon as possible;

18 (b) afford complainants and their representatives an
19 opportunity to assist in the conduct of such investigation;

20 (c) make a prompt determination that respondents have
21 failed to comply with 31 U.S.C. §1242, and Treasury Department
22 regulations implementing said 31 U.S.C. §1242;

23 (d) defer all payments of further revenue sharing
24 entitlement funds to the City commencing with the date of receipt
25 of this complaint through the initial determination of noncompli-
26 ance during the pendency of further proceedings;

27 (e) request the Governor of the State of California to
28 secure compliance immediately upon making the determination of

1 ethnic origin discrimination requested in sub-paragraph (c) above;

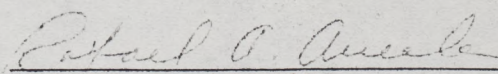
2 (f) if within 60 days after receiving such request the
3 Governor fails or refuses to secure compliance, immediately
4 initiate formal enforcement procedures within the Department, and
5 if, upon completion thereof, respondents fail to comply with
6 nondiscrimination requirements, withhold any further payment of
7 federal funds to respondents for the remainder of the present
8 entitlement period and for all subsequent entitlement periods
9 until such time as the Secretary is satisfied that the require-
10 ments of 31 U.S.C. §1242 and the regulations have been adequately
11 met, and that the effects of past discriminatory acts and omissions
12 will be substantially eliminated;

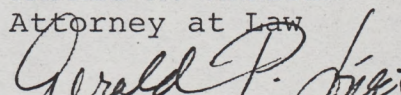
13 (g) require the repayment of all federal revenue sharing
14 funds which have been allocated by the respondents for the
15 Public works yard, Multipurpose and General Government, recreation,
16 and "public safety", unless respondents demonstrate to the Secre-
17 tary that they will expend sufficient amounts of local revenues
18 to equalize the effects of past discriminatory acts and omissions;

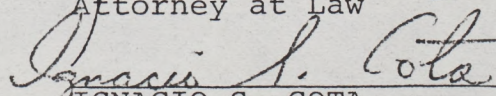
19 (h) provide such other relief to complainants as may be
20 necessary and appropriate.

21
22 Dated: April 19, 1976

Respectfully Submitted,

23
24 
25 RAFAEL A. ARREOLA
Attorney at Law

26 
27 GERALD P. LOPEZ
Attorney at Law

28 
IGNACIO S. COTA
Research Associate

" N O T E S "

1. See, Population Census, 1970 U.S. Bureau of the Census.
2. See, City Council Minutes, City of National City Meeting of April 6, 1976.
3. See, "Actual Use Reports", City of National City published August 9, 1973 in National City Star News, a copy of which is attached herein as Exhibit "B".
4. See, "Actual Use Reports", City of National City published August 1974, in National City Star News, a copy of which is attached herein as Exhibit "C".
5. See, "Actual Use Reports", City of National City published August 1974, in National City Star News, a copy of which is attached herein as Exhibit "D".
6. See, National City Budget for Fiscal Year 1975-1976.
7. Ibid.
8. Ibid pp. 137-141, a copy of which is attached herein as Exhibit "E".
9. See, National City Budget for Fiscal Year 1975-1976.
10. Ibid.
11. Ibid.
12. See, City Council Minutes, City of National City Meeting of April 6, 1976.

EMPLOYEE UTILIZATION ANALYSIS

DEPARTMENTAL BREAKDOWN

January 1, 1976

DEPARTMENT	M	F	TOTAL	AMERICAN INDIAN	SPANISH SURNAME	BLACK	ASIAN ORIENTAL	OTHER	NON- MINORITY
City Clerk	0	1/100%	1						1/100%
City Manager	2/40%	3/60%	5						5/100%
City Attorney	1/50%	1/50%	2		1/50%				1/50%
Finance	0	6/100%	6						6/100%
General Services	2/100%	0	2						2/100%
Personnel	1/33%	2/66%	3		1/33%				2/66%
Planning	5/71%	2/29%	7				1/14%		6/86%
Police	57/86%	9/14%	66	2/3%	5/8%	2/3%		2/3%	55/83%
Fire	42/98%	1/2%	43		2/5%	1/2%			40/93%
Bldg & Housing	16/89%	2/11%	18	1/5.5%	1/5.5%				16/89%
Public Works	34/94%	2/6%	36		6/16%	1/3%			29/81%
Park & Recreation	19/90%	2/10%	21		3/14%	2/10%	2/10%		14/66%
Library	6/46%	7/54%	13		1/8%				12/92%
Total Representation Within Full Time City Workforce	185/83%	38/17%	223	3/1.34%	20/8.96%	6/2.69%	3/1.34%	2/.89%	189/84.75%

Exhibit "A"

TEMPORARY/PART-TIME EMPLOYEES

January 1, 1976

DEPARTMENT	M	F	TOTAL	AMERICAN INDIAN	SPANISH SURNAME	BLACK	ASIAN ORIENTAL	OTHER	NON- MINORITY
City Clerk	0	2/100%	2		1/50%				1/50%
City Manager	0	1/100%	1						1/100%
Finance	1/33%	2/66%	3		1/33%				2/66%
General Services	1/50%	1/50%	2		1/50%				1/50%
Personnel	1/100%	0	1						1/100%
Planning	1/50%	1/50%	2		1/50%				1/50%
Police	0	21/100%	21		5/24%				16/76%
Fire	2/100%	0	2				1/50%		1/50%
Bldg & Housing	1/50%	1/50%	2		2/100%				0
Public Works	8/73%	3/27%	11		5/45%				6/55%
Park & Recreation	22/47%	25/53%	47		11/23%	1/2%	4/9%		31/66%
Library	4/27%	11/73%	15		4/27%	2/13%	2/13%		7/47%
Total Representation Within Temp/P.T. City Workforce	41/37.61	68/62.38	109		31/28.44	3/2.75	7/6.42		68/62.38

August 9, 1973
DATE PUBLISHEDORS FORM NO. 3229
JULY 1973

C. OSBURN, City Manager, City of National City

NAME & TITLE - PLEASE PRINT

NC 6036 8/9/73.

THE GOVERNMENT OF
NATIONAL CITY CITYHAS USED ITS REVENUE SHARING PAYMENT
FOR THE PERIOD BEGINNING

JAN 1, 1973

ENDING

JUN 30, 1973

IN THE FOLLOWING MANNER BASED UPON A

TOTAL PAYMENT OF

\$637,282.

ACCOUNT NO.

05 2 037 008

NATIONAL CITY CITY
FINANCE DEPARTMENT
1243 NATIONAL AVE
NATIONAL CITY CALIF 92050

(L) DEBT How has the availability of revenue sharing funds affected the borrowing requirements of your jurisdiction?

☒ AVOIDED DEBT INCREASE
☐ LESSENED DEBT INCREASE
☐ NO EFFECT
☐ TOO SOON TO PREDICT EFFECT

(M) TAXES In which of the following manners did the availability of Revenue Sharing Funds affect the tax levels of your jurisdiction? Check as many as apply.

☐ ENABLED REDUCING THE RATE OF A MAJOR TAX.
☒ PREVENTED INCREASE IN RATE OF A MAJOR TAX.
☒ PREVENTED ENACTING A NEW MAJOR TAX.
☐ REDUCED AMOUNT OF RATE INCREASE OF A MAJOR TAX.
☐ NO EFFECT ON TAX LEVELS
☐ TOO SOON TO PREDICT EFFECT

OPERATING/MAINTENANCE EXPENDITURES

PRIORITY EXPENDITURE CATEGORIES (A)	ACTUAL EXPENDITURES (B)	PERCENT USED FOR MAINTENANCE OF EXISTING SERVICES (C)	PERCENT USED FOR NEW OR EXPANDED SERVICES (D)
1 PUBLIC SAFETY	\$	%	%
2 ENVIRONMENTAL PROTECTION	\$	%	%
3 PUBLIC TRANSPORTATION	\$	%	%
4 HEALTH	\$	%	%
5 RECREATION	\$	%	%
6 LIBRARIES	\$	%	%
7 SOCIAL SERVICES FOR AGED & POOR	\$	%	%
8 FINANCIAL ADMINISTRATION	\$	%	%
9 TOTAL ACTUAL OPERATING MAINTENANCE EXPENDITURES	\$		

(N) CERTIFICATION (Please Read Instruction 'F').
The news media have been advised that a complete copy of this report has been published in a local newspaper of general circulation. I have records documenting the contents of this report and they are open for public and news media scrutiny.
Additionally, I certify that I am the chief executive officer and, with respect to the entitlement funds reported herein, I certify that they have not been used in violation of either the priority expenditure requirement (Section 103) or the matching funds prohibition (Section 104) of the Act.

(O) TRUST FUND REPORT

Revenue Sharing Funds Received
Thru June 30, 1973 \$ 637,282.
Interest Earned \$ 9,966.
Total Funds Available \$ 647,248.
Amount Expended \$ 4,319.
Balance \$ 642,929.
NC 6035 8/9/73

CAPITAL EXPENDITURES

PURPOSE (E)	ACTUAL EXPENDITURES (F)	PERCENT USED FOR:			
		EQUIPMENT (G)	CONSTRUCTION (H)	LAND ACQUISITION (I)	DEBT RETIREMENT (J)
10 MULTI-PURPOSE AND GENERAL GOVT.	\$	%	%	%	%
11 EDUCATION	\$	%	%	%	%
12 HEALTH	\$	%	%	%	%
13 TRANSPORTATION	\$	%	%	%	%
14 SOCIAL DEVELOPMENT	\$	%	%	%	%
15 HOUSING & COMMUNITY DEVELOPMENT	\$	%	%	%	%
16 ECONOMIC DEVELOPMENT	\$	%	%	%	%
17 ENVIRONMENTAL CONSERVATION	\$	%	%	%	%
18 PUBLIC SAFETY	\$	%	%	%	%
19 RECREATION CULTURE	\$	%	%	%	%
20 OTHER (Specify): PUBLIC WORKS	\$	%	%	%	%
YARD	\$ 4,319.	%	60 %	40 %	%
22 OTHER (Specify)	\$	%	%	%	%
23 TOTAL ACTUAL CAPITAL EXPENDITURES	\$ 4,319.				

C. Osburn
SIGNATURE OF CHIEF EXECUTIVE OFFICER

Cleo Osburn, City Manager - City of National City

NAME & TITLE - PLEASE PRINT

National City Star News

August 9, 1973

NAME OF NEWSPAPER

DATE PUBLISHED

NOTICE OF PUBLIC HEARING
BY THE CITY PLANNING
COMMISSION OFCHULA VISTA, CALIFORNIA
NOTICE IS HEREBY GIVEN THAT A
PUBLIC HEARING WILL BE HELD BYNOTICE OF PUBLIC HEARING
BY THE CITY PLANNING
COMMISSION OFCHULA VISTA, CALIFORNIA
NOTICE IS HEREBY GIVEN THAT A
PUBLIC HEARING WILL BE HELD BYNOTICE TO DECLARE CANDIDACY
FOR SPECIAL GOVERNING BOARD
MEMBER ELECTIONNOTICE IS HEREBY GIVEN TO ALL
QUALIFIED PERSONS that a special
election will be held in the Sweetwater
Union High School District, County of SanFICTITIOUS BUSINESS
NAME STATEMENT
FILE NO. 73 5512

PREVAILING WAGE
Laborer, General/Col
Skidloader-wheel typ
Skidloader Operator
Truck-Type Loader
Tractor Operator
Dump Truck Driver
Dump or Flat Bed Tr
Engineer Oiler
Water Truck, Under
Flagman
Roller Operator
Cement Mason Jour
Asphalt Spreading
Pipelayer
Carpenter
Reinforcing Iron W
Concrete Curer

Holidays are
wage rates ar
ble to the labo

Dated this 3rd day of

NC 6032. 8/9/16/73.

NOTICE OF
ENGAGE IN
ALCOHOL

To Whom It May Co
Subject to issu
applied for, notice
undersigned prop
beverages at the
follows:

475
Chula
Pursuant to
undersigned in
Department of
Control for iss
beverage license
premises as follo
On 5
E

CV 12407 8/9/73

FICTITIOUS
S
FI

The following
as: JENNIFE
1930, & 1932 "
National City,
Charles H
Hamilton Stre
This busin
individual.

This state
County Clerk
August 2, 197
I hereby c
correct copy
office.

EX

NC 6031 8/9/73

FI

The follo
as: GRET
Bonita Ros
Gretta
Bonita, Ca
This b
individual

This s

County Clerk

August 2,

I heret

correct

office.

CV 12407

The East 6 acres of said Lot 10 of Map No. 63; thence along said West line North 18 degrees 13'42" West (Record North 18 degrees 13'20" West per Record of Survey Map No. 1579) 382.82 feet to a point in the Northwest-right-of-way of County of San Diego Road Survey No. 706 (Bonita Mesa Road) on file in the Office of the County Engineer of said County, said point being also in a non-tangent 680.00 foot radius curve concave Southeastwardly, a radial line to said point bears North 82 degrees 22'02" West; thence North-easterly along said right-of-way and said curve through a central angle of 30 degrees 18'00" an arc distance of 359.61 feet; thence along a prolongation of a radial line to said right-of-way North 52 degrees 04'02" West 101.85 feet to the TRUE POINT OF BEGINNING.

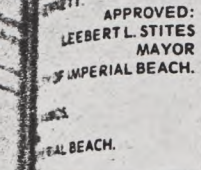
Containing 129.14 Acres

This being an ordinance fixing the rate of taxes to be levied, it shall take effect once and the City Clerk shall cause it to be published at least once in the Imperial Beach Star News, a newspaper of general circulation in the City of Imperial Beach.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Imperial Beach this Sixth day of August, 1974, by the following vote, to-wit:

AYES: OGLE, MCCARTY, MOSE

RECEIVED
APR 15 1964
CITY OF IMPERIAL BEACH
LEGEND



National City
ACTUAL USE REPORT

National City Star News

THE GOVERNMENT OF
NATIONAL CITY CITY

has been General Revenue Sharing payment

\$200,479

during the period from July 1, 1973 through June 30, 1974

ACCOUNT NO. 05 2 00

NATIONAL CITY CITY
FINANCE DEPARTMENT
1243 NATIONAL AVE
NATIONAL CITY CALIF 92009

✓(1) TRUST FUND REPORT

(1) Balance as of June 30, 1973 \$

(2) Revenue Sharing Funds Received from
July 1, 1973 through June 30, 1974 \$

(3) Interest Earned \$

(4) Total Funds Available \$

(5) Total Amount Expended \$

(F) The news media have been advised that \$100,000 will be made available to the press for the purpose of covering the cost of the press conference.

8/6/74
Date

Open Daily 12 Noon

THE BEST
ADULT MOVIE
EVER MADE!



Marriage COLOR

AND OTHER
4-LETTER WORDS

Introducing
RAINBOW ROBBINS

No One Under 18
Admitted!

ADULTS ONLY



Brigitte Maier—The Star of
Marriage and Other 4 Letter Words'
Discovered in the July Issue of
House Magazine—Limited Copies
The Featured Layout Are Now Available
at the Pussycat Theatre!

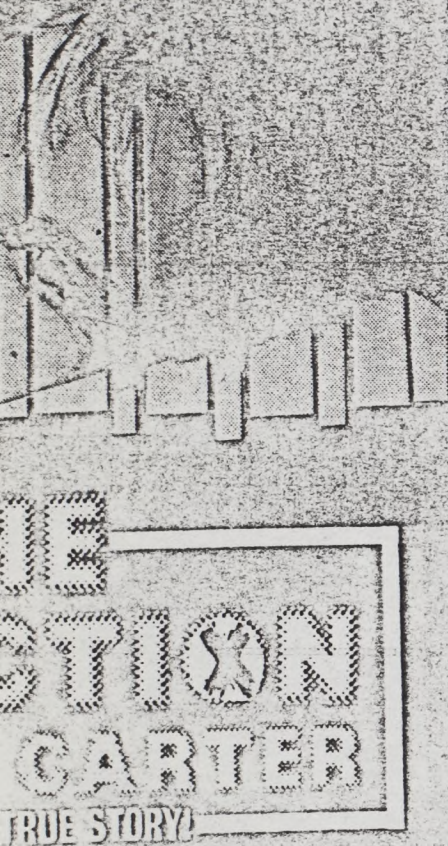
Open Daily 12 Noon—Open All Night

4th & F Streets
Downtown San Diego

239-2394

For Showtimes And Added Program Information

HAPPEN
YOU!



Starring DARBY LLOYD RAIN
"If you're looking for fun and games
don't miss this one" - CONTINENTAL SELECTOR

SAN DIEGO PUB. CAT. 238-2384 4th & F Streets, Open Daily at 12 Noon	EL CAJON PUB. CAT. 644-3272 350 Radio St., Open Daily at 12 Noon
---	--

business and the license is to be paid only after the Department of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named escrow holder that he shall make payment for distribution within a reasonable time after the completion of the transfer of the license as provided in Section 24074 of the California Business and Professions Code.

POLLARDS' DEPOT, INC. BY DISTRICT DIRECTOR, INTERNAL REVENUE SERVICE
By: Kathleen D. Benson, Revenue Officer, Transferor
KETTNER CORPORATION, a California Corporation BY 29N
By Albert Gormiller, President, Transferee
A copy of this notice, certified by the County Recorder, and an additional copy must accompany the application for transfer of the license.

See Form ABC-522, Department of Alcoholic Beverage Control Instructions re Escrow and Public Notice Requirements for Limited Retail License Transfers.
NC 4340 8-10-75.

GENERAL REVENUE SHARING

GENERAL REVENUE SHARING PROVIDES FEDERAL FUNDS DIRECTLY TO LOCAL AND STATE GOVERNMENTS. YOUR GOVERNMENT MUST PUBLISH THIS REPORT ADVISING YOU HOW THESE FUNDS HAVE BEEN USED OR OBLIGATED DURING THE YEAR FROM JULY 1, 1974 THRU JUNE 30, 1975. THIS IS TO INFORM YOU OF YOUR GOVERNMENT'S PRIORITIES AND TO ENCOURAGE YOUR PARTICIPATION IN DECISIONS ON HOW FUTURE FUNDS SHOULD BE SPENT. NOTE: ANY COMPLAINTS OF DISCRIMINATION IN THE USE OF THESE FUNDS MAY BE SENT TO THE OFFICE OF REVENUE SHARING, WASHINGTON, D.C. 20228.

ACTUAL EXPENDITURES		
(A) CATEGORIES	(B) CAPITAL	(C) OPERATING/ MAINTENANCE
1 PUBLIC SAFETY	\$ 1,540	\$ 56,438
2 ENVIRONMENTAL PROTECTION	\$	\$
3 PUBLIC TRANSPORTATION	\$	\$
4 HEALTH	\$	\$
5 RECREATION	\$ 172,528	\$
6 LIBRARIES	\$	\$
7 SOCIAL SERVICES FOR AGED OR POOR	\$ 651	\$
8 FINANCIAL ADMINISTRATION	\$	\$ 84
9 MULTIPURPOSE AND GENERAL GOVT	\$ 1,107,914	
10 EDUCATION	\$	
11 SOCIAL DEVELOPMENT	\$	
12 HOUSING & COMMUNITY DEVELOPMENT	\$	
13 ECONOMIC DEVELOPMENT	\$	
14 OTHER (Specify)	\$	
15 TOTALS	\$ 1,282,633	\$ 56,522

NONDISCRIMINATION REQUIREMENTS HAVE BEEN MET
(E) CERTIFICATION: I certify that I am the Chief Executive Officer and with respect to the expenditure funds reported herein, I certify that they have not been used in violation of either the priority expenditure requirements of Section 1001 of the matching funds provision (Section 1001 of the act)
Robert Bourcier 7-31-75
Signature of Chief Executive Date
Robert Bourcier, City Manager
NC 4341 8-10-75 Name and Title

Each bid shall be accompanied by the security referred to in the contract documents.
The District reserves the right to reject any and all bids or to waive any irregularities or informalities in any bids or in the bidding. Preference will be made in the award for California made supplies, pursuant to Sections 4330 to 4334, inclusive, Government Code.
The District has determined the general prevailing rate of per diem wages in the locality in which the work of installation is to be performed for each craft or type or workman needed to perform such work of installation which will be required of the successful bidder, to be as follows:

Craft, Classification or Type	Hourly	H&W	Pension	Vacation	App. Tr.	Per Diem Wages
Asphalt Paved	6.87	.60	1.47	.50	.13	54.96
Driver (Dump Truck)	7.28	.70	.80	1.00	.10	58.24
Labor	6.63	.60	1.47	.50	.13	53.04

The foregoing schedule of per diem wages is based upon a working day of eight (8) hours. The rate for holiday and overtime work shall be at time and one-half.
It shall be mandatory upon the successful bidder of whom the work of installation is required, and upon any subcontractor under him, to pay not less than the said specified rates to all workmen employed by them in the performance of such work of installation.
No bidder may withdraw his bid for a period of sixty (60) days after the date set for the opening of bids.

Lantson C. Eldred
Associate Superintendent
National School District of
San Diego County, California

NC 4349 8-3,10-75.

ACTUAL USE REPORT

5

THE GOVERNMENT OF NATIONAL CITY CITY

has received General Revenue Sharing payments totaling \$626,315

during the period from July 1, 1974 thru June 30, 1975

ACCOUNT NO 05 2 037 008

**NATIONAL CITY CITY
FINANCE DEPARTMENT
1243 NATIONAL AVE
NATIONAL CITY CALIF 92050**

1 (D) TRUST FUND REPORT (refer to instruction D)

1 Balance as of June 30, 1974	\$ 989,293.
2 Revenue Sharing Funds Received from July 1, 1974 thru June 30, 1975	\$ 626,315
3 Interest Received or Credited (July 1, 1974 thru June 30, 1975)	\$ 68,609.
4 Funds Released from Obligations	\$ -0-
5 Sum of lines 1, 2, 3, 4	\$ 1,684,217.
6 Funds Returned to ORS	\$ -0-
7 Total Funds Available	\$ 1,684,217.
8 Total Amount Expended (Sum of line 15, column B and column C)	\$ 1,339,155.
9 Balance as of June 30, 1975	\$ 345,062.

(1) THE NEWS MEDIA HAVE BEEN ADVISED THAT A COMPLETE COPY OF THIS REPORT HAS BEEN PUBLISHED IN A LOCAL NEWSPAPER OF GENERAL CIRCULATION. I HAVE A COPY OF THIS REPORT AND RECORDS DOCUMENTING THE CONTENTS THEY ARE OPEN FOR PUBLIC SCRUTINY AT Room 115 Finance Dept., Civic Center

Exhibit "D"

shown herein.
Said sale will be covenant or wa implied, regard or encumbran remaining prin note(s) secured Trust, to-wit: terest thereon, note(s), advanc terms of said charges and exp and of the trusts of Trust.
The beneficial Trust heretof delivered to written Declar Demand for S Notice of Defaul The undersigne of Default and recorded in the property is loca
By
Date: August 4, CV 483 8-14-21
FICTIT NAME FILE
The followin business as: INN, at 2620 M Ca. 92011.
Crawford C. St., Chula Vista Betty L. Wood Chula Vista, Ca This business individual.
SI
This statem County Clerk of July 22, 1975.
CER
I hereby cer is a correct cop 921 in my office.
RO
EXPIR CV 432 7-27-8
FICTIT NAME FILE
The followin business as: Melrose Ave. Russel Niel Chula Vista, Charles Se Rd., Chula Vi
This busin general part sign
This statem County Clerk of Aug. 7, 1975.
CE
I hereby c is a correct c in my office.
EXPI CV 496 8-10

ANNUAL BUDGET1975-76 CAPITAL IMPROVEMENT PROGRAM
EXPENDITURE SUMMARY

<u>Funding</u>	<u>Description</u>	<u>Cost Estimate</u>	<u>Total</u>
<u>State Bonds</u>			
	Kimball Park - Develop Plans & Parking (Phase I)	<u>\$122,000</u>	
			\$122,000
<u>County Funds</u>			
	Develop Las Palmas Park (Phase I)	<u>\$170,000</u>	
			\$170,000
<u>Gas Tax</u>			
	Grove Street - Plaza to 14th	\$139,000	
	Reconstruct Plaza - 805 to Harbison	60,000	
	Traffic Signal - 18th & L Street	20,000	
	Traffic Signal - Reo at I-54	<u>7,500</u>	
			\$226,500
	TOTAL CITY CAPITAL IMPROVEMENT PROGRAM		<u>\$1,281,230</u>

EXHIBIT "E"

ANNUAL BUDGET1976-77 CAPITAL IMPROVEMENT PROGRAM
EXPENDITURE SUMMARY

<u>Funding</u>	<u>Description</u>	<u>Cost Estimate</u>	<u>Total</u>
<u>General Fund</u>			
	Heritage Square/Brick Row Plans (Phase I)	\$ 7,000	
	Paradise Marsh Improvement Study (Phase I)	10,000	
	Land Acquisition for Parking - Civic Center	66,750	
	Construct Drain - 20th & B St. (Phase II)	50,000	
	Construct & Replace Sewer	50,000	
	Construct & Replace Sidewalks	10,000	
			\$193,750
<u>Capital Outlay</u>			
	Library Addition - Local History & Archives	\$ 23,600	
			23,600
	SUB-TOTAL C.I.P.		\$217,350
<u>Revenue Sharing</u>			
	Land Acquisition for Fire Station-24th & Euclid Area	\$ 75,000	
	Kimball Park Development (Phase II)	302,500	
	Las Palmas Park Development (Phase II)	110,000	
			\$487,500
<u>Gas Tax</u>			
	Reconstruct Euclid Ave. - 8th to Plaza	\$ 36,500	
	Traffic Signal - 4th & D Street	20,000	
	Traffic Signal - Euclid & Plaza	50,000	
			\$106,500
	TOTAL CITY CAPITAL IMPROVEMENT PROGRAM		<u>\$811,350</u>

ANNUAL BUDGET1977-78 CAPITAL IMPROVEMENT PROGRAM
EXPENDITURE SUMMARY

<u>Funding</u>	<u>Description</u>	<u>Cost Estimate</u>	<u>Total</u>
<u>General Fund</u>			
	Close & Pave Alley - Fire Dept. Headquarters	\$ 30,000	
	Construct Drain - Hoover Box Culvert (Phase I)	50,000	
	Construct & Replace Sewer	50,000	
	Construct & Replace Sidewalks	<u>10,000</u>	
	SUB-TOTAL C.I.P.		\$140,000
<u>Revenue Sharing</u>			
	Kimball Park Development (Phase III)	\$ 66,000	
	Las Palmas Park Development (Phase III)	<u>355,000</u>	
			\$421,000
<u>Tax Increment Bonds</u>			
	Construct Fire Station 3 - 24th & Euclid Area	<u>\$325,000</u>	
			\$325,000
	TOTAL CITY CAPITAL IMPROVEMENT PROGRAM		<u>\$886,000</u>

ANNUAL BUDGET1979-80 CAPITAL IMPROVEMENT PROGRAM
EXPENDITURE SUMMARY

<u>Funding</u>	<u>Description</u>	<u>Cost Estimate</u>	<u>Total</u>
<u>General Fund</u>			
	Develop Fire Station 4 - Acquisition & Remodeling	\$ 75,000	
	Playground Improvement - 5 Elementary Schools	500,000	
	Construct Drain - National Avenue	92,000	
	Construct & Replace Sewer	50,000	
	Construct & Replace Sidewalks	<u>10,000</u>	
	SUB-TOTAL C.I.P.		\$727,000
<u>Local Transportation Fund</u> (2% Bikeway Allocation)			
	Develop Bay Route Bikeway (Phase I)	<u>\$ 5,000</u>	
			\$ 5,000
<u>Gas Tax</u>			
	Euclid Avenue Right-of-Way - 16th to 22nd	\$490,000	
	Traffic Signal - Valley Road & Sweetwater Road	<u>20,000</u>	
			\$510,000
	TOTAL CITY CAPITAL IMPROVEMENT PROGRAM		<u>\$1,242,000</u>

1 PETER A. SCHEY, ESQ.
2 RALPH ARREOLA, ESQ.
3 Ad Hoc Committee on Chicano Rights
4 1837 Highland Avenue
5 National City, CA 92050
6
7 Attorneys for Plaintiffs/Petitioners
8

F I L E D
Robert D. Zumwalt, Clerk
FEB 11 1976
BY: J. KENDALL, Deputy

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF SAN DIEGO

(HON. JUDGE DANIEL LEEDY, PRESIDING)

11 AD HOC COMMITTEE ON CHICANO)
12 RIGHTS, an unincorporated)
13 organization; HERMAN BACA,)
14 an individual; JESSE RAMIREZ,)
15 an individual; CONSUELO RUBIO,)
16 an individual; OSCAR O. CANEDO,)
17 an individual; BEULAH E. XANDER,)
18 an individual,)

NO. 377709
ORDER TO SHOW CAUSE.

19 Plaintiffs/Petitioners,)
20)
21)

22 vs.)
23)
24)

25 KILE MORGAN, individually and as)
26 Mayor of National City; MICHAEL)
27 DALLA, individually and as Council-)
28 man of National City; LUTHER REID,)
individually and as a Councilman)
of National City; IONE MINOGUE)
CAMPBELL, individually and as)
City Clerk for National City;)
DOES I-X,)

Defendants/Respondents)
)
)

24 On reading the verified complaint/petition of plaintiffs
25 on file in this action and the affidavits attached thereto, and the
26 memorandum of points and authorities submitted therewith, and it
27 appearing to the satisfaction of the court that this is a proper
28 case for granting an order to show cause and a temporary restraining

1 order, and that unless the temporary restraining order prayed for
2 in said complaint be granted, great and irreparable injury will
3 result to plaintiff before the matter can be heard on notice;

4 NOW, THEREFORE, IT IS HEREBY ORDERED that the above-named
5 defendants, and each of them, appear before this Court in the court
6 room of the Superior Court, Department 11, at 202 W. Broadway,
7 San Diego, on 2/24, 1976, at the hour of 1:30 P.M.,
8 then and there to show cause, if any they have, why a peremptory
9 writ of mandate should not issue, and why they, and each of them,
10 and their agents, servants, employees and representatives should
11 not be enjoined and restrained during the pendency of this action
12 from engaging in, committing or performing, directly or indirectly,
13 any and all of the following acts:

14 a. Providing the plaintiffs/petitioners herein with
15 incorrect and misleading information, which correct
16 information they need in order to comply with the
17 law in their recall effort;

18 b. Refusing to count certain signatures on the
19 petition because the precinct members affixed to
20 said signatures were drawn from a consolidated list
21 of eighteen precincts;

22 c. Refusing to allow plaintiffs/petitioners a
23 reasonable opportunity to correct precinct numbers
24 attached to the petition submitted on December 31,
25 1975; or refusing to correct said precinct numbers
26 without the assistance of plaintiffs/petitioners;

27 d. Stopping, detaining, interrogating or searching
28 Deputy Voter Registrars without reasonable or probable

1 cause as required by law;

2 IT IS FURTHER ORDERED that pending the hearing and
3 determination of said order to show cause, the defendants, and
4 each of them, or their officers, agents, employees, representatives
5 and all persons acting in concert or participating with them, shall
6 be and they are hereby restrained and enjoined from engaging in
7 or performing, directly or indirectly, any and all of the follow-
8 ing acts:

9 a. Providing plaintiffs/petitioners with incorrect
10 or misleading information concerning precinct
11 numbers required by plaintiffs/petitioners in
12 order to comply with the Elections Code in
13 their recall petition drive;

14 b. Continuing, as of the date of this order, and
15 ~~the order to show cause hearing, the~~
16 ~~until further order of this court, thirty (30)~~
17 day period, provided in Elections Code section
18 27511, given the proponents to obtain additional
19 valid signatures subsequent to the issuance of a
20 certificate of insufficiency;

21 c. Stopping, detaining, interrogating or searching
22 Deputy Registrars of Voters unless upon reasonable
23 or probable cause as is required by law.

24 IT IS FURTHER ORDERED that copies of said complaint,
25 affidavits, memorandum of points and authorities, and this order
26 to show cause and temporary restraining order be served on said
27 defendants not later than 2/14, 19 76.

28 DATED: FEB 11 1976

JACK R. LEVITT

JUDGE OF THE SUPERIOR COURT



AD HOC COMMITTEE *ON*



CHICANO RIGHTS

1837 Highland Ave.

Nat'l City, Cal. 92050

(714) 477-3620

EXECUTIVE BOARD

FOR IMMEDIATE PRESS RELEASE MARCH 19, 1976

Chairman
Herman Baca

AD HOC COMMITTEE ON CHICANO RIGHTS WINS PRELIMINARY INJUNCTION
AGAINST NATIONAL CITY IN RECALL SUIT.

Vice Chairman
Albert Puente

The Ad Hoc Committee on Chicano Rights on February 11, 1976, filed suit in the Superior Court alledging certain improprieties in the handling of a recall petition filed with the City Clerk of National City on December 31, 1975, against National City Mayor Kile Morgan, Councilman Michael Dalla and Councilman Luther Reid.

Secretary
Albert Garcia

Treasurer
Pete Rios

The lawsuit followed the City Clerk's action of invalidating approximately two-thirds of the signatures submitted on the petitions. The City Clerk, named as a defendant in the lawsuit, refused to count large numbers of signatures because the precinct numbers attached to these signatures were allegedly incorrect. In it's suit, the Ad Hoc Committee alleged that they followed instructions from the City Clerk which called for the use of eighteen (18) precinct numbers. Once the petitions were submitted to the City Clerk large numbers of signatures were invalidated on the grounds that forty-four precinct numbers should have been used.

At a hearing for a TEMPORARY RESTRAINING ORDER held on February 11, 1976, Judge Jack Levitt issued an order halting the recall process until the matter could be heard at a PRELIMINARY INJUNCTION HEARING. The Temporary Restraining Order issued on February 11, 1976, stayed all proceedings until the hearing held today.

The Ad Hoc Committee was represented by Attorney Peter Schey at the Preliminary Injunction Hearing held today before Judge Woodworth. Attorneys for National City argued that no factual basis existed upon which the Court could grant relief, and further argued that it would be unlawful for the City Clerk to correct the precinct numbers and recount the signatures. Attorney Schey argued that the voters of National City should not be denied their right to recall simply because of a technical error that may have been caused by the acts of the City Clerk.

MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.P.A.

Mecha-Padre Hidalgo Center-Servicios de Inmigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.A.



AD HOC COMMITTEE *ON*



CHICANO RIGHTS

1837 Highland Ave.

Nat'l City, Cal. 92050
(2)

(714) 477-3620

EXECUTIVE BOARD

Chairman
Herman Baca

Vice Chairman
Albert Puente

Secretary
Albert Garcia

Treasurer
Pete Rios

Judge Woodworth found that a "bona-fide misunderstanding" caused the proponents of the recall to affix incorrect precinct numbers onto the petitions. He further held that there was some failure of communication on the part of the City Clerk but that the evidence did not convince him that her acts were "wilfull".

Judge Woodworth held that there was not sufficient reason to not allow the precinct numbers in dispute to be counted. He ordered the City Clerk to count the signatures that she had previously refused to count and ordered her to issue a statement as to the sufficiency or insufficiency of the signatures, after counting those in dispute, by March 30, 1976.

Should the proponents of the recall not have a sufficient number of signatures to qualify for an election by March 30, 1976, the proponents will then have until April 14, 1976, to gather the additional number of required signatures. This additional time period is provided by law in all recall cases.

The judge further ordered that the proponents could begin collecting additional signatures immediately on the assumption that the required number of signatures may not be contained within the petitions.

MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.P.A.

Mecha-Padre Hidalgo Center-Servicios de Inmigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.A.

1 LAW OFFICES
2 JENNINGS, ENGSTRAND & HENRIKSON
3 A PROFESSIONAL LAW CORPORATION
4 701 PALOMAR FINANCIAL BUILDING
5 2022 CAMINO DEL RIO NORTH
6 SAN DIEGO, CALIFORNIA 92108
7 (714) 291-0840

F I L E D
Robert D. Zumwalt, Clerk
MAR 24 1976
BY J. BOYD, Deputy

8 Attorneys for Defendants/Respondents

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SAN DIEGO

11 AD HOC COMMITTEE ON CHICANO
12 RIGHTS, an unincorporated
13 organization; HERMAN BACA,
14 an individual; JESSE RAMIREZ,
15 an individual; CONSEULO RUBIO,
16 an individual; OSCAR O. CANEDO,
17 an individual; BEULAH E. XANDER,
18 an individual,

No. 377709

ORDER GRANTING
EQUITABLE RELIEF

19 Plaintiffs/Petitioners,

20 vs.

21 KILE MORGAN, individually and as
22 Mayor of National City; MICHAEL
23 DALLA, individually and as Councilman
24 of National City; IONE MINOUE CAMPBELL
25 individually and as City Clerk for
26 National City; DOES I-X,

Defendants/Respondents.

27 The Petitioners, AD HOC COMMITTEE ON CHICANO RIGHTS, et al,
28 having moved this Court for a Preemptory Writ of Mandate or
29 in the alternative a Preliminary Injunction, an Order to Show
30 Cause having been issued granting a Temporary Restraining
31 Order and setting the matter for hearing, the Respondents,

Exhibit 1

1 KILE MORGAN, et al, having demurred to the Petition for a
2 Preemptory Writ of Mandate and filed the Declaration of Ione
3 Campbell in opposition to the issuance of Preliminary
4 Injunction, the matter having been submitted on the papers
5 filed to the Honorable Douglas R. Woodworth sitting in
6 Department Twenty-One of the above entitled Court and the
7 Honorable Douglas R. Woodworth having considered all the papers
8 filed, it appears to the satisfaction of the Court from
9 all the papers in evidence submitted by the parties that
10 the following relief shall be granted:

11 1. The City Clerk of National City shall review the
12 original petitions for recall of Mayor Kile Morgan and
13 Councilmen Michael Dalla and Luther Reid pursuant to Elections
14 Code Section 27510.1 in accordance with the criteria described
15 in the Elections Code except that if the precinct number
16 beside the signature conforms either to the correct precinct
17 number or to the correct Consolidated Precinct Number according
18 to the four page document entitled "SPECIAL MUNICIPAL ELECTION,
19 December 9; 1975, NATIONAL CITY, CALIFORNIA, OFFICERS AND
20 POLLING PLACES" the precinct number should be considered
21 correct. All other criteria for determining the validity of
22 the signatures and petitions shall remain as described in
23 the Elections Code. The City Clerk shall complete her
24 review on or before March 30, 1976, at 5:00 p.m.

25 2. When the City Clerk has completed said review, she
26 shall prepare a notice pursuant to Elections Code Section

1 27510.2. If the Clerk's certificate prepared pursuant to
2 Elections Code Section 27510.2 shows that the petition is
3 insufficient by reason of the failure to obtain sufficient
4 valid signatures thereon according to the County Clerk's
5 1975 official Report of Registration the Clerk shall notify
6 the proponents pursuant to Elections Code Section 27511 that
7 they may file supplemental petitions in form a duplicate of
8 the original petitions, bearing new signatures on or before
9 April 14, 1976.

10 In the event that a Notice of Insufficiency is prepared
11 as hereinabove described, the Clerk shall report to the
12 proponents the number of signatures by which the petitions
13 were deficient and shall notify the proponents that they
14 must file additional signatures, which, when combined with
15 previously filed valid signatures, equal not less than
16 twenty-five percent of the registered voters in National
17 City according to the County Clerk's 1976 Official Report of
18 Registration to the Secretary of State.

19 3. In accordance with Elections Code Section 27511 the
20 supplemental petitions shall be processed by the Clerk in
21 the same manner as set forth in Elections Code Sections

22 . . .

23 . . .

24 . . .

25 . . .

26 . . .

LAW OFFICES
JENNINGS, ENGSTRAND & HENRIKSON
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SAN DIEGO, CALIFORNIA 92108
(714) 291-0840

27509, 27510, 27510.1, 27510.2, 27511 and 27513 with respect
to the original petitions.

Dated: MAR 24 1976

DOUGLAS R. WOODWORTH
Judge of the Superior Court

APPROVED AS TO FORM.

s/
PETER A. SCHEY, Attorney for
Petitioners Ad Hoc Committee
on Chicano Rights, et al

The foregoing instrument is a full, true and correct copy of
the original on file in this office.

Attest MAR 24 1976
County Clerk and Clerk of the Superior Court of the State
of California, in and for the County of San Diego.

By Jack Boyd Deputy

JENNINGS, ENGSTRAND & HENRIKSON
A Professional law Corporation
701 Palomar Financial Bldg.
2022 Camino del Rio North
San Diego, California 92108
291-0840

Attorneys for Defendants/Respondents

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE FOURTH APPELLATE DISTRICT

DIVISION ONE

AD HOC COMMITTEE ON CHICANO
RIGHTS, an unincorporated
organization, et al.,

Plaintiffs/Petitioners,

vs.

KILE MORGAN, individually and as
Mayor of National City, et al.,

Defendants/Respondents.

Superior Court No. 377709

4TH CIVIL NO. 14974

DECLARATION OF
IONE MINOGUE CAMPBELL

I, IONE MINOGUE CAMPBELL, declare:

1. I am the duly elected City Clerk of the City of National
City, California.

...

...

...

...

...

1 2. In my capacity as City Clerk I have statutory duties
2 defined in the California Government Code and the California
3 Elections Code.

4 3. My duties with respect to recall elections and the re-
5 view of petitions calling for recall elections are described in
6 Elections Code §§27510, 27510.1, 27510.2, 27510.5, and 27511, and
7 in Government Code §6253.5.

8 4. With respect to petitions to recall Mayor Kile Morgan,
9 Councilman Luther Reid and Councilman Michael Dalla, the following
10 events have taken place:

11 5. On December 31, 1975, the proponents of the recall of
12 said officials submitted to me petitions purporting to contain
13 the signatures of 25% of the registered voters of National City
14 as of the last official report by the Secretary of State for
15 each of the office holders sought to be recalled. Each of the
16 three petitions were composed of 216 separate sections.

17 6. I reviewed said petitions on December 31, 1975, pursuant
18 to Elections Code §27510. In so doing I examined each section
19 of each petition to determine if the signature bore, in close
20 proximity thereto, the date on which it was made, the address of
21 the signer and the precinct number. I counted only the signa-
22 tures which had a date, an address in National City and a
23 precinct number.

24 7. Based upon the 1975 Official Report to the Secretary of
25 State the total number of registered voters in National City
26 was 7,021 and the number of signatures required on the recall

1 petition was 1756.

2 8. On the basis of my review, I determined that the petitions
3 contained the number of signatures, prima facie, which was in
4 excess of twenty-five percent (25%) of the registered voters.
5 I, therefore, filed the petitions and so notified the proponents.

6 9. I sent said petitions to the Registrar of Voters to be
7 examined by him, as my deputy, in accordance with Elections Code
8 §27510.1. One of the things to be determined in said examina-
9 tion is whether each signature bears, in immediate proximity
10 thereto, the precinct number of the signatory.

11 10. It was determined that there were numerous errors in
12 the petitions and that among the errors were numerous signatures
13 which had beside them incorrect precinct numbers. The Registrar
14 of Voters reported all of the errors to me and, in accordance
15 with Elections Code §27510.1(b) I disregarded all signatures
16 with errors including those which had beside them incorrect
17 precinct numbers.

18 11. I subsequently mailed a Notice of Insufficiency to the
19 proponents pursuant to Elections Code §27511.

20 12. On March 24, 1976, I received an "Order Granting
21 Equitable Relief" which specified procedures to be followed in
22 reprocessing said petitions.

23 13. Pursuant to said Order I recounted the signatures on
24 petitions for recall, determined that under the new criteria
25 the petitions contained an insufficient number of signatures to
26 qualify for the ballot, and sent the proponents Notices of

1 Insufficiency. Said Notices of Insufficiency are attached hereto
2 as Exhibits 1, 2 and 3. Said Notices notify the proponents that
3 they may, by April 14, 1976, file supplemental petitions con-
4 taining additional signatures.

5 14. The Notice of Insufficiency to the proponents of the
6 recall of Kile Morgan as Mayor stated that supplemental petitions
7 may be filed containing not less than 1548 signatures.

8 15. The Notice of Insufficiency to the proponents of the
9 recall of Luther Reid as Councilman stated that supplemental
10 petitions may be filed containing not less than 1460 signatures.

11 16. The Notice of Insufficiency to the proponents of the
12 recall of Michael Dalla as Councilman stated that supplemental
13 petitions may be filed containing not less than 1480 signatures.

14 17. The number of additional signatures which were specified
15 in the Notices of Insufficiency was based upon the requirement
16 of the March 24, 1976 Court Order that petitions filed pursuant
17 to a Notice of Insufficiency must contain 25% of the registered
18 voters of National City as of the 1976 Official Report to the
19 Secretary of State. The 1976 Official Report to the Secretary
20 of State indicates that the total number of registered voters
21 in National City was 9616 and that the number of signatures
22 required on recall petitions was 2404.

23 18. If the proponents had been required to submit additional
24 signatures based on the 1975 Official Registration, the proponents
25 would have to have filed supplemental petitions containing the
26 following number of signatures:

1 (1) The petition to recall Mayor Kile Morgan would have
2 had to contain 900 additional signatures; and

3 (2) The petition to recall Councilman Michael Dalla
4 would have had to contain an addition 832 signatures; and

5 (3) The petition to recall Councilman Luther Reid
6 would have had to contain 812 additional signatures.

7 19. On April 14, 1976, the proponents submitted supplemental
8 petitions containing the following number of signatures:

9 (1) The supplemental petition to recall Mayor Kile
10 Morgan contained 574 signatures; and

11 (2) The supplemental petition to recall Councilman
12 Michael Dalla contained 564 signatures; and

13 (3) The supplemental petition to recall Councilman
14 Luther Reid contained 562 signatures.

15 20. After counting the additional signatures contained on
16 the supplemental petitions I determined that the supplemental
17 petitions were deficient by the following amounts:

18 (1) The supplemental petition for the recall of Mayor
19 Kile Morgan was deficient by 974 signatures; and

20 (2) The supplemental petition for the recall of
21 Councilman Michael Dalla was deficient by 916 signatures; and

22 (3) The supplemental petition for the recall of
23 Councilman Luther Reid was deficient by 898 signatures.

24 21. Pursuant to Elections Code §§27,511 and 27,510 I re-
25 turned the supplemental petitions to the proponents.

26 ...

LAW OFFICES
JENNINGS, ENGSTRAND & HENRIKSON
A PROFESSIONAL LAW CORPORATION
701 PALOMAR FINANCIAL BUILDING
2022 CAMINO DEL RIO NORTH
SAN DIEGO, CALIFORNIA 92108
(714) 291-0840

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22. If the sufficiency of the supplemental petitions had been determined on the basis of the 1975 Official Report to the Secretary of State, the supplemental petitions would have been deficient by the following amounts:

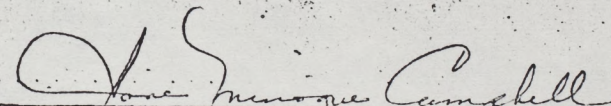
(1) The supplemental petition for the recall of Mayor Kile Morgan would have been deficient by 326 signatures; and

(2) The supplemental petition for the recall of Councilman Michael Dalla would have been deficient by 268 signatures; and

(3) The supplemental petition for the recall of Councilman Luther Reid would have been deficient by 250 signatures.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at National City, California, this 18th day of May, 1976.


Ione Minogue Campbell

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE FOURTH APPELLATE DISTRICT

AD HOC COMMITTEE ON CHICANO
RIGHTS, an unincorporated
organization; et al,

Plaintiffs,

vs

KILE MORGAN, individually and
as Mayor of National City; et al,
Defendants.

No. 377709

4 Civil. No. 14974

CLERK'S CERTIFICATE

UNDER RULE 42 OF THE

RULES ON APPEAL

I, Robert D. Zumwalt, Clerk of the County of San Diego,
State of California and Ex-officio Clerk of the Superior Court
therein, DO HEREBY CERTIFY:

That the following is true and correct as the same appears
of record in the above entitled action;

1. The nature of the action is a COMPLAINT FOR PERMANENT
INJUNCTION, TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNC-
TION, AND PETITION FOR WRIT OF MANDATE.

2. PETER A. SCHEY and RALPH ARREOLA, Attorneys for
Plaintiffs
1837 Highland Avenue
National City, Calif. 92050

JENNINGS, ENGSTRAND & HENRIKSON, Attorneys for
Defendants, by Michael Cowett
2022 Camino del Rio North
San Diego, Calif. 92108

3. An Order Granting Equitable Relief was filed on
March 24, 1976. Notice of Signing of the Order was mailed
by the clerk on March 26, 1976.

1 4 and 5. No notice of intention to move for a new trial
2 has been filed.

3 6. Notice of appeal from a portion of the order was filed
4 on April 14, 1976, by attorneys for plaintiffs.

5 7. Notice to prepare transcripts was due to be filed on
6 or before April 26, 1976. Said notice has not been filed.

7
8 Witness my hand and the
9 Seal of said Superior
10 Court this 3rd day of
11 May, 1976.

12
13 ROBERT D. ZUMWALT, County Clerk

14
15 By Barbara Peterson
16 Appeals Clerk
17
18
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26

DECLARATION OF SERVICE BY MAIL

I, RUTH S. HOLMES, declare:

I am a citizen of the United States, over 18 years of age, and not a party to the within cause. My business address is 701 Palomar Financial Building, 2022 Camino del Rio North, San Diego, California 92108. I served a copy of the attached "Motion To Dismiss Appeal", "Memorandum of Points and Authorities in Support of Motion to Dismiss Appeal", "Declaration of Ione Minogue Campbell", and "Clerk's Certificate Under Rule 42 of the Rules on Appeal" on each of the following by placing a copy thereof in a separate envelope addressed to each such addressee respectively as follows:

Peter A. Schey, Esq.
Ralph Arreola, Esq.
Ad Hoc Committee on Chicano Rights
1837 National Avenue
National City, CA 92050

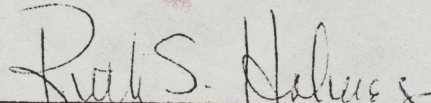
and

Robert D. Zumwalt, County Clerk
Attn: Barbara Peterson, Appeals Clerk
San Diego County Courthouse
220 West Broadway
San Diego, CA 92101

Each said envelope was then, on May 20, 1976, sealed and deposited in the United States mail at San Diego, California, the county in which I am employed, with the postage thereon fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20 day of May, 1976, at San Diego, California.


Ruth S. Holmes

Fight over number of signatures

Appeals court kicks out Chicano recall suit

An appeal by the Ad Hoc Committee for Chicano Rights to validate its recall effort against three National City councilmen has been dismissed.

The Fourth District Court of Appeal upheld the city's motion for dismissal of the suit.

THE AD HOC Committee had challenged a Superior Court ruling that required the group to submit recall petitions against Mayor Kile Morgan, Vice Mayor Joe Reid and Councilman Michael Dalla bearing 25% of the 1976 total of National City registered voters.

When the committee began circulating recall petitions in November, 1975, in reaction to the Oct. 12 fatal police shooting of Luis "Tato" Rivera, it had to collect 25% of the 1975 voter total, a lower figure.

The petitions turned in Dec. 31, 1975, fell short of the 1,756 signatures required.

The committee challenged the petitions invalidation in court, and the court agreed the committee might have been misled into placing incorrect voting precinct numbers after

petitions signatures, which resulted in invalidation.

THE COURT ruled that if corrections of the precinct numbers did not yield 1,756 signatures, the committee could have additional time to collect signatures, but under the 1976 figure which would require 2,404 signatures against each councilman.

On the April 14 deadline, the Ad Hoc Committee's petitions again fell short of the required total.

The committee then filed its

challenge of the ruling increasing its signature goal.

Deputy City Atty. Michael Cowett contended that the committee had failed to collect enough signatures under either required total, and the appeal court could grant no relief.

The petition effort was invalid, said Cowett, and the group would have to start afresh if it wished to continue its recall move.

He also contended that the attorneys for the group had failed to request lower court records to be transferred

to the appellate court as required by law.

The court dismissed the appeal "probably because of the combination of both factors," said Cowett.

Ad Hoc Committee Chairman Herman Baca was unaware of the court's action this week and said he did not know what further action the committee might take.

Attorney Ralph Arreola is away on vacation, and the group's other Legal Aid Society attorney Peter Schey also could not be reached.

CASE NUMBER: 377709

ATTORNEY:

PETER A. SCHEY-Attorney for Plaintiffs/Petitioners
AD HOC COMMITTEE ON CHICANO RIGHTS

1837 Highland Ave National City, Ca., 92050

Robert D. Zumwalt, Clerk
MAR 17 1976
BY R. MacNEILL, Deputy

DECLARATION OF SERVICE BY MAIL (C.C.P. 1013a and 2015.5)

I, the undersigned, say: I am over 18 years of age, resident and employed in
(Resident/Employed)
the County of San Diego, California, in which county the within-
mentioned mailing occurred, and not a party to the subject cause. My business
(Business/Residence)
address is 3040 Imperial Ave. San Diego, Ca., 92102
(No., Street) (City, State)

I served the SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF COMPALINT
FOR PERMANENT INJUNCTION, TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION, AND PETITION FOR WRIT OF MANDATE

of which a true and correct copy of the document filed in the cause is affixed, by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

MICHAEL COWETT, ESQ
JENNINGS, ENGSTRAND AND HENRIKSON
701 Palomar Financial Bldg.
2022 Camino del Rio North
San Diego, Cal., 92108

Each envelope was then sealed and with the postage thereon fully prepaid deposited in the
United States mail by me at San Diego California, on
(City)
March 17, 19 76

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 17, 1976, 19 76, at San Diego,
(Place)
California.

Marilyn Smothers
(Signature)
Marilyn Smothers.

PROOF OF SERVICE BY MAIL

ATTACH ORIGINAL OR TRUE COPY

1 Supreme Court in the case of Ley v. Dominguez, 212 Cal. 587, 299
2 P.713 (1931). In that case a petition was filed with the city
3 clerk in which there were numerous omissions of precinct numbers,
4 and many incorrect precinct numbers. Supporters of the petition
5 offered to supply the correct precinct numbers, but the clerk
6 refused them permission to do so. The petitioner in that case
7 then requested a writ of mandate directing the city clerk to
8 examine the petitions and count those signatures that were
9 accompanied by incorrect or incomplete precinct numbers.

10 The California Supreme Court held that the clerk's refusal
11 was improper. The precinct numbers were required for the
12 convenience of the clerk. According to the court, the provision
13 (requiring the attachment of precinct numbers) "was simply
14 designed as a mechanical aid to the city clerk in investigating,
15 identifying and verifying the persons and signatures of the
16 purported signers". Id., 212 Cal. at p.597.

17 The Court further stated that "It should not be held that
18 failure on the part of the signers to add the precinct numbers
19 opposite their names would invalidate the signatures of persons
20 otherwise qualified". Id., 212 Cal. at p.597.

21 The Court issued a peremptory writ of mandate to compel the
22 clerk to count the names of signers otherwise qualified.

23 Subsequently, in Mayock v. Kerr, 216 Cal. 171, 13 P2d. 717,
24 (1932), the Court refused to issue a writ of mandate ordering the
25 counting of signatures without accompanying precinct numbers, but
26 the refused was based on the specific grounds that in that case
27 the Registrar of Voters offered the sponsors of the petition a
28 reasonable time in which to place the correct numbers on the

1 on the petition and the supporters refused, contending that this
2 was the job of the Registrar. The Court stated in relevant part:

3 "Respondent expressly conceded that if such
4 precinct numbers are inserted by the proponents
5 or the signers he will proceed with the examina-
tion of the petitions." Id., 216 Cal. at p.173.

6 The Court in Mayock distinguished Ley v. Dominguez, supra,
7 on two grounds. First, the California Constitution, Article IV,
8 Section 1, concerning referendum and initiative petitions, was
9 directly applicable in the Mayock case and was not applicable in
10 the Ley case. That section of the constitution specifically
11 provides that precinct numbers must appear on referendum and
12 initiative petitions. The case herein is, like Ley, not controlled
13 by California Constitution Article IV, Section 1. Rather, the
14 applicable constitutional section herein is that part of Article
15 23, Section 1, entitled "Recall in Cities and Counties". Nothing
16 in that section requires that precinct numbers be attached to
17 signatures on a recall petition aimed at a city official.

18 Second, the Court in Mayock distinguished Ley because:

19 "(I)n that case [Ley] the proponents offered
20 to supply the precinct numbers, but the city
21 clerk declined to let them do so. In the
22 instant case the proponents have refused to
affix the precinct numbers to the petitions."
Mayock v. Kerr, supra, 216 Cal. at p.174.

23 In the case herein the petitioners have clearly not refused
24 to attach the correct precinct numbers, but have, instead,
25 requested the opportunity to so correct the precinct numbers.

26 The final California Supreme Court case directed to the
27 specific question of incorrect precinct numbers was Gerth v.
28 Dominguez, 1 Cal.2d 239, 34 P.2d 135 (1934). In that case the

1 clerk refused to certify a petition with incorrect precinct numbers.
2 But the clerk did notify the supporters of the petition of the
3 errors, and offered them an opportunity to correct them. The
4 supporters refused.

5 The Court held that the refusal brought the case within the
6 Mayock rule, but that "in consance with that decision, we hold
7 that the names may be considered if and when the correct numbers
8 are furnished by the sponsors". Id., 34 P.2d at p.137. The
9 Court then issued a writ of mandate compelling the clerk to
10 allow the furnishing of correct precinct numbers within "a reason-
11 able time. . .if requested by such sponsors". Id., 34 P.2d at
12 p.137.

13 Thus it was held that a writ of mandate compelling the clerk
14 to allow the correct numbers to be furnished was in consonance
15 with Mayock.

16 Petitioners request that respondent clerk IONE CAMPBELL be
17 ordered to either correct the precinct numbers previously submitted
18 or to deputize one or two persons to so correct the precinct
19 numbers.

20 MANDAMUS

21 II. MANDAMUS IS A PROPER REMEDY IN THE INSTANT CASE AND THE
22 COURT HAS DISCRETION IN ISSUING OR DENYING THE WRIT OF MANDAMUS.

23 The Court may properly issue a writ of mandate to the clerk
24 to count those signatures which have erroneous or nonexistent
25 precinct numbers, Ley v. Dominguez, supra, or to allow petitioners
26 to submit corrected precinct numbers, Mayock v. Kerr, supra, Gerth
27 v. Dominguez, supra. In all of these cited cases mandamus was the
28 remedy pursued.

1 III. PLAINTIFF'S ATTORNEY PROPERLY VERIFIED THE COMPLAINT
2 AND PLAINTIFFS FURTHER SUBMIT HEREIN THE VERIFICATIONS OF PLAINTIFF/
3 PETITIONERS.

4 See verifications attached hereto.

5 IV. PLAINTIFF/PETITIONERS ARE ENTITLED TO HAVE THE ORIGINAL
6 PETITION RETURNED OR, ALTERNATIVELY, TO HAVE THE CLERK ACCEPT
7 COPIES OF THE PETITIONS WITH THE CORRECTED PRECINCT NUMBERS.

8 If gross errors in precinct numbers appeared in the recall
9 petition making the number of signatures well under twenty-five
10 percent, said petitions should not have been accepted for filing.
11 Government Code Section 27510 states: "Any petition not so filed
12 shall be returned to the proponents of the recall." Government
13 Code Section 6253.5 would then be clearly inapplicable in the
14 instant case.

15 Government Code Section 6200 does not apply to this case and
16 defendants' ascertain that said section prohibits defendants from
17 engaging in such activity is therefore in error. Even in the case
18 where a register of probate proceedings kept by a county public
19 administrator was altered in good faith to correct an erroneous
20 statement of fact, such alteration lacked a criminal intent to
21 violate provisions of the statute punishing the wilfull alteration
22 of public records. People v. MacAtee, (1939), 95 P.2d 471, 35 C.A.
23 2d 329. In any event, acceptance by the Clerk of corrected copies
24 of said recall petitions would not involve any alterations by her
25 but would rather involve the work of petitioners in assisting her
26 with her ministerial duties for which specific purpose the
27 requirement of precinct numbers was adopted. Ley v. Dominguez,
28 supra.

Recall statutes and Constitutional provisions authorizing
recall petitions are to be liberally construed and the power thereby

1 reserved to the people is not to be interfered with except upon a
2 clear showing of a violation of law. Laam v. McLaren, (1915), 153
3 P.985, 28 C.A. 632; Magoon v. Heath, (1926), 250 P.583, 79 C.A.
4 632; Ley v. Dominguez, supra.

5 Thus, if there is a way to lawfully enforce the people's
6 constitutional right to petition by a liberal interpretation of
7 the recall statutes, this Court should try to do so and the
8 respondent Clerk should be ordered to accept said copies of the
9 petitions previously submitted with corrected precinct numbers.

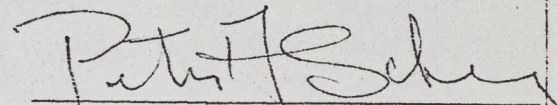
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11 DATED: March 17, 1976

Respectfully submitted,

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PETER A. SCHEY
Attorney for Plaintiffs/
Petitioners

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(VERIFICATION — 446, 2015.5, C. C. P.)

STATE OF CALIFORNIA
COUNTY OF

} ss.

I am the Plaintiff / Petitioner in Ad Hoc Committee on Chicano Rights, et. al. v. Morgan, et. al. Case No. 377709

in the above entitled action; I have read the foregoing COMPLAINT FOR PERMANENT INJUNCTION, TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, AND PETITION FOR WRIT OF MANDATE, FILED ON FEB. 10, 1976. and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I certify or (declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on March 17, 1976 at San Diego, California
(date) (place)

Herman Baca
(Signature)
Herman Baca

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(VERIFICATION — 446, 2015.5, C. C. P.)

STATE OF CALIFORNIA
COUNTY OF

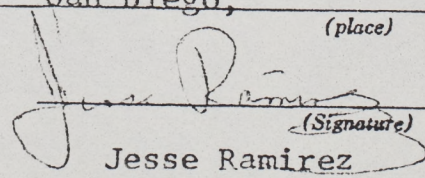
} ss.

I am the Plaintiff / Petitioner in Ad Hoc Committee on Chicano Rights, et. al. v. Morgan, et. al. Case no. 377709,

in the above entitled action; I have read the foregoing COMPLAINT FOR PERMANENT INJUNCTION,
TEMPORARY RESTRAINING ORDER, AND PRELIMINARY INJUNCTION, AND
PETITION FOR WRIT OF MANDATE, FILED ON FEB. 10, 1976,
and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which
are therein stated upon my information or belief, and as to those matters I believe it to be true.

I certify or (declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on March 17, 1976 at San Diego, California
(date) (place)


(Signature)
Jesse Ramirez

1
2
3 IN THE COURT OF APPEAL
4 FOURTH APPELLATE DISTRICT
5 STATE OF CALIFORNIA
6 DIVISION ONE
7

8 AD HOC COMMITTEE ON CHICANO)
9 RIGHTS, an unincorporated)
organization, et al.,)

4 CIVIL NO. 14974

10 Plaintiffs/Petitioners,)
11

11 vs.)
12

12 KILE MORGAN, individually and as)
13 Mayor of National City, et al.,)

13 Defendants/Respondents.)
14

15
16 MOTION TO DISMISS APPEAL
17 [Rule 42(a)]
18
19
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23 JENNINGS, ENGSTRAND & HENRIKSON
24 A Professional Law Corporation
25 DONALD F. McLEAN, JR.
26 C. MICHAEL COWETT
27 2022 Camino del Rio North
28 San Diego, California 92108

Attorneys for Defendants/Respondents

JENNINGS, ENGSTRAND & HENRIKSON
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San Diego, California 92108
291-0840

Attorneys for Defendants/Respondents

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE FOURTH APPELLATE DISTRICT

DIVISION ONE

AD HOC COMMITTEE ON CHICANO
RIGHTS, an unincorporated
organization, et al.,

Plaintiffs/Petitioners,

vs.

KILE MORGAN, individually and as
Mayor of National City, et al.,

Defendants/Respondents.

) Superior Court No. 377709
) 4th CIVIL NO. 14974
)
)

) MOTION TO DISMISS APPEAL
)
)

) [Rule 42(a)]
)
)
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)

Respondents, KILE MORGAN, et al., hereby move the Court to
dismiss the appeal of the Ad Hoc Committee on Chicano Rights,
et al., on the grounds that:

1. Appellants have failed to file a Notice to Prepare
Reporter's Transcript pursuant to Rule 4(a) of the California
Rules of Court; and

2. The Appellants have failed to file a notice designating
the papers or records to be contained in the Clerk's Transcript
pursuant to Rule 5(a) of the California Rules of Court; and

...

1 3. The appeal is moot.

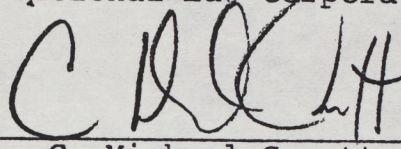
2 Said motion is based upon the Memorandum of Points and
3 Authorities filed herewith, the Declaration of Ione Minone
4 Campbell, City Clerk of the City of National City, and the
5 Certificate of the Clerk of the Superior Court.

6 Dated: May 19, 1976.

7 Respectfully submitted,

8 JENNINGS, ENGSTRAND & HENRIKSON
9 A Professional Law Corporation

10
11 By



12 C. Michael Cowett

13
14 IT IS SO ORDERED.

1 JENNINGS, ENGSTRAND & HENRIKSON
2 A Professional Law Corporation
3 701 Palomar Financial Bldg.
4 2022 Camino del Rio North
5 San Diego, California 92108
6 291-0840

7 Attorneys for Defendants/Respondents

8 IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
9 IN AND FOR THE FOURTH APPELLATE DISTRICT

10 DIVISION ONE

12 AD HOC COMMITTEE ON CHICANO)	
13 RIGHTS, an unincorporated	)	Superior Court No. 377709
14 organization, et al.,)	
15 Plaintiffs/Petitioners,	)	4TH CIVIL NO. <u>14974</u>
16 vs.)	
17 KILE MORGAN, individually and as	)	MEMORANDUM OF POINTS AND
18 Mayor of National City, et al.,	)	AUTHORITIES IN SUPPORT
19 Defendants/Respondents.	)	OF MOTION TO DISMISS APPEAL
20)	

21 I

22 INTRODUCTION

23 Plaintiffs/Petitioners and Appellants, AD HOC COMMITTEE ON
24 CHICANO RIGHTS, et al., filed Petition for Preemptory Writ of
25 Mandate and a Complaint for Preliminary Injunction Seeking
26 Alternative Relief which would have in effect permitted the cor-
27 rection of incorrect precinct numbers which were placed upon
28 petitions to recall Mayor Kile Morgan, and City Councilmen
Michael Dalla and Luther Reed, which petitions were filed by

1 the proponents of said recall with the City Clerk on December 31,
2 1975.

3 On March 24, 1976, the trial court issued an "ORDER GRANTING
4 EQUITABLE RELIEF" compelling the City Clerk of National City
5 to recount the signatures on each petition using a new court
6 imposed criteria with respect to determining the validity of
7 the precinct numbers placed thereon, to notify the proponents
8 of the sufficiency or insufficiency of the original petitions
9 using the new court imposed criteria, and, if the petitions
10 were insufficient, to notify the proponents that they had until
11 April 14, 1976, to obtain new signatures equal to 25 percent
12 of the registered voters of National City as determined by the
13 County Clerk's 1976 Official Report of Registration to the
14 Secretary of State.

15 Subsequent to the filing of said Order a recount was made
16 by the City Clerk, a Notice of Insufficiency was sent and the
17 proponents of said recall filed supplemental petitions on
18 April 14, 1976, containing an inadequate number of signatures
19 utilizing either the 1975 Official Report or the 1976 Official
20 Report.

21 By reason of said inadequacy the City Clerk returned the
22 Supplemental Petitions to the proponents.

23 Subsequently the Ad Hoc Committee filed a Notice of Appeal
24 from a portion of the Court Order which provided that petitions
25 filed on December 31, 1975, which were found to be insufficient,
26 must be supplemented by Supplemental Petitions containing
27 signatures equal to 25 percent of the registered voters in
28 National City according to the 1976 Official Report of

1 Registration rather than 25 percent of the registered voters
2 according to the 1975 Official Report of Registration.

3 The Respondents contend that since the Appellants have only
4 appealed the Order on the ground that they should have been
5 required to obtain additional signatures based upon the County
6 Clerk's 1975 Official Reports, and since they filed additional
7 signatures which fell short of the number needed under the 1975
8 standard, the appeal is moot.

9 II

10 THE APPEAL IS MOOT

11 A. Appellants Only Appealed From A Portion Of The Order.

12 The Order dated March 24, 1976, which is attached hereto
13 as Exhibit 1, contains three distinct and separate provisions:

14 1. It directs the City Clerk of National City to review
15 the original Recall Petitions to determine the validity of said
16 petitions using a new court imposed criteria for determining
17 the validity of signatures; and

18 2. It directs the City Clerk to prepare a notice of
19 sufficiency or insufficiency notifying the proponents whether the
20 original petitions are sufficient using new court imposed
21 criteria. The second principal provision of the Order also pro-
22 vides that if the petitions are insufficient, the Clerk must
23 prepare a Notice of Insufficiency notifying the proponents that
24 they must file additional signatures which, when combined with
25 previously filed valid signatures, equal not less than 25 percent
26 of the registered voters of National City according to the
27 County Clerk's 1976 Official Report of Registration to the
28 Secretary of State; and

1 3. It provides that if supplemental petitions are sub-
2 mitted by the proponents, the Clerk shall process them in the
3 manner set forth in the Elections Code.

4 On April 14, 1976, Petitioners and Appellants filed a
5 Notice of Appeal in the Superior Court which read as follows:

6 "NOTICE IS HEREBY GIVEN that plaintiffs/
7 petitioners, AD HOC COMMITTEE ON CHICANO RIGHTS,
8 /et al. appeal from that portion of the order
9 which states that in the event that a notice
10 of insufficiency is prepared as herein above
11 described, the clerk shall report to the pro-
12 ponents the number of signatures by which the
13 petitioners with deficient (sic) and shall
14 notify the proponents that they must fill (sic)
additional signatures, which, when combined
with previously files (sic) valid signatures,
equal not less than 25% of the register (sic)
votes (sic) in National City according to the
County Clerks (sic) 1976 Official reports (sic)
of registration to the Secretary of State
entered herein on March 24, 1976."

15 Thus, Petitioners and Appellants have only appealed the
16 second portion of paragraph 2 of the Order which provides that
17 supplemental petitions must contain signatures "which, when
18 combined with previously filed valid signatures, equal not less
19 than 25 percent of the registered voters in National City ac-
20 cording to the County Clerk's 1976 Official Report of Registration
21 to the Secretary of State."

22 An appeal from a portion of an Order or Judgment which is
23 divisible brings up for review only that portion designated in
24 the Notice of Appeal. Glassco v. El Sereno Country Club, Inc.
25 (1932) 217 Cal. 90 at 92.

26 By restricting their appeal to the one portion of the Order,
27 the Appellants confine their appeal to the question of whether
28 supplemental petitions should contain additional signatures

1 equal to 25 percent of the registered voters in National City
2 according to the County Clerk's 1975 Official Report of Regis-
3 tration to the Secretary of State or according to the 1976
4 Official Report. Said portion of the Order does not contain
5 reference to any other issue in the case. It does not challenge
6 the criteria pursuant to which the validity of the original
7 petitions was to be determined, it does not challenge the
8 court's determination of the time within which any of the acts
9 were to be accomplished or any other issue dealt with in the
10 Order.

11 B. Supplemental Petitions Submitted Contained Less
12 Signatures Than Required Under The 1975 List Of
13 Registered Voters.

14 The events which took place subsequent to the filing of
15 the Order render the appeal moot. They are contained in the
16 Declaration of Ione Minogue Campbell attached hereto.

17 To demonstrate how the events rendered the appeal moot
18 it is necessary to review briefly the substantive legal issue
19 presented by the appeal.

20 Elections Code §27501 provides that petitions seeking
21 the recall of the city officer "shall be signed by not less
22 than 25 percent of the voters of the city, . . . according to
23 the County Clerk's last Official Report of Registration to the
24 Secretary of State." The Official Report of Registration is
25 made to the Secretary of State during the first week of January
26 each year. It contains the registered voters of each juris-
27 diction as of the date it is filed. The proponents filed the
28 . . .

original petitions at issue on December 31, 1975. Subsequently the petitions were counted by the City Clerk, pursuant to Elections Code §27510.1, and were found to be insufficient on or about January 26 , 1976. During January, 1976 the 1976 Official Report of Registration was made to the Secretary of State. The difference between the 1975 Official Report and the 1976 Official Report and the consequential difference in the number of signatures required on the recall petitions is reflected in the following chart.

Official Report of Registration			
	1975	1976	Difference
Total Number of Registered Voters in National City	7021	9616	2595
Number of Signatures Required on Recall Petition	1756	2404	648

Had the Court Order required the proponents to file 25 percent of the registered voters under the 1975 Official Registration, the proponents would have had to file supplemental petitions containing the following number of signatures:

- (1) The petition to recall Mayor Kile Morgan would have had to contain 900 additional signatures; and
- (2) The petition to recall Councilman Michael Dalla would have had to contain an additional 832 signatures; and

. . .

(3) The petition to recall Councilman Luther Reed would have had to contain 812 additional signatures.

On April 14, 1976, the proponents submitted supplemental petitions to the City Clerk. Said supplemental petitions contained the following number of signatures:

(1) The supplemental petition to recall Kile Morgan contained 574 signatures; and

(2) The supplemental petition to recall Councilman Michael Dalla contained 564 signatures; and

(3) The supplemental petition to recall Councilman Luther Reed contained 562 signatures.

The additional signatures required, the additional signatures submitted, and the deficiency according to both 1975 and 1976 Official Reports are reflected in the following chart.

	Mayor Morgan	Council- man Reed	Council- man Dalla
Additional Signatures Required Using 1976 Official Registration	1548	1460	1480
Additional Signatures Required Using 1975 Official Registration	900	812	832
Additional Signatures on Supplemental Petition Submit- ted April 14, 1976	574	562	564
Deficiency of Supplemental Petitions Using 1976 Official Registration	974	898	916
Deficiency of Supplemental Petitions Using 1975 Official Registration	326	250	268

...

1 Therefore, the supplemental petitions filed on April 14,
2 1976, pursuant to the Court Order and the Notice of Insufficiency
3 contained less signatures than were required using the 1976
4 Official Registration and also contained less signatures than
5 would have been required if the 1975 Official Registration List
6 were used.

7 The Notice of Appeal challenges the Order on the grounds
8 that the 1975 Official Registration List should have been used.
9 The Appeal is thus moot because should the Appellants prevail
10 they would nonetheless fail in their efforts to recall the Mayor
11 and the two City Councilmen because the supplemental petitions
12 did not contain enough signatures to qualify using the 1975
13 Official Registration List.

14 The rule articulating the standard for determining when an
15 appeal is moot is clearly as stated in Paul v. Milk Depots, Inc.
16 (1964) 62 Cal.2d 129:

17 "It is settled that 'the duty of this court,
18 as of every other judicial tribunal, is to
19 decide actual controversies by a judgment
20 which can be carried into effect, and not to
21 give opinions upon moot questions or abstract
22 propositions, or to declare principles or
23 rules of law which cannot affect the matter
24 in issue in the case before it. It neces-
25 sarily follows that when, pending an appeal
 from the judgment of a lower court, and
 without any fault of the defendant, an event
 occurs which renders it impossible for this
 court, if it should decide the case in favor
 of plaintiff, to grant him any effectual re-
 lief whatever, the court will not proceed to
 a formal judgment, but will dismiss the appeal.
 [Citations.]'" 62 Cal.2d at 132

26 . . .

27 . . .

28 . . .

1 Because of the filing of supplemental petitions containing
2 less signatures than the Appellants themselves contend should
3 have been required, it would be impossible for the Court on
4 appeal to grant Appellants "any effectual relief whatever."
5 Thus, the Court should not proceed to final judgment but should
6 dismiss the appeal.

7 III

8 APPELLANTS HAVE FAILED TO REQUEST
9 REPORTER'S TRANSCRIPT OR
DESIGNATE THE CLERK'S TRANSCRIPT

10 The Appellants filed their Notice of Appeal on April 14,
11 1976. As of the date of filing of this Motion, more than ten
12 (10) days after the filing of the Notice of Appeal, no Notice to
13 Prepare Reporter's Transcript has been filed pursuant to Rule 4(a)
14 of the California Rules of Court and no Notice Designating a
15 Clerk's Transcript has been filed pursuant to Rule 5(a) of the
16 California Rules of Court.

17 The Appellants' failure to so file said Notices is cause
18 for dismissal of the Appeal pursuant to Rule 10(b) of the
19 California Rules of Court. Rule 10(b) provides as follows:

20 "If the Appellant shall fail to perform any
21 act necessary to procure the filing of the
22 records within the time allowed therefor,
23 or within any valid extension of that time,
24 and such failure is the fault of the Appellant
and not of any court officer or any other
party, the appeal may be dismissed on motion
of the Respondent or on the reviewing court's
own motion."

25 . . .

26 . . .

27 . . .

28 . . .

IV

CONCLUSION

Therefore, due to events occurring subsequent and pursuant to the Order appealed from, it is impossible for the Appellants to receive any effectual relief on appeal. Their appeal is thus moot.

The Appellants have failed to timely file Notices required by Rules 4(a) and 5(a) of the California Rules of Court, said failure constitutes the failure to perform an act "necessary to procure the filing of the record within the time allowed therefor", said failure is not the fault of any court officer or any other party and no valid extension of the time within which to file said Notices has been obtained.

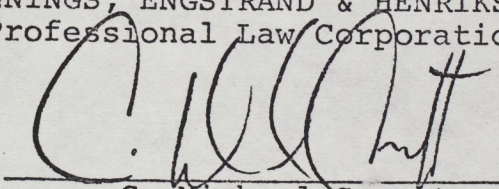
The appeal should therefore be dismissed.

Dated: May 19, 1976.

Respectfully submitted,

JENNINGS, ENGSTRAND & HENRIKSON,
A Professional Law Corporation

By


C. Michael Cowett

PETER A. SCHEY, ESQ.

RALPH ARREOLA, ESQ.

Ad Hoc Committee on Chicano Rights

1837 Highland Avenue

National City, CA 92050

Attorneys for Plaintiffs/Petitioners

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

AD HOC COMMITTEE ON CHICANO

RIGHTS, an unincorporated

organization; HERMAN BACA,

an individual; JESSE RAMIREZ,

an individual; CONSUELO RUBIO,

an individual; OSCAR O. CANEDO,

an individual; BEULAH E. XANDER,

an individual,

Plaintiffs/Petitioners,

vs.

KILE MORGAN, individually and as

Mayor of National City; MICHAEL

DALLA, individually and as Council-

man of National City; LUTHER REID,

individually and as a Councilman

of National City; IONE MINOGUE

CAMPBELL, individually and as

City Clerk for National City;

DOES I-X,

Defendants/Respondents

NO. _____

COMPLAINT FOR
PERMANENT
INJUNCTION, TEMPORARY
RESTRAINING ORDER
AND PRELIMINARY
INJUNCTION, AND
PETITION FOR WRIT
OF MANDATE
(C.C.P. 1086).

FIRST CAUSE OF ACTION

I

Plaintiff, the Ad Hoc Committee on Chicano Rights
(hereinafter "Ad Hoc Committee") is an unincorporated organi-
zation with offices located at 1837 Highland Avenue, National

1 City, California, 92050. The Ad Hoc Committee has been in
2 existence for several years. The primary purpose of the Ad
3 Hoc Committee is to protect and promote the Constitutional
4 rights of Chicano persons and other indigent and oppressed
5 minority groups. During all times relevant herein, the Ad
6 Hoc Committee has been involved in coordinating a recall
7 petition drive against certain elected public officials of
8 National City.

9 II

10 Plaintiff Herman Baca, at all times relevant herein,
11 has been a United States citizen, a registered voter in
12 National City, California, and a resident of National City,
13 California. Plaintiff Baca is the Chairman of the Ad Hoc
14 Committee and was named as a proponent of a recall petition
15 filed with the City Clerk of National City on November 4, 1975.
16 Plaintiff Baca was again named as a proponent in three
17 documents entitled "NOTICE OF INTENTION TO CIRCULATE PETITION
18 FOR RECALL OF CITY OFFICIAL" filed with the City Clerk of
19 National City on November 14, 1975.

20 III

21 Plaintiff Jesse Ramirez, at all times relevant
22 herein, has been a United States citizen, a registered voter
23 of National City, and a resident of National City, California.
24 Plaintiff Ramirez is a member of the Ad Hoc Committee and was
25 named as a proponent of a recall petition filed with the City
26 Clerk of National City on November 4, 1975. Plaintiff Ramirez
27 was again named as a proponent in three documents entitled
28 "NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY

1 OFFICIAL" filed with the City Clerk of National City on
2 November 14, 1975.

3 IV

4 Plaintiff Consuelo Rubio, at all times relevant
5 herein, has been a United States citizen, a registered voter
6 of National City, and a resident of National City, California.
7 Plaintiff Rubio is a member of the Ad Hoc Committee and was
8 named as a proponent of a recall petition filed with the City
9 Clerk of National City on November 4, 1975. Plaintiff Rubio
10 was again named as a proponent in three documents entitled
11 "NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY
12 OFFICIAL" filed with the City Clerk of National City on
13 November 14, 1975.

14 V

15 Plaintiff Oscar Canedo, at all times relevant herein,
16 has been a United States, a registered voter of National City,
17 and a resident of National City, California. Plaintiff
18 Canedo is a member of the Ad Hoc Committee and was named as a
19 proponent of a recall petition filed with the City Clerk of
20 National City on November 4, 1975. Plaintiff Canedo was again
21 named as a proponent in three documents entitled "NOTICE OF
22 INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY OFFICIAL"
23 filed with the City Clerk of National City on November 14,
24 1975.

25 VI

26 Plaintiff Beulah Xander, at all times relevant herein,
27 has been a United States citizen, a registered voter of
28 National City, and resident of National City, California.

1 Plaintiff Xander is a member of the Ad Hoc Committee and was
2 named as a proponent of a recall petition filed with the City
3 Clerk of National City on November 4, 1975. Plaintiff Xander
4 was again named as a proponent in three documents entitled
5 "NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY
6 OFFICIAL" filed with the City Clerk of National City on
7 November 14, 1975.

8
9 VII

10 Defendant Kile Morgan is an individual and the Mayor
11 of National City. In this capacity he presides over the City
12 Council of National City and participates in developing
13 official positions, policies and procedures for the city of
14 National City.

15 VIII

16 Defendant Michael Dalla is an individual and a City
17 Councilman for National City. In this capacity he participates
18 in developing official positions, policies and procedures for
19 the City of National City.

20 IX

21 Defendant Luther Reid is an individual and a City
22 Councilman for National City. In this capacity he participates
23 in developing official positions, policies and procedures for
24 the City of National City.

25 X

26 Defendant Ione Minogue Campbell is an individual
27 and the city Clerk for the City of National City. In this
28 capacity she is responsible for receiving and filing recall
petitions, and issuing certifications of sufficiency or

1 insufficiency with regard to said petitions.

2 XI

3 Does I through X are employees of the city of National
4 City. The identities of Does I through X are not known at
5 this time to plaintiffs/petitioners. As soon as the identity
6 of said defendants becomes known to plaintiff/petitioners,
7 plaintiffs/petitioners will amend this complaint accordingly.

8 XII

9 On October 28, 1975, at a mass community meeting
10 held at Saint Anthony's Church, 18th and Harding Streets,
11 National City, the Ad Hoc Committee voted to coordinate a
12 recall petition drive against certain elected public officials
13 of National City. The persons identified as being the subjects
14 of the recall effort were: Mayor Kile Morgan, Councilman
15 Michael Dalla, and Councilman Luther Reid. See, Affidavit
16 of Baca, paragraph 3, attached hereto as "Exhibit A", and
17 hereby incorporated by this reference. See, Affidavit of
18 Phillip Alcala, paragraph 2, attached hereto as "Exhibit B",
19 and hereby incorporated by this reference.

20 XIII

21 On November 4, 1975, copies of three documents
22 entitled "Petition for Recall of City Official" were filed
23 with defendant Campbell, City Clerk of National City, pursuant
24 to California Elections Code Sections 27500, et. seq. The
25 petitions named three elected officials (see paragraph XII,
26 supra.). On the same day, November 4, 1975, the originals of
27 these documents were served on the public officials named there-
28 in pursuant to Elections Code Section 27504. Named as proponents

1 of the recall effort were plaintiffs/Petitioners Herman Baca,
2 Jesse Ramirez, Consuelo Rubio, Oscar Canedo, and Beulah Xander.

3 XIV

4 On November 7, 1975, Mr. Reuben Rubio, 1729 Cleveland
5 Avenue, National City, the husband of plaintiff/petitioner
6 Mrs. Consuelo Rubio and a member of the Ad Hoc Committee,
7 received a telephone call from defendant Campbell. Defendant
8 Campbell stated that she was calling from a telephone outside
9 the City Clerk's office because she felt her phone was bugged.
10 Defendant Campbell asked Mr. Rubio to meet her at her home,
11 which he did. At her home defendant Campbell told Mr. Rubio
12 that the petitions filed in her office on November 4, 1975,
13 were invalid in that they were incorrectly labelled. The
14 documents served and filed on November 4, 1975, were labelled
15 "Petition for Recall of City Official" instead of "Notice of
16 Intention to Circulate Petition for Recall of City Official."
17 See, Affidavit of Reuben Rubio, attached hereto as "Exhibit C"
18 and hereby incorporated by this reference.

19 XV

20 On November 14, 1975, as a result of the contact made
21 by defendant Campbell mentioned in paragraph XIV, supra.,
22 originals of three documents entitled "Notice of Intention to
23 Circulate Petition for Recall of City Official" were served on
24 defendants Morgan, Dalla and Reid, pursuant to Elections Code
25 section 27504. On the same day, copies of said documents were
26 filed with defendant Campbell, City Clerk, pursuant to Elections
27 Code sections 27500, et. seq. A true and correct copy of one
28 of these documents, referring to Councilman Michael R. Dalla,

1 is attached hereto as "Exhibit D", and is hereby incorporated
2 by this reference. The documents served and filed on November
3 14, 1975, were identical with those documents served and filed
4 on November 4, 1975, except for the change in title noted above.
5 See, Exhibit A, paragraphs 4, 5, and 9; Affidavit of Plaintiff
6 Jesse Ramirez, paragraph 5, attached hereto as "Exhibit E" and
7 hereby incorporated by this reference.

8 XVI

9 On November 12, 1975, in an effort to discover what
10 technical problem existed with the documents filed and served
11 on November 4, 1975, Mr. Carlos Vasquez, member of the Ad Hoc
12 Committee, Mr. Ralph Inzunza, Treasurer of the Ad Hoc Committee,
13 and Mr. Ralph Arreola, attorney for the Ad Hoc Committee, visited
14 the offices of defendant Campbell. They were informed by
15 defendant Campbell that no one had yet reviewed the petition
16 and that any information concerning the petition was "confiden-
17 tial." See, Affidavit of Carlos Vasquez, attached hereto as
18 "Exhibit F" and incorporated by this reference; see also,
19 Exhibit A, paragraph G.

20 Later that same day, November 12, 1975, Mr. Vasquez
21 spoke on the telephone to Mr. Don McClean, City Attorney for
22 National City. Mr. Vasquez asked Mr. McClean if he had any
23 information concerning the recall petition. Mr. McClean res-
24 ponded that he had not seen or reviewed the petitions and that
25 any questions concerning the petitions should be directed to
26 attorneys for the Ad Hoc Committee. See, Exhibit F attached
27 hereto.

28 : : : : :

XVII

On or about November 13, 1975, plaintiff Herman Baca, in the presence of Mr. Phillip Alcala and Mr. Carlos Vasquez, telephoned defendant Campbell and identified himself as a proponent of the recall documents filed in her office on November 4, 1975. Plaintiff Baca asked defendant Campbell if her office could provide a precinct map to be used in collecting signatures on the recall petitions. Defendant Campbell informed plaintiff Baca that her office could provide such a map. Plaintiff Baca informed defendant Campbell that Mr. Phillip Alcala would pick up the map and instructions for its use later that day. See, Exhibit A, paragraph 7; Exhibit B, paragraph 4.

XVIII

At approximately 3:00 P.M. on November 13, 1975, Mr. Phillip Alcala, Registrar Coordinator for the Ad Hoc Committee, entered the offices of defendant Campbell. Mr. Alcala identified himself to defendant Campbell and told her he was there to pick up the precinct maps for Herman Baca. Mr. Alcala specifically asked defendant Campbell to provide him with a map showing the precinct numbers that should be used in the recall petition drive. See, Exhibit B, paragraph 5.

Defendant Campbell produced two large identical maps, both showing 44 precinct numbers. A copy of one of these maps is attached to Exhibit B. Defendant Campbell also provided Mr. Alcala with a four-page document entitled "Special Municipal Election." A true and correct copy of said document is attached to Exhibit B and is thereby incorporated by reference.

1 Defendant Campbell proceeded to explain to Mr. Alcala
2 that the purpose of the four-page document was to consolidate
3 the 44 precincts listed on the map into 18 precincts. The
4 document indicates, for example, that precinct numbers 51560,
5 51771 and 51870 are all consolidated into one precinct which is
6 to be numbered 51560. See, Exhibit B attached hereto, paragraph
7 6.

8
9 XIX

10 Plaintiffs efforts to secure correct precinct numbers
11 resulted from the language of Elections Code sections 27510(2),
12 27510.1(a)(3) and 27510.1(b). Those sections appear to allow
13 the City Clerk to disregard any signatures on the recall petition
14 that are not accompanied by the address and precinct number of
15 the signer.

16 XX

17 On November 13, 1975, Mr. Phillip Alcala returned to
18 the offices of the Ad Hoc Committee and informed plaintiff
19 Herman Baca that defendant Campbell had advised that the
20 consolidated precinct numbers were to be used on the petitions
21 for recall. See, Exhibit A, paragraph 8.

22 During the recall petition drive that followed in
23 the months of November and December, 1975, the Ad Hoc Committee
24 and its volunteers consistently listed precinct numbers next
25 to signatures on the petitions on the basis of the instructions
26 issued by defendant Campbell using the four-page document entitled
27 "Special Municipal Elections." See, Exhibit A, paragraph 10;
28 Exhibit B, paragraph 7.

: : : : :

XXI

On December 31, 1975, petitions calling for recall elections against defendants Mayor Kile Morgan, Councilman Michael Dalla, and Councilman Luther Reid, were filed with defendant Campbell, City Clerk, pursuant to Elections Code sections 27500 and 27509. See, Exhibit A, paragraph 11; Exhibit B, paragraph 8.

XXII

Elections Code section 27510 provides that once the petitions are turned over to the City Clerk, the Clerk shall determine whether the petitions contain signatures, the date of such signatures, and the address and precinct numbers of the signers, in an amount equalling or exceeding 25% of the number of registered voters of the city. If this number is met, the clerk must accept the petitions for filing and the petitions are deemed filed as of the date of the clerk's determination. Section 27510 further provides that any petitions "not so filed shall be returned to the proponents of the recall."

No petitions were returned to plaintiffs, proponents of the recall, and, the petitions were deemed filed as of December 31, 1975. See, letter from defendant Campbell to "The Honorable Mayor and Members of the City Council" dated January 6, 1976, a true and correct copy of which is attached hereto as "Exhibit G", and is hereby incorporated by this reference.

As is pointed out in Exhibit G, the number of signatures needed to qualify each petition was 1,756. The number of signatures submitted was as follows: Mayor Morgan - 1,791; Councilman Reid - 1,783; and Councilman Dalla - 1,758.

XXIII

On or about January 5, 1976, plaintiff Herman Baca received a telephone call from defendant Campbell informing him that numerous signatures on the petitions had been assigned incorrect precinct numbers. Defendant Campbell explained that one or more of the proponents could, under the Elections Code, appear at her offices to correct the precinct errors. Plaintiff Baca and defendant Campbell agreed that one or more of the proponents would appear at the City Clerk's office on the following day to correct the precinct numbers. See, Exhibit A, paragraph 12.

XXIV

Approximately one hour after the conversation referred to in paragraph XXIII, supra., defendant Campbell again called plaintiff Baca and informed him that she had checked with the San Diego County Voter Registrar, Charles Sexton, and that no one except herself and her deputies could view the petitions once filed. See, Exhibit A, paragraph 13.

XXV

On January 9, 1976, plaintiff Herman Baca telephoned defendant Campbell and inquired as to whether the incorrect precinct numbers may have resulted from her use of the 44 precincts as the correct precinct numbers, while the petitions contained precinct numbers based on 13 consolidated precincts as per her instructions of November 13, 1975, issued to Mr. Phillip Alcala. Defendant Campbell responded that she had not previously thought of this possibility. See, Exhibit A, paragraph 14.

XXVI

On January 26, 1976, defendant Campbell mailed to all plaintiffs/proponents a cover-letter attached to a certificate of insufficiency for each of the officials sought to be recalled. A true and correct copy of one such letter, to proponent Consuelo Rubio concerning Councilman Michael Dalla, is attached hereto as "Exhibit H" and is hereby incorporated by this reference.

The cover-letter states in part:

"Among the defects in the petition are:

1. Incorrect precinct numbers . . .
2. Duplication of signatures,
3. Affidavit of petition circulator was dated prior to the dates opposite the signatures on the petition,
4. Persons signed who live outside the corporate limits of the City,
5. Persons signed who are not registered voters,
6. Persons signed who are aliens, and
7. Ditto marks were used to indicate address and/or date."

See, Exhibit H, attached hereto.

XXVII

On or about December 24, 1975, plaintiff Jesse Ramirez, a proponent of the recall petition, contacted defendant Campbell in the offices of the City Clerk. Mr. Ramirez began to discuss the recall petitions with defendant Campbell. Defendant Campbell lowered her voice and motion with her hand towards a ventilation duct in the ceiling. Defendant Campbell whispered that she believed her office was bugged. See, Exhibit E, paragraph 7.

Concerning the recall petitions, defendant Campbell then wrote the following message in red pencil on two small

1 white pieces of paper:

2 "City Atty [sic] says to accept and let
3 him review before I certify. Be sure
4 your attorney goes over whole procedure
5 before petition is filed.
6 They will try to knock it out on a
7 technicality." See, Exhibit E, paragraph
8 8, and attachment to Exhibit E.

9 XXVIII.

10 Pursuant to Elections Code section 27511, the
11 proponents of the recall may, within thirty (30) days of the
12 mailing of the certificate of insufficiency, file a supplemental
13 petition, in form a duplicate of the original petition, bearing
14 new additional signatures. The 30 day period specified in
15 section 27511 is, at this time, running.

16 XXIX.

17 Defendant Campbell at all times relevant herein had
18 a duty to faithfully enforce and adhere to those statutes
19 regulating a recall petition drive. California Elections Code
20 §§27500, et. seq. Defendant Campbell had a duty, pursuant to
21 Elections Code §27510, to file the petitions upon physical
22 submission if the petitions contained signatures "and the name
23 or number of the precinct in which the signer resides" (section
24 27510(2)) equalling or in excess of 25% of the number of
25 registered voters in the city. Defendant Campbell had a duty,
26 pursuant to Elections Code section 27510, as follows: "Any
27 petition not so filed shall be returned to the proponents of
28 the recall."

Defendant Campbell had a duty to provide the proponents
with accurate information concerning the use of precinct numbers
in National City. Defendant Campbell had a duty, in her

1 capacity as City Clerk, to not mislead the proponents of the
2 recall into using incorrect precinct numbers.

3 Upon becoming aware that the proponents had used
4 incorrect precinct numbers based on incorrect information
5 provided to them by defendant Campbell, defendant Campbell
6 had a duty to either correct said precinct mistakes or to allow
7 the proponents and opportunity to correct said mistakes.

8 XXX.

9 Commencing on or about November 4, 1975, and
10 continuing to the present, defendant Campbell wrongfully and
11 unlawfully did those acts enumerated in paragraphs XIII-XIV,
12 XVI-XVIII, and XXII-XXVIII, supra. Commencing on or about
13 November 4, 1975, and continuing to the present, defendant
14 Campbell wrongfully and unlawfully failed to and refused to
15 perform the duties enumerated in paragraph XXIX, supra.

16 XXXI.

17 Plaintiffs/petitioners herein have at all times
18 complied with the statutory regulations pertaining to a recall
19 petition drive. Plaintiffs/petitioners, proponents and/or
20 coordinators of the recall petition, in good faith utilized
21 precinct numbers on the petitions in accordance with instructions
22 received from defendant Campbell, City Clerk.

23 XXXII.

24 Plaintiff/petitioners are entitled to performance by
25 defendant Campbell of her said several duties enumerated in
26 paragraph XXIX, supra., in order that they, and the citizens
27 of National City, may lawfully exercise their right to recall
28 pursuant to Elections Code sections 27500, et. seq.

XXXIII.

At all times herein mentioned, defendant Campbell has been able to perform her several said duties, but, notwithstanding such ability, and despite the request made to her on January 5, 1976, (see paragraph XXIII, supra.), defendant Campbell has failed and refused, and continues to fail and refuse, to perform her said duties.

XXXIV.

As a proximate result of said wrongful conduct of defendant Campbell, plaintiffs/petitioners, and each of them, and the citizens of National City who signed said petitions, have effectively been denied their right to recall in violation of California Elections Code sections 27500, et. seq., their First Amendment right to redress of grievances guaranteed by the United States Constitution, their right to due process as guaranteed by the Fourteenth Amendment of the United States Constitution and the California Constitution, Article 1, section 7, their right to petition for redress of grievances as guaranteed by the California Constitution, Article 1, section 10, and their inalienable right to pursue and obtain safety and happiness as guaranteed by the California Constitution, Article 1, section 1. Defendant's acts further violate plaintiffs/petitioners' right to recall pursuant to California Constitution, Article 23, section 1.

XXXV.

Plaintiffs/petitioners have no plain, speedy and adequate remedy in the ordinary course of law in that the 30 day time period provided in California Elections Code section

1 27511 to collect additional signatures purportedly began to
2 run on January 26, 1976, to date on which defendant Cambell
3 mailed the certificates of insufficiency. Exhibit H, attached
4 hereto. Plaintiffs/petitioners will suffer irreparable injury
5 in that their entire recall effort will be frustrated unless
6 this Court grants immediate relief in the form of a temporary
7 restraining order, preliminary injunction, and/or a Writ of
8 Mandate.

9 SECOND CAUSE OF ACTION

10 XXXVI.

11 Plaintiffs/petitioners herein incorporate by reference
12 paragraphs I-XXXV. supra., as if fully set forth herein.

13 XXXVII.

14 Plaintiffs/petitioners herein allege on information
15 and belief that all of the acts described in paragraphs I-XXXV
16 either were known, or should have been known, to defendants
17 Morgan, Dalla and Reid. Defendants Mogran, Dalla and Reid had
18 and continue to have a duty to insure the fair and impartial
19 administration of the recall effort herein by the City Clerk
20 of National City. Defendants Morgan, Dalla and Reid failed
21 and continue to fail in their duty to insure that the City
22 Clerk of National City administer the recall laws in a fair
23 and impartial manner consistent with law.

24 THIRD CAUSE OF ACTION

25 XXXVIII.

26 Plaintiff/Petitioners herein incorporate by this
27 reference paragraphs I-XXXVII, supra., as if fully set forth
28 herein.

1 XXXIX.

2 On November 5, 1975, Mr. Gilbert Ambriz, a member of
3 the Ad Hoc Committee, was appointed a Deputy Registrar of
4 voters. See, Affidavit of Gilbert Ambriz, paragraph 1, attached
5 hereto as "Exhibit I" and incorporated by this reference.

6 XL.

7 On January 22, 1976, at approximately 6:00 P.M. Mr.
8 Ambriz was stopped and detained by defendant Doe I, an unknown
9 police officer of National City, without probable cause or
10 warrant justifying said detention. At the time of this deten-
11 tion, Mr. Ambriz was in the process of registering voters in
12 the 2400 block of B Avenue, National City. See, Exhibit I,
13 paragraph 2, attached hereto.

14 XLI.

15 Defendant Doe I interrogated Mr. Ambriz as to who he
16 was working for, who was paying him, how much he was being
17 paid, and for how long he had been registering voters. The
18 officer, without reasonable or probable cause, required Mr.
19 Ambriz to empty his pockets, and proceeded to frisk Mr. Ambriz.
20 See, Exhibit I, paragraph 4, attached hereto.

21 XLII.

22 Officer Doe I next proceeded to read through Mr.
23 Ambriz's registration book viewing the names and addresses of
24 those persons who Mr. Ambriz had registered to vote. See,
25 Exhibit I, paragraph 5, attached hereto.

26 XLIII.

27 Plaintiffs/petitioners allege on information and
28 belief that defendants Morgan, Reid and Dalla knew or should

1 have known that the conduct alleged in paragraphs XXXIX
2 through XLIII took place. Defendants Morgan, Reid and Dalla,
3 as members of the City Council, had and continue to have a
4 duty to appropriately control the acts of police officers of
5 National City. Defendants Morgan, Reid and Dalla have failed
6 and continue to fail in their duty to exercise proper super-
7 vision over the activities of members of the National City
8 Police Department.

9 XLIV.

10 WHEREFORE, plaintiffs/petitioners pray judgement
11 against defendants/respondents, and each of them, as follows:

- 12 1. For an order requiring defendants to show cause, if any
13 they have, why they should not be enjoined as hereinafter set
14 forth, during the pendency of this action;
- 15 2. For a temporary restraining order, a preliminary injunction,
16 and a permanent injunction, all enjoining defendants, and each
17 of them, and their agents, employees and servants, and all
18 persons acting under, in concert with, or for them:

19 [A] From continuing to provide plaintiffs/petitioners
20 with incorrect or misleading information on the
21 correct precinct numbers currently in use in
22 National City;

23 [B] From refusing to count certain signatures on the
24 petition because the precinct numbers affixed to
25 said signatures were drawn from a consolidated
26 list of 18 precincts; or

27 [C] (1) From continuing to prohibit plaintiffs/
28 petitioners a reasonable opportunity to correct

1 the precinct numbers contained in the
2 petitions filed on December 31, 1975,
3 using a current map provided with correct
4 instructions by the City Clerk, such
5 corrections to be made at the offices
6 of the City Clerk and with the City
7 Clerk present; OR,

8 (2) From continuing to prohibit plaintiffs/petitioners
9 a reasonable opportunity to submit to the City
10 Clerk photo-copies of the petitions filed on
11 December 31, 1975, with the correct precinct
12 numbers attached to each signature, such
13 precinct numbers to be obtained from a map
14 provided to plaintiffs/petitioners with
15 correct instructions to be issued by the
16 City Clerk; OR,

17 (3) Specifically, the City Clerk, to correct those
18 precinct numbers on the petition filed on
19 December 31, 1975, that were incorrectly
20 therein recorded due to the use of the
21 18 consolidated precincts found in the
22 document entitled "Special Municipal
23 Elections";

24 [D] From issuing a certificate of sufficiency for
25 insufficiency pursuant to Elections Code sections
26 27510.1 and 27510.2 until such time as the signa-
27 tures previously disregarded due to the accompani-
28 ment of an "incorrect" precinct number, have been

corrected by the method described above in
subparagraph [C](1), (2) or (3), and all valid
signatures have then been recounted;

[E] From continuing to stop, detain, interrogate or
search Deputy Registrars of Voters unless upon
probable cause or reasonable cause in accordance
with law;

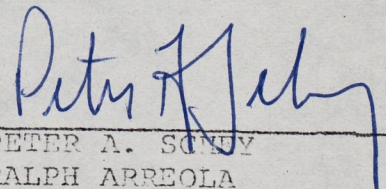
3. That, on the hearing of this application and the return
thereto, if any, this court issue its peremptory writ of
mandate, commanding defendants/respondents to correct the
precinct numbers contained in the petitions filed on December
31, 1975, in one of the manners described in paragraph 2[C](1),
2[C](2) or 2[C](3); and that defendants/respondents then
recount the petitions and certify them as either being
sufficient or insufficient pursuant to Elections Code sections
27510.1 and 27510.2;

4. For costs of suit;

5. For such other and further relief as the Court deems
just.

DATED: February 10, 1976

Respectfully submitted,


PETER A. SORDY
RALPH ARREOLA

Attorneys for Plaintiffs/
Petitioners

: : : : :

: : : : :

: : : : :

VERIFICATION

I, PETER A. SCHEY, declare,

I am an attorney at law duly admitted and licensed to practice before all the courts of this state and am one of the attorneys for the plaintiffs/petitioners in the matter herein.

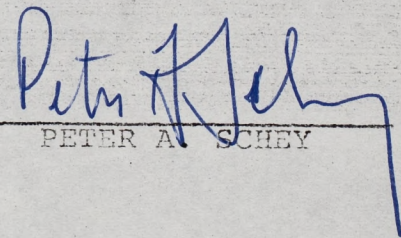
I have read the foregoing complaint/petition and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe it to be true.

I make this verification because the facts set forth in said petition are within my knowledge and because as attorney for petitioners herein, I am more familiar with such facts than are the parties.

Executed in the City of San Diego, County of San Diego, and on this 10th day of February, 1976.

I declare under penalty of perjury that the foregoing is true and correct.


PETER A. SCHEY

AFFIDAVIT OF SWORN STATEMENT

I, HERMAN BACA, swear under penalty of perjury that the following statements are true and correct:

1. I am a United States citizen residing at 105 Harbison Avenue, National City, California, 92050. I am a registered voter in National City, California.
2. I am the Chairman of the Ad Hoc Committee on Chicano Rights, 1837 Highland Avenue, National City, California, 92050.
3. On October 28, 1975, at a mass community meeting held at Saint Anthony's Church, 18th and Harding Streets, National City, the Ad Hoc Committee voted to coordinate a recall petition drive against certain public officials of National City.
4. On November 4, 1975, documents entitled "Petition for Recall of City Official" were filed with Ione Minogue Campbell, City Clerk, National City. I was individually named as a proponent of the recall in said documents, along with four other proponents.
5. On or about November 10, 1975, I received a telephone call from Mr. Reuben Rubio, the husband of Consuelo Rubio, one of the recall proponents. Mr. Rubio informed me that he had been contacted by Ms. Campbell, City Clerk, and had been informed that the documents filed on November 4, 1975, in her office were incorrectly labelled.
6. On November 12, 1975, acting in my capacity as Chairman of the Ad Hoc Committee and as a proponent of the recall, I requested Carlos Vasquez, Consuello Rubio, and attorney Ralph Arreola, to visit Ms. Campbell's office in order to ascertain why the documents filed on November 4, 1975, were insufficient. After visiting the offices of Ms. Campbell, attorney Ralph Arreola reported back to me that Ms. Campbell had refused to answer any questions concerning the documents filed in her office on November 4, 1975.
7. On or about November 13, 1975, in the presence of Carlos Vasquez and Phillip Alcala, I telephoned Ms. Campbell, City Clerk, and identified myself as a proponent of the recall document submitted to her office on November 4, 1975. I asked Ms. Campbell if her office could provide

EXHIBIT A

- us with a precinct map to be used in collecting signatures on the recall petitions. She informed me that her office could provide us with such a map. I informed her that Mr. Phillip Alcala would come by her office later in the day to pick up the map and receive instructions for its use.
8. On or about November 13, 1975, Mr. Phillip Alcala returned to the offices of the Ad Hoc Committee with two precinct maps showing 44 precincts and a document entitled "Special Municipal Elections" showing a consolidation of the 44 precincts into 18 precincts. Mr. Alcala informed me that Ms. Campbell had instructed him that we should show the consolidated precinct numbers on the petitions for recall.
 9. On November 14, 1975, on the advise of attorney Ralph Arreola, a new set of documents entitled "Notice of Intention to Circulate Petition for Recall of City Official" were filed in Ms. Campbell's office. I was again named as a proponent in these documents.
 10. During the recall petition drive that followed in the months of November and December, 1975, the Ad Hoc Committee consistently used the precinct maps on the basis of the instructions provided by Ms. Campbell. All precinct numbers entered on the petitions next to the signatures were based on the consolidated numbers as found in the document provided by Ms. Campbell entitled "Special Municipal Election."
 11. On December 31, 1975, all petitions were turned over to Ms. Campbell, City Clerk for National City.
 12. On or about January 5, 1976, I received a telephone call from Ms. Campbell informing me that numerous signatures on the petitions had been assigned incorrect precinct numbers. Ms. Campbell explained that under the California Elections Code one or more of the proponents could come to her office to correct the precinct numbers. We agreed that one or more of the proponents would appear at her office on the following day for the purpose of correcting the precinct numbers.

13. Approximately one hour after the conversation referred to in paragraph 12, above, Ms. Campbell again telephoned me and told me that she had just spoken to Charles Sexton, San Diego Voter Registrar, and had been informed that a recent amendment to the California Elections Code prohibited "anyone" except herself and her deputies from seeing the petitions once filed. She informed me that it would therefore not be possible for any of the proponents to visit her office for the purpose of correcting the precinct numbers.
14. On January 9, 1976, I telephoned Ms. Campbell and inquired as to whether or not the incorrect precinct numbers found in the petitions may have resulted from her use of National City's 44 precincts while we utilized the consolidated 18 precincts as per her instructions previously issued to Mr. Phillip Alcala. She replied that she had never previously thought of his possibility.

I swear, under penalty of perjury, that the above statements are true and correct.

DATED: February 6, 1976

Herman Baca
HERMAN BACA

SUBSCRIBED AND SWORN BEFORE ME
THIS 6th DAY OF FEBRUARY, 1976,
IN THE CITY OF SAN DIEGO,
COUNTY OF SAN DIEGO,
STATE OF CALIFORNIA



Teresa Ortiz
TERESA ORTIZ, NOTARY PUBLIC

AFFIDAVIT OF SWORN STATEMENT

PHILLIP A. ALCALA
2625 Plaza Blvd. Apt. #205
National City, Ca 92050

I, Phillip A. Alcala, do solemnly swear that the following is true and correct:

1. I am a member of the AD-HOC Committee on Chicano Rights, 1837 Highland ave, National City, California, 92050. I have been a member of the Committee since October, 1975.
2. On October 28, 1975, the AD-HOC Committee committed it self to coordinate a recall effort aimed at certain National City office holders. I was appointed Registrar Coordinator by the AD-HOC Committee.
3. On November 4, 1975, various individual members of the AD-HOC Committee filed "Notice of Intention to Circulate Petition for Recall of City Official " documents with Ione Minogue Campbell, City Clerk of National City. These documents named Councilman Michael R. Dalla, Councilman Luther G. Reid and Mayor Kile Morgan as the officers sought to be recalled.
4. On November 13, 1975, Herman Baca, chairman of the AD-HOC Committee, in the presence of Carlos Vazquez and myself telephoned Mrs. Ione Campbell, City Clerk of National City and informed her that I, Phillip A. Alcala would pick up from her office precinct maps later that afternoon to be used in the gathering of signatures in the recall petition drive.
5. At approximately 3:00 P.M. on November 13, 1975, I entered the City Clerks office and contacted Mrs. Ione Campbell. I identified myself by name, and told her that I was there to pick up the precinct maps for Herman Baca to be used in the recall effort. I specifically asked Mrs. Ione Campbell to provide me with a map showing the precinct numbers that would be used in our recall petition drive.
6. Mrs. Ione Campbell produced two large identical maps showing 44 precinct numbers. She then handed to me a 4 page document entitled "Special Municipal Election". Mrs. Ione Campbell proceeded to explain to me how to use the document in conjunction with the map. The purpose of the document, as stated by her, was to consolidate the precincts reducing the number of precincts from 44 to 18.
7. During the recall petition drive that followed in the months of November and December, 1975, the AD-HOC Committee at all times used the precinct maps on the basis of the instructions provided by Mrs. Ione Campbell. All volunteers who assisted the AD-HOC Committee in collecting signatures on the recall petitions were instructed accordingly. At all times throughout the petition drive, voters who signed the petition were assigned a precinct number found in the document provided myself by Mrs. Campbell.
8. On December 31, 1975, all petitions containing signatures were turned over to Mrs. Ione Campbell, City Clerk of National City.

Exhibit B.

9. On January 8, 1976, I was informed by Herman Baca that he had received a call from Mrs. Ione Campbell informing him that numerous signatures had incorrect precinct numbers attached.

10. Subsequent to receiving the maps and documents from Mrs. Ione Campbell on November 13, 1975, I color-coded one of the maps to show 18 consolidated precincts that she had informed us to use. I also crossed out those precinct numbers that were not to be used due to the consolidation.

11. Attached to this affidavit as exhibit A, is a true and correct copy of the map provided to me on November 13, 1975, by Mrs. Ione Campbell. The map shows the markings referred to in paragraph 10 above.

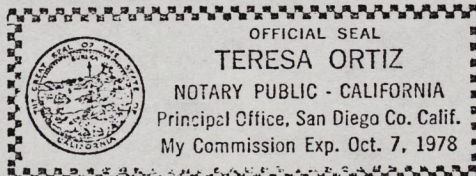
12. Attached to this affidavit as exhibit B, is a true and correct copy of the four page document provided me on November 13, 1975, by Mrs. Ione Campbell.

I swear that the above is true and correct.

Date, January 6, 1976,

PHILLIP A. ALCALA

Phillip A. Alcala



Subscribed and sworn before me

this 6th day of February

in the City of San Diego, County

of San Diego, State of California.

Teresa Ortiz
Notary Public

SPECIAL MUNICIPAL ELECTION
December 9, 1975
NATIONAL CITY, CALIFORNIA

OFFICERS AND POLLING PLACES

Consolidated Precinct No. 51560
(Precincts Nos. 51560, 51771 & 51870)

Polling Place: Rubio's Little Mexico, 725 West 18th St.

Inspector: Consuelo Rubio, 1729 Cleveland Ave.
Judge: Deborah M. Canedo, 1729 Cleveland Ave.
Clerk: Eva Contreras, 1520 McKinley Ave.
Clerk: Mary Avalos, 741 W. 22nd St.

Consolidated Precinct No. 51570
(Precincts Nos. 51570 & 51770)

Polling Place: Casa de Salud, 1408 Harding Ave.

Inspector: Martha Coddington, 440 W. 18th St.
Judge: Catalina M. Romero, 1838 Wilson Ave.
Clerk: Evangeline M. Mendez, 1523 Wilson Ave.
Clerk: Rachel Eddleman, 1240 Harding Ave.

Consolidated Precinct No. 51580
(Precincts Nos. 51580 & 51690)

Polling Place: Apostolic Assembly Church Hall, 537 G. Ave.

Inspector: Donna Doud, 608 E. 2nd St.
Judge: Helen R. Jacobus, 505 E. 3rd St.
Clerk: Esther V. Young, 214-F Ave.
Clerk: Lois A. Hanson, 510 E. 5th St.

Consolidated Precinct No. 51590
(Precincts Nos. 51590 & 51680)

Polling Place: 1114 East Division St.

Inspector: Irma L. Bethea, 1407 E. Division St.
Judge: Mary Selvaggi, 1225 E. Division St.
Clerk: Beatrice P. Pittman, 1114 E. Division St.
Clerk: Audrey Bush, 1414 E. Division St.

Exhibit B, attached to

Exhibit B

Consolidated Precinct No. 51600

(Precincts Nos. 51600 & 51610)

Polling Place: Garage, 202 No. T Ave.

Inspector: Stella Schwab, 1709 Gamma St.

Judge: Helen Garcia, 1637 Gamma St.

Clerk: Jeannette Jones, 202 North T Ave.

Clerk: Olive Atkins, 21 "T" Ave.

Consolidated Precinct No. 51620

(Precincts Nos. 51620 & 51630)

Polling Place: El Toyon Com. Bldg., 2005 E. 4th St.

Inspector: Nellie J. Kennett, 235 So. Belmont Ave.

Judge: Agnes Michetti, 40 So. Kenton Ave.

Clerk: Mary E. Bailey, 518 So. Harbison Ave.

Clerk: Allen G. Thornberg Jr., 2325 Melrose

Consolidated Precinct No. 51660

(Precincts Nos. 51660, 51720 & 51721)

Polling Place: Better Living Center, Helen Rice Res., 723 Euclid Ave.

Inspector: Lavilla M. Willett, 2226 E. 11th St.

Judge: Norma Dibley, 3003 East 11th St.

Clerk: Fern J. Sendt, 710 Rachael Ave.

Clerk: Thelma G. Culp, 1017 Helen Circle

Consolidated Precinct No. 51640

(Precincts Nos. 51640, 51641, 51650 & 51730)

Polling Place: Harbison School, 3235 E. 8th St.

Inspector: Sylvia Miller, 1015 Manchester St.

Judge: Aline Kearns, 3444 Tolas Ct.

Clerk: Nettie Ciuchta, 3405 E. 7th St.

Clerk: Donna DeMoss, 841 Angelo Dr.

Consolidated Precinct No. 51670

(Precincts Nos. 51670 & 51701)

Polling Place: Assembly of God Church, 1200 E. 8th St.

Inspector: Opal A Dodson, 615 So. Q Ave.

Judge: Ethel M. Bartlett, 1639 East 17th St.

Clerk: Ellen Stratton, 819 East 7th St.

Clerk: Helen E. Mendenhall, 1131 East 8th St.

Consolidated Precinct No. 51700

(Precincts Nos. 51700 & 51760)

Polling Place: St. Matthew's Episcopal Church Hall, 523 E. 8th St.

Inspector: Sara P. Harger, 626 "C" Ave.

Judge: Darlene Robertson, 614 "C" Ave.

Clerk: Floyd Johnson, 1025 "B" Ave.

Clerk: Leonard Case, 1118 "C" Ave.

Consolidated Precinct No. 51710

(Precincts Nos. 51710 & 51810)

Polling Place: Garage, 2040 "O" Ave.

Inspector: Lillian Kramer, 2040 "O" Ave.

Judge: Annetta Richard, 1411 E. 16th St.

Clerk: Virginia C. Hernandez, 1415 E. 17th St.

Clerk: Therese D. Harrigan, 1429 E. 22 St.

Consolidated Precinct No. 51740

(Precincts Nos. 51740 & 51830)

Polling Place: Palmer Way School, 2900 Palmer St.

Inspector: Frances Kruse, 2326 E. 13th St.

Judge: Joan M. Lortscher, 2537 E. 13th St.

Clerk: Evelyn Gillespie, 1840 Prospect St.

Clerk: Julia Groves, 1507 Orange Ave.

Consolidated Precinct No. 51750

(Precincts Nos. 51750 & 51800)

Polling Place: Congregational Church Hall, 835 East 16th St.

Inspector: Lois Benninger, 1036 E. 15th St.

Judge: Mildred L. Krekelberg, 1324 K Ave.

Clerk: Hazel Movido, 1320 L Ave.

Clerk: Ethel Platzer, 1405 "I" Ave.

Consolidated Precinct No. 51780

(Precincts Nos. 51780 & 51790)

Polling Place: Patio, 2027 "E" Ave.

Inspector: Neaville B. Courtney, 2027 "E" Ave.

Judge: Helen Dollar, 2112 "D" Ave.

Clerk: Helen Kile, 2004 "F" Ave.

Clerk: Valoris Phillips, 2005 "E" Ave.

Consolidated Precinct No. 51820

(Precinct No. 51820)

Polling Place: Garage, 2649 Virginia Dr.

Inspector: Betty L. Helgeson, 2649 Virginia Dr.

Judge: Azalia F. Kiefer, 2929 N Ave.

Clerk: Retha Walkup, 2231 E. 32 St.

Clerk: Maude Hayden, 2745 Virginia Dr.

Consolidated Precinct No. 51840

(Precincts Nos. 51840, 51881 & 51882)

Polling Place: Lincoln Acres School, 2200 Lanoitan Ave.

Inspector: Lois B. Davison, 2011 Orange St.

Judge: Millie Speck, 2353 Ridgeway Dr.

Clerk: Cecil Davidson, 2011 Orange St.

Clerk: Jean F. Culver, 2435 Ridgeway Dr.

Consolidated Precinct No. 51860
(Precincts Nos. 51860, 51861 & 51862)

Polling Place: Sweetwater High School, Rm. 513, Highland Ave. (near 28th St.)

Inspector: Marilyn J. Knight, 525 E. 26th St.
Judge: Ruth Weber, 405 E. 26th St.
Clerk: Eastleena Billings, 535 E. 26th St.
Clerk: Frances Richardson, 439 E. 26th St.

Consolidated Precinct No. 51880
(Precincts Nos. 51880 & 51890)

Polling Place: Patio, 3726 Stockman St.

Inspector: Enid Young, 3726 Stockman St.
Judge: Elsie L. Moore, 3401 Menard St.
Clerk: Glenda M. Schoneman, 3705 Kellie Ct.
Clerk: Bernice Rockhill 3117 Stockman St.

AFFIDAVIT OF SWORN STATEMENT

REUBEN RUBIO
1729 Cleveland
National City, Cal. 92050

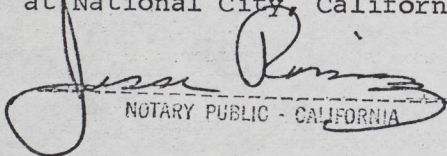
I, Reuben Rubio, do solemnly swear that the statement I am about to make is true to the best of my knowledge.

On November 7, 1975, at approximately 6:00 pm I received a call from Mrs. Ione M. Campbell. At that time she stated to me that she was calling from an outside phone because she felt her phone was bugged. She asked me if I could come over to her house for some coffee. At her house, she said, "Tell the fellows that the petitions were not valid." She stated "I hate to see them go to all that work in gathering the signatures and turn them in and then they would be no good." I asked her why she said that and she replied, "Because the petition they handed me says 'recall petition' and not 'petition to intend to recall.' There are 2 words missing, 'intend to.'"

My personal feeling was that someone told her the mistake or told her not to say anything. We finished our coffee and conversed and I went home.

Reuben Rubio

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th day of FEBRUARY 1976.
at National City, California.


NOTARY PUBLIC - CALIFORNIA

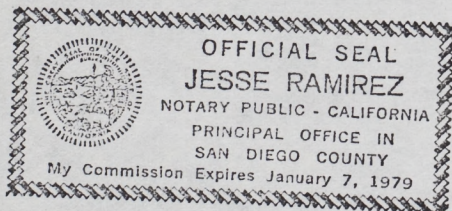


EXHIBIT C

NOTICE OF INTENTION TO CIRCULATE
PETITION FOR RECALL OF CITY OFFICIAL

NOTICE OF INTENTION TO CIRCULATE PETITION
FOR RECALL OF Michael R. Dalla FROM THE OFFICE OF
Councilman National City
OF THE CITY OF _____,
CALIFORNIA

TO: Michael R. Dalla

We, the undersigned, being duly qualified and registered voters of the City of National City, State of California, do hereby give notice pursuant to Section 27 504 of the Election Code of the State of California, that we intend to circulate a petition for your recall from the above-identified office.

The said recall is, and will be sought on the following grounds:

We, the residents, citizens, and taxpayers of National City, hereby, declare our dissatisfaction with the current Administration of our civic affairs of our City.

We, hereforth, state that the Mayor and the National City Council is condemned by us concerned individuals for condoning official lawlessness and violence under the color of law and furthermore, that the Mayor and the City Council by their abuse of their constituted power, have failed to provide representative leadership and are responsible of gross incompetency and irresponsibility in their failure to provide for the health, safety, and welfare of its residents, citizens, and taxpayers.

We, the concerned citizenry in calling for a recall accuse the Mayor and the City Council of:

1. bias towards corporate interest in establishing zoning regulations.
2. failure to provide for the safety of our school children.
3. inability to harness federal funds for local projects and social improvement.
4. mismanagement of federal funds.
5. failure to provide adequate guidelines and policies for law enforcement officials.
6. insensitivity to the Multi-cultural needs of our community.
7. failure to respond to the will of the people.

To remedy the above stated inequities and in order to provide for new responsive democratic leadership, we the people of National City hereby, urge the recall of the Mayor and the entire National City Council.

Dated November 14, 1975

AFFIDAVIT OF SWORN STATEMENT

I, JESSE RAMIREZ, swear that the following is true and correct:

1. I am a United States citizen and resident of National City, California, residing at 421 West 16th Street, National City, California, 92050.
2. I am employed as a Training Officer at the Veterans Administration Hospital, San Diego County, California.
3. I am a member of the Ad Hoc Committee on Chicano Rights, 1837 Highland Avenue, National City, California, 92050.
4. On November 4, 1975, documents entitled "Petition for Recall of City Official" were filed with Ione Minogue Campbell, City Clerk, National City. I was named as a proponent of the recall in said petitions.
5. On November 14, 1975, documents entitled "Notice of Intention to Circulate Petition for Recall of City Official" were filed with Mrs. Campbell, City Clerk. These documents were filed as a member of the Ad Hoc Committee was contacted by Mrs. Campbell subsequent to November 4, 1975, and was informed that the documents submitted on November 4, 1975, were incorrectly labelled. Other than the change in title, the documents filed on November 14, 1975, were identical with those documents filed on November 4, 1975. Again, I was named as a proponent of the recall in those documents filed on November 14, 1975.
6. On or about December 24, 1975, at approximately 4:30 P.M., I went to the City Clerk's office, National City, in order to file a candidates statement pursuant to Elections Code Section 10012. I am a candidate for the office of City Councilman in the upcoming election scheduled in National City for March 2, 1976.
7. When first in Mrs. Campbell's office we discussed my candidacy. The conversation then turned to the recall petition drive in which I am named as a proponent. When the conversation turned to the recall petition drive being coordinated by the Ad Hoc Committee on Chicano Rights, Mrs. Campbell lowered her voice and motioned with her hand towards the ceiling, specifically a ventilation duct. Mrs. Campbell whispered that she believed her office may be "bugged."

Affidavit of Sworn Statement
Jesse Ramirez
Page 2

8. Mrs. Campbell then wrote the following message in red pencil on two small white pieces of paper:

"City Atty says to accept and let him review before I certify. Be sure your attorney goes over whole procedure before petition is filed.

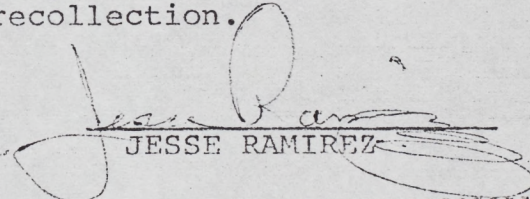
They will try to knock it out on a technicality."

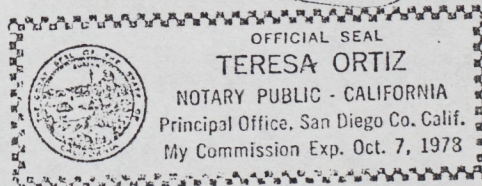
A true and correct copy of said two page note is attached to this Affidavit as Exhibit A.

9. I told Mrs. Campbell that I thought the request contained in her note was unusual and I further requested that nothing out of the ordinary be done with the petitions once filed in her office. I also told Mrs. Campbell that the Ad Hoc Committee was doing everything possible to comply with the law. I further stated that the proponents of the recall petition drive desired no more than to have the petitions reviewed in a lawful and fair manner once submitted to the City Clerk's office.

I declare under penalty of perjury that the above is true and correct to the best of my recollection.

DATED: 2-5-76


JESSE RAMIREZ

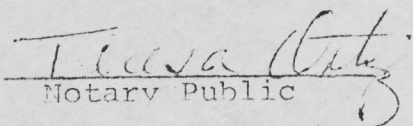


SUBSCRIBED AND SWORN BEFORE ME

THIS 5 DAY OF Feb., 1976,

IN THE CITY OF SAN DIEGO, COUNTY OF

SAN DIEGO, STATE OF CALIFORNIA.


Notary Public

Handwritten text, possibly a signature or name, appearing in the center of the page.

Handwritten text, possibly a signature or name, appearing below the first block of text.

AFFIDAVIT OF SWORN STATEMENT

CARLOS VAZQUEZ
1022 E. 8th St.
National City, Ca 92050

I, Carlos Vazquez, do solemnly swear that the statement I'am about to make are true to the best of my knowledge.

On November 12, 1975, at approximately 1:P.M. Mrs. Consuelo Rubio, Mr. Ralph Arreola and myself visited the Office of Iona Minogue Campbell, City Clerk and Mr. Donald McClean, City Attorney, for the purpose of requesting information concerning the recall Petition filed on November 4, 1975.

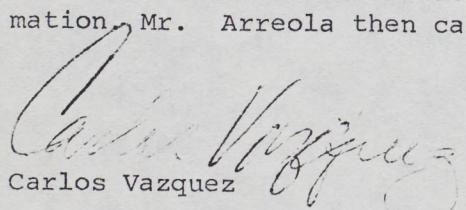
The information requested was concerning the review of the petition by the City Attorney and the City Clerk and if any response was to be published by the City Council on the Charges alledged by the proponents of the recall.

We were told by Mrs. Campbell that no one had reviewed the petition and that any information concerning the petition was confidential. Furthermore, Mrs. Campbell showed us an envelope that supposedly had information about the recall. We then asked if the City Attorney would return, the answer given was that we should call back and ask the City Attorney for information. We then left the office notifying the City Clerk that we would be calling back.

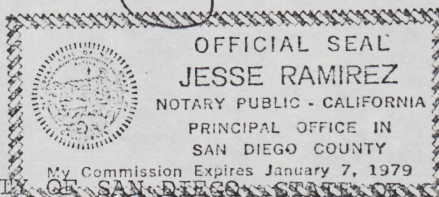
At Approximately 3:15 that afternoon, I called the City Attorney. I was told that he could be reached at his Mission Valley Office. I then called his office, again I was told that he would be there at around 4:P.M. or 4:30 P.M..

Again, I called the office and I was told that he was in. I identified my self to Mr. McClean. I asked him if he had any information concerning the recall petition, his response was that he had not seen or reviewed the petition and that if I was interested in the petition or needed any information to ask or consult our attorney.

I thanked him and immediately contacted Mr. Ralph Arreola. I told Mr. Areola that Mr. McClean was at his office and that he could call him and ask him for information. Mr. Arreola then called Mr. McCleans office.


Carlos Vazquez

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th day of FEB. 1976
at National City, California



NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA



CITY OF NATIONAL CITY, CALIFORNIA

1243 NATIONAL AVE. • NATIONAL CITY, CA 92050 • 477-1181



IONE MINOGUE CAMPBELL
CITY CLERK

January 6, 1976

The Honorable Mayor and
Members of the City Council

Re: Recall Petitions, Qualification for Filing

Gentlemen:

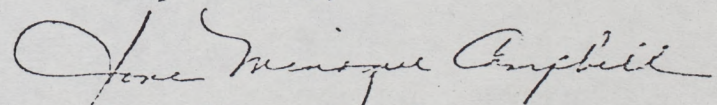
As you know, recall petitions seeking to recall the Mayor, Vice Mayor and Councilman Reid were physically submitted to the Clerk on Wednesday, December 31, 1975. On that date the number of registered voters of the city last officially reported to the Secretary of State by the Registrar of Voters was 7,021. The number of signatures needed to qualify each petition (25% of 7,021) was 1,756. Conditional receipts were given to the proponents.

The Clerk made prima facie examination of the petitions, in accordance with the provisions of Sec. 27510 of the Elections Code. Each section of the petition was first examined to determine that the affidavit of the circulator and notice of intention were attached. Unless these criteria were met, that section of the petition was eliminated. Those sections of the petitions meeting the above requirements were then further examined to determine that each signature was accompanied by an address, date (within the proper time frame) and precinct number. Signatures without date or precinct number were not counted. Signatures with street addresses outside the city limits were not counted.

On the basis of the prima facie examination, each of the three petitions qualified for filing and were deemed to have been filed at the time of their physical submission. Mayor Morgan - 1791, Councilman Reid - 1783, Vice Mayor Dalla - 1758.

The petitions have been delivered to the Registrar of Voters for further examination and certification. They will probably be insufficient. The Registrar hopes to complete the process by January 27.

Respectfully,


Ione Minogue Campbell

/imc

C.C. City Mgr
City Clerk

EXHIBIT G



CITY OF NATIONAL CITY, CALIFORNIA

1243 NATIONAL AVE. • NATIONAL CITY, CA 92050 • 477-1181



MEMBER

IONE MINOGUE CAMPBELL
CITY CLERK

26 January 1976

Jesse Ramirez
421 West 16 Street
National City, Ca. 92050

Herman Baca
105 South Harbison
National City, Ca. 92050

Consuelo Rubio
1729 Cleveland Avenue
National City, Ca. 92050

Oscar O. Canedo, Ph.D.
1729 Cleveland Avenue
National City, Ca. 92050

Beulah F. Xander
1845 East 16 Street
National City, Ca. 92050

Dear Mrs. Rubio:

Enclosed is my certificate covering the petition for the recall of Michael Dalla as Councilman of the City of National City. The petition fell short of the required number of signatures needed to qualify.

Among the defects in the petition submitted are:

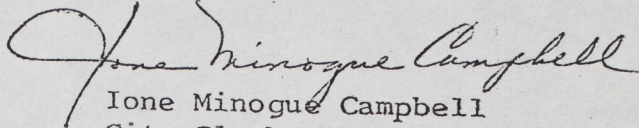
1. Incorrect precinct numbers (in some cases where the same person signed two or more petitions, more than one precinct number was used),
2. Duplication of signatures,
3. Affidavit of petition circulator was dated prior to the dates opposite the signatures on the petition,
4. Persons signed who live outside the corporate limits of the City,
5. Persons signed who are not registered voters,
- ✓ 6. Persons signed who are aliens, and
7. Ditto marks were used to indicate address and/or date.

EXHIBIT M

26 Jan 76

You may file additional signatures within 30 days of the date of mailing of this certificate of insufficiency. (Sec. 27511, Elec. Code)

Yours very truly,

A handwritten signature in cursive script, reading "Ione Minogue Campbell". The signature is written in dark ink and is positioned above the printed name and title.

Ione Minogue Campbell
City Clerk

/imc

Enc. Cert. to Petition
Cert. Mailing

CERTIFICATE TO RECALL PETITION

State of California)
) ss.
 County of San Diego)

I, IONE MINOGUE CAMPBELL, City Clerk of the City of National City, hereby certify that the Registrar of Voters in and for the County of San Diego, was appointed by me to certify a petition for the recall of Michael Dalla as Councilman of the City of National City filed with the City Clerk of the City of National City on the 31st day of December, 1975.

Said petition consists of 216 sections. The petition contains signatures, dates, addresses and numbers purporting to be the signatures of qualified electors of said City, the dates upon which such electors signed said petition, the correct addresses of such electors, the correct precincts within which the electors resided; that attached to said petition at the time the same was filed as aforesaid was an affidavit purporting to be the affidavit of the person who solicited the signatures thereon; that the person by whom said affidavit purports to have been taken and verified was at the time thereof an officer authorized to administer oaths; that therein affiant stated his own qualifications, that he had solicited the signatures upon said section, that all of said signatures were made in his presence and that to the best of his knowledge and belief each signature to the said section was the genuine signature of the person whose name it purports to be.

R. T. DENNY, Registrar of Voters (Acting) in and for the County of San Diego, has certified that he examined the petition and the affidavits of registration in this City current and in effect, to determine therefrom what number of qualified electors signed said petition; that 216 sections of the petition were examined containing 1,782 total names and that he found 559 to be valid signatures of qualified electors of this City which comply with the requirements imposed by Statute.

R. T. DENNY further certified that the total number of registered voters residing within the incorporated area of National City, as certified to the Secretary of State on January 3, 1975, was 7,021, 25% of this total would be 1,756, the number of valid signatures needed to qualify this petition for the recall of Michael Dalla as Councilman of the City of National City.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal this 26th day of January, 1976.

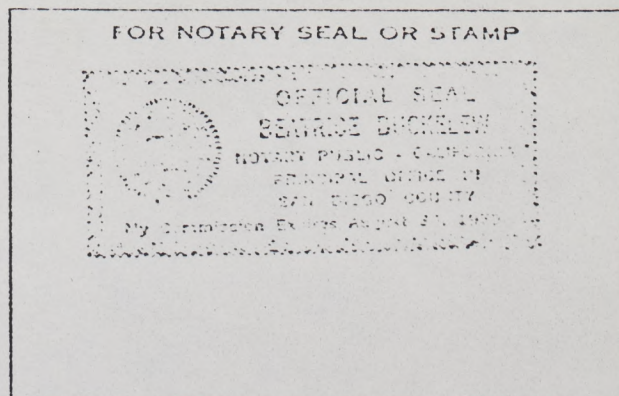
Ione Minogue Campbell
 Ione Minogue Campbell, City Clerk
 City of National City, California

STATE OF CALIFORNIA
 COUNTY OF San Diego } ss.
 On January 26, 1976 before me,
 the undersigned, a Notary Public in and for said County and State,
 personally appeared Ione Minogue Campbell

_____ known to me
 to be the person whose name is _____ subscribed to the
 within instrument and acknowledged that she _____ executed the
 same.

Beatrice Bucklew

Name (Typed or Printed)
 Notary Public in and for said County and State



AFFIDAVIT OF MAILING

State of California) ss
County of San Diego)

IONE MINOGUE CAMPBELL being first duly sworn, deposes and says; That during all of the times herein mentioned, she was, and now is, the duly qualified and acting City Clerk of the City of National City, County of San Diego, State of California:

That on the 26th day of January, 1976, pursuant to Sec. 27510.2, Elections Code, she mailed postage prepaid, a Certificate to Recall Petition - Michael Dalla as Councilman of the City of National City, to each of the persons named below:

Jesse Ramirez
421 West 16 Street
National City, Ca. 92050

Consuelo Rubio
1729 Cleveland Avenue
National City, Ca. 92050

Herman Baca
105 South Harbison
National City, Ca. 92050

Oscar O. Canedo, Ph.D
1729 Cleveland Avenue
National City, Ca. 92050

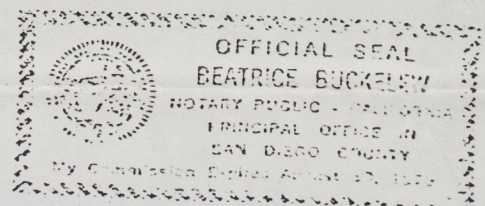
Beulah F. Xander
1845 East 16 Street
National City, Ca. 92050

A copy of said notice is annexed hereto and made a part hereof.

John Munroe Campbell
City Clerk

Subscribed and sworn to before me
this 26th day of January, 1976.

Beatrice Bucklew
Notary Public in and for said
County and State



AFFIDAVIT OF SWORN STATEMENT

GILBERT AMBRIZ
1028 Hoover Avenue
National City, California

I, Gilbert Ambriz, do solemnly swear that the following statement is true:

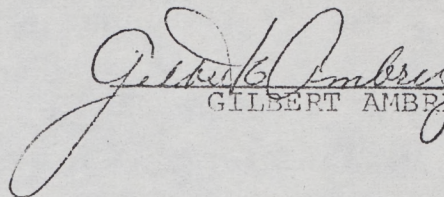
1. On November 5, 1975, in conjunction with my association with the Ad Hoc Committee on Chicano Rights, I was appointed Deputy Registrar of Voters for the purpose of taking affidavits of registration. My appointment expires on April 15, 1976.
2. On January 22, 1976, at approximately 6:00 P.M., Mr. Raul Manuel Aranda and myself were in the process of registering people to vote door to door at the Golden Tree Apartments, 2400 block of "B" Avenue. We were three-fourths of the way done with the above said apartments, when we were stopped by an officer of the National City Police Department. The Police Officer, badge #159, asked what I was doing. I proceeded to tell him my business. The Officer, badge #159, called for more units.
3. When another unit finally arrived, the same officer began to ask me how long I had been registering voters, who was paying me, who I was working for, and how much I was receiving for this. I answered that I was registering people to vote and was a volunteer for the Ad Hoc Committee on Chicano Rights.
4. After the questioning, he asked me to empty my pockets, which I did, he then proceeded to frisk me. I asked why he was doing this, and he answered that they were looking for some Blacks who had been committing some burglaries. Another officer was frisking Mr. Aranda. I am of Mexican-American ancestry.
5. When Officer, badge #159, finished with me, he proceeded to look through my registration affidavit book. I told him that they were legal documents and that the Voter Registrars office had instructed all registrars, at the time of classes, that we were soley responsible for those legal documents. After I so advised him, he continued to look through the list of persons who had registered to vote. After completing a police check on us, they finally released us.

EXHIBIT I

Affidavit of Sworn Statement
Gilbert Ambriz
Page 2

6. We then continued to register people at the complex.

I swear that the above is true and correct.

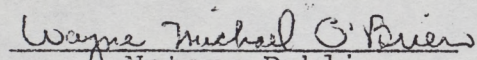

GILBERT AMBRIZ

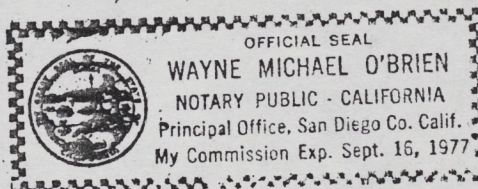
SUBSCRIBED AND SWORN BEFORE ME

THIS 6th DAY OF Feb., 1976

IN THE CITY OF SAN DIEGO, COUNTY OF

SAN DIEGO, STATE OF CALIFORNIA:


Notary Public



1 PETER A. SCHEY, ESQ.
2 RALPH ARREOLA, ESQ.
3 Ad Hoc Committee on Chicano Rights
4 1837 Highland Avenue
5 National City, CA. 92050
6
7 Attorneys for Plaintiffs/Petitioners
8

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF SAN DIEGO

11	AD HOC COMMITTEE ON CHICANO)	
12	RIGHTS, an unincorporated)	
13	organization; HERMAN BACA,)	
14	an individual; JESSE RAMIREZ,	)	NO. _____
15	an individual; CONSUELO RUBIO,)	
16	an individual; OSCAR O. CANEDO,	)	POINTS AND AUTHORITIES
17	an individual; BEULAH E. XANDER,	)	IN SUPPORT OF COMPLAINT
18	an individual,	)	FOR PERMANENT INJUNCTION,
19	Plaintiffs/Petitioners,	)	TEMPORARY RESTRAINING
20	vs.	)	ORDER AND PRELIMINARY
21		)	INJUNCTION, AND PETITION
22		)	FOR WRIT OF MANDATE.
23		)	(C.C.P. 1086).
24	KILE MORGAN, individually and as)	
25	Mayor of National City; MICHAEL)	
26	DALLA, individually and as Council-)	
27	man of National City; LUTHER REID,)	
28	individually and as a Councilman)	
	of National City; IONE MINOGUE)	
	CAMPBELL, individually and as)	
	City Clerk for National City;)	
	DOES I-X,)	
)	
	Defendants/Respondents.)	
)	

23 I. PLAINTIFFS/PETITIONERS AND THE SIGNERS
24 OF THE PETITION HEREIN HAVE A CONSTITU-
25 TIONAL AND STATUTORY RIGHT TO PARTICIPATE
26 IN A RECALL PETITION.

27 The California Consitution, Article 23, section 1, specif-
28 ically grants on the citizens of this state the right to recall
municipal elected officials.

1 "The recall shall also be exercised
2 by the electors of each county, city
3 and county, city and town of the State,
4 with reference to the elective officers
5 thereof, under such procedure as shall
6 be provided by law...In the submission
7 to the electors of any petition proposed
8 under this article all officers shall
9 be guided by the general laws of the
10 State, except as otherwise herein
11 provided." California Constitution,
12 Article 23, Section 1.

13 The California legislative has enacted a scheme of laws
14 in order to effectuate the orderly administration of recall efforts.
15 California Elections Code, sections 27500, et. seq.

16 The Courts have historically held that the recall
17 statutes should be liberally construed and that the powers reserved
18 by the people through the applicable Constitutional provisions
19 should not be burdened unless upon a clear showing of a violation
20 of law. Reites v. Wilkeson, 99 Cal.App.2d 500, 222 P.2d 81 (1950);
21 Laam v. McLaren, 28 Cal.App. 632, 153 P. 985 (1915); Worth v. Downey
22 74 Cal.App. 436, 241 P. 96 (1925).

23 II. PLAINTIFFS/PETITIONERS ATTACHED
24 THE CORRECT PRECINCT NUMBERS TO
25 THE RECALL PETITIONS.

26 California Elections Code section 27509 requires that
27 each section of a petition must have attached an affidavit stating
28 that the affiant personally observed the signer of the petition
place his or her address and the date of the petition. No section
in Elections Code 27500, et. seq. requires that a person signing
a recall petition must place his or her precinct number next to
or close to his or her signature. The inference is clearly that
the person collecting the signatures, or anyone else for that mat-
ter, may fill in the precinct numbers.

1 However, section 27510 requires the clerk, upon physical
2 submission of the petition upon the clerk, to disregard any signa-
3 ture which does not bear in close proximity to it the name or num-
4 ber of the precinct in which the signer resides. When plaintiffs/
5 petitioners submitted their petitions to defendant Campbell, they
6 were examined from December 31, 1975, through January 6, 1976, on
7 which day defendant Campbell, as the City Clerk, notified the Hono-
8 rable Mayor and members of the City Council that "each of the three
9 petitions qualified for filing and were deemed to have been filed
10 at the time of their physical submission." Defendant Campbell's
11 examination of the petitions was authorized and required by section
12 27510, supra. Defendant Campbell states as much in her letter.
13 See, Exhibit G.

14 Plaintiffs/petitioners urge the presumption that govern-
15 mental agencies operate lawfully. If defendant Campbell followed
16 the law, namely section 27510, then prior to filing the petitions
17 she must have disregarded "any signature which does not bear in
18 close proximity thereto...the name or number of the precinct in
19 which the signer resides." Elections Code, section 27510. (Emphasis
20 added). The clerk (defendant Campbell) stated in her letter (Exhi-
21 bit G) that 1,791 signatures were filed against Mayor Morgan, 1,783
22 signatures against Councilman Reid, and 1,758 signatures against
23 Councilman Dalla. Each petition contained more than the 25% signa-
24 tures required.

25 Plaintiffs have indicated that they utilized eighteen
26 consolidated precinct numbers based on information and documents
27 provided by the City Clerk, defendant Campbell (See, Exhibit A,
28 paragraphs 7-10; Exhibit B, paragraphs 4-7 and attachments). Clearly

1 both when advising plaintiffs/petitioners on how to report the
2 precincts, and when filing the petitions pursuant to section 27510,
3 the City Clerk (defendant Campbell) was acting on the basis of the
4 existence of eighteen consolidated precincts.

5 Pursuant to the California Elections Code the proponents
6 of a recall petition and/or election deal primarily with the City
7 or County Clerk in relation to the filing of certain documents.
8 Upon filing, the Elections Code, section 27510.1, requires the
9 Clerk to examine the petitions and then to issue a certificate of
10 sufficiency or insufficiency. Section 27510.2. Again, in this
11 procedure, those signatures not bearing a precinct designation
12 are to be disregarded. However, the legislature could not possibly
13 have meant to allow a clerk, acting under and pursuant to Elections
14 Code sections 27500, et. seq., to change the scheme of precinct
15 numbers after a petition had been filed but prior to certifying
16 said petition pursuant to section 27510.2. "An absurd and unjust
17 result will never be ascribed to the legislature, nor will it be
18 presumed that it used inconsistent provisions on the same subject."
19 Moore v. City Council of City of Maywood, 244 Cal.App.2d 892, 53
20 Cal.Rptr. 603 (1966).

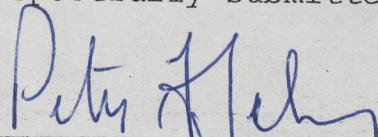
21 In Ley v. Dominguez, 212 Cal. 587, 299 P. 713 (1931), the
22 Supreme Court of California stated in relevant part:

23 "It appears from the admitted facts that
24 certain signatures were disallowed by the
25 city clerk solely because the names were
26 followed by the incorrect precinct number...
27 It is also an admitted fact that during the
28 period the city clerk was examining the
petitions the sponsors of the petitions
offered to supply the correct precinct
numbers to the clerk, but he refused to
accept this information... It was obviously
contemplated, [by legislature] under this

1 amendment, the burden should fall on
2 the sponsors of the petition, a task
3 rendered particularly difficult in this
4 case because of the complete rearrange-
5 ment and change in precinct lines that
6 took place immediately before these
7 petitions were circulated... It should
8 not be held that the failure on the part
9 of the signers to add the precinct numbers
10 opposite their names would invalidate the
11 signatures of persons otherwise qualified.
12 Ley v. Dominguez, 212 Ca. 587, 299 P. 713,
13 at 717 (1931). (Emphasis added).

8 DATED: February 10, 1976.

9 Respectfully submitted,

10 

11 PETER A. SCHEY
12 Attorney for
13 Plaintiffs/Petitioners
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1 PETER A. SCHEY, ESQ.
2 RALPH ARREOLA, ESQ.
3 Ad Hoc Committee on Chicano Rights
4 1837 Highland Avenue
5 National City, CA 92050
6
7 Attorney for Plaintiffs/Petitioners
8

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF SAN DIEGO

11 AD HOC COMMITTEE ON CHICANO)
12 RIGHTS, an unincorporated)
13 organization; HERMAN BACA,)
14 an individual; JESSE RAMIREZ,) NO. _____
15 an individual; CONSUELO RUBIO,)
16 an individual; OSCAR O. CANEDO,) DECLARATION OF PERSONAL
17 an individual; BEULAH E. XANDER,) SERVICE.
18 an individual,)
19)
20)

21 Plaintiffs/Petitioners,)
22)
23)

24 vs.)
25)
26)

27 KILE MORGAN, individually and as)
28 Mayor of National City; MICHAEL)
DALLA, individually and as Council-)
man of National City; LUTHER REID,)
individually and as a Councilman)
of National City; IONE MINOGUE)
CAMPBELL, individually and as)
City Clerk for National City;)
DOES I-X,)
)

Defendants/Respondents.)
)

I, Elena Jacinto, declare:

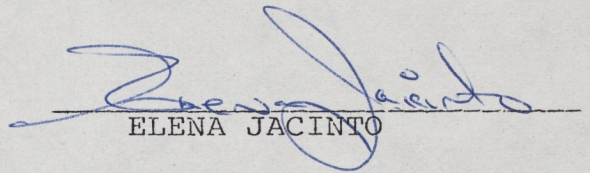
I am a United States Citizen, over the age of eighteen,
and not a party to the herein action;

On February 10, 1976, I personally delivered copies of
the herein COMPLAINT FOR PERMANENT INJUNCTION, TEMPORARY ORDER
and PRELIMINARY INJUNCTION, and PETITION FOR WRIT OF MANDATE,

1 the accompanying exhibits and Points and Authorities, and ORDER
2 TO SHOW CAUSE, on Kile Morgan, Michael Dall, Luther Reid and Ione
3 Minogue Campbell, by delivering said copies, sealed in envelopes
4 displaying the names of the above persons, to the City Clerk's
5 office of National City, City Administration Building, 1243
6 National Avenue, National City, California, on February 10, 1976.

7 Executed this 10th day of February, 1976, in the City
8 of San Diego, County of San Diego, California.

9 I declare under penalty of perjury that the foregoing
10 is true and correct.

11 
12 ELENA JACINTO
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1 PETER A. SCHEY, ESQ.
2 RALPH ARREOLA, ESQ.
3 Ad Hoc Committee on Chicano Rights
4 1837 Highland Avenue
5 National City, CA 92050
6
7 Attorneys for Plaintiffs/Petitioners
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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

(HON. JUDGE DANIEL LEEDY, PRESIDING)

AD HOC COMMITTEE ON CHICANO)	
RIGHTS, an unincorporated)	
organization; HERMAN BACA,)	
an individual; JESSE RAMIREZ,	)	NO. _____
an individual; CONSUELO RUBIO,)	
an individual; OSCAR O. CANEDO,	)	ORDER TO SHOW CAUSE.
an individual; BEULAH E. XANDER,)	
an individual,)	
)	
Plaintiffs/Petitioners,)	
)	
vs.)	
)	
KILE MORGAN, individually and as)	
Mayor of National City; MICHAEL)	
DALLA, individually and as Council-)	
man of National City; LUTHER REID,)	
individually and as a Councilman)	
of National City; IONE MINOGUE)	
CAMPBELL, individually and as)	
City Clerk for National City;)	
DOES I-X,)	
)	
Defendants/Respondents)	
)	

On reading the verified complaint/petition of plaintiffs
on file in this action and the affidavits attached thereto, and the
memorandum of points and authorities submitted therewith, and it
appearing to the satisfaction of the court that this is a proper
case for granting an order to show cause and a temporary restraining

1 order, and that unless the temporary restraining order prayed for
2 in said complaint be granted, great and irreparable injury will
3 result to plaintiff before the matter can be heard on notice;

4 NOW, THEREFORE, IT IS HEREBY ORDERED that the above-named
5 defendants, and each of them, appear before this Court in the court
6 room of the Superior Court, Department 11, at 202 W. Broadway,
7 San Diego, on _____, 19____, at the hour of _____.M.
8 then and there to show cause, if any they have, why a peremptory
9 writ of mandate should not issue, and why they, and each of them,
10 and their agents, servants, employees and representatives should
11 not be enjoined and restrained during the pendency of this action
12 from engaging in, committing or performing, directly or indirectly,
13 any and all of the following acts:

14 a. Providing the plaintiffs/petitioners herein with
15 incorrect and misleading information, which correct
16 information they need in order to comply with the
17 law in their recall effort;

18 b. Refusing to count certain signatures on the
19 petition because the precinct members affixed to
20 said signatures were drawn from a consolidated list
21 of eighteen precincts;

22 c. Refusing to allow plaintiffs/petitioners a
23 reasonable opportunity to correct precinct numbers
24 attached to the petition submitted on December 31,
25 1975; or refusing to correct said precinct numbers
26 without the assistance of plaintiffs/petitioners;

27 d. Stopping, detaining, interrogating or searching
28 Deputy Voter Registrars without reasonable or probable

1 cause as required by law;

2 IT IS FURTHER ORDERED that pending the hearing and
3 determination of said order to show cause, the defendants, and
4 each of them, or their officers, agents, employees, representatives
5 and all persons acting in concert or participating with them, shall
6 be and they are hereby restrained and enjoined from engaging in
7 or performing, directly or indirectly, any and all of the follow-
8 ing acts:

9 a. Providing plaintiffs/petitioners with incorrect
10 or misleading information concerning precinct
11 numbers required by plaintiffs/petitioners in
12 order to comply with the Elections Code in
13 their recall petition drive;

14 b. Continuing, as of the date of this order, and
15 until further order of this court, thirty (30)
16 day period, provided in Elections Code section
17 27511, given the proponents to obtain additional
18 valid signatures subsequent to the issuance of a
19 certificate of insufficiency;

20 c. Stopping, detaining, interrogating or searching
21 Deputy Registrars of Voters unless upon reasonable
22 or probable cause as is required by law.

23 IT IS FURTHER ORDERED that copies of said complaint,
24 affidavits, memorandum of points and authorities, and this order
25 to show cause and temporary restraining order be served on said
26 defendants not later than _____, 19____.

27 DATED: _____
28

JUDGE OF THE SUPERIOR COURT