

Before the  
United States Treasury Department  
Office of Revenue Sharing  
Washington, D. C. 20220

Bert Perez, Chairman  
of the Decoto Residents Association;  
Joann Rojas, Chabela Gomez,  
Chester and Guadalupe Cordova, and  
Sally Perez, members of the  
Decoto Residents Association, and  
the Decoto Residents Association,  
an association of Chicano and other  
Spanish-surnamed residents of the  
Decoto District of Union City, California,

Petitioners,

v.

City of Union City, California,  
a municipal corporation;  
Tom Kitayama, Mayor;  
Sue Boyle, Manuel Garcia,  
Donald Miller and Richard Oliver,  
members of the City Council;  
William Zaner, City Manager,

Respondents.

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

I. Nature of the Claim

1. Complainants hereby charge that they, and others similarly situated, are being excluded from participation in, denied the benefits of, and subjected to discrimination under programs and activities funded in whole or in part by funds made available to the City of Union City, hereinafter called "City", under the State and Local Fiscal Assistance Act of 1972. Such discrimination is the direct or indirect result of the acts and omissions of respondents, who are officials of the City government responsible for providing and

administering a broad range of municipal services to the citizens of the City including complainants. Respondents have expended or appropriated substantial amounts of federal revenue sharing money in programs, activities, or services provided or administered in such a manner as to deny to the citizens of the City benefits substantially equal to those afforded to white citizens. As a result of this arbitrary, pervasive pattern of discrimination, complainants, and other Mexican-American and Spanish-surnamed residents of the Decoto area of the City, suffer a poor and inferior level of municipal services, including road construction and maintenance, storm drain construction and maintenance, fire protection, traffic control and safety, and sanitary sewage. Moreover, respondents engage in racially and ethnically discriminatory employment practices in programs funded in whole or in part by federal revenue sharing funds, which practices deny equal employment and promotional opportunities to Chicano and other Spanish-surnamed residents of the City solely on the basis of their ethnic origin. These acts, practices, and omissions, which are more fully set forth below, constitute clear violations of Section 122 of the Revenue Sharing Act, Titles VI and VII of the Civil Rights Act of 1964, the Civil Rights Act of 1871 (42 U.S.C. §1983), and the Constitution of the United States of America

## II. Jurisdiction

2. This complaint is submitted to remedy a continuing violation of Section 122(a) 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 (this Act).

3. Treasury Department jurisdiction is invoked under Section 122(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 (Section 122)."

4. Complainants also invoke jurisdiction under 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,<sup>1/</sup> 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, 42 U.S.C. §1983, and the equal protection clause of the Fourteenth Amendment to the Constitution of the United States of America.

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1. "No person in the United States shall on the ground of race, color, or national origin, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance." 42 U.S.C. §2000(d).

### III. Complainants

5. Complainants are Chicano and other Spanish-surnamed citizens of Union City who reside in the low-income community called "Decoto". 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, drainage, fire protection, sanitary sewage, and recreational facilities.

6. Complainant Bert Perez, age 56, is a Chicano male who has resided in the Decoto District of Union City for 23 years. Complainant Sally Perez, age 55, is a Chicana female who has resided in the Decoto District with her husband, complainant Bert Perez, for 23 years. Complainant Joann Rojas is the mother of 3 children who has resided in the Decoto District of Union City for 5 years. Complainant Guillermo Gomez, age 38, is a Chicano male who was born and raised in the Decoto District and who lives here now. Complainant Chabela Gomez, age 30, is a Chicana female, the mother of 3 children, and has been a resident of the Decoto District of Union City all her life. Complainants Chester and Guadalupe Cordova are Chicanos, the parents of 3 children and residents of the Decoto District of Union City for the past 25 years. Complainant Maximiliano Perez, age 90, is a Chicano male who has resided in the Decoto District of Union City for 20 years. Complainant Decoto Residents Association is an association of Chicano and other Spanish-surnamed residents of the Decoto District of Union City, incorporated under the laws of the State of California, whose primary function and objective is the preservation and

enhancement of the Decoto District as a residential district, for the benefit of the present residents of the Decoto District.

7. Complainants submit this complaint on behalf of themselves, and on behalf of the class consisting of Chicano and other Spanish-surnamed persons residing in the Decoto District of Union City. There are at least 6,000 members of this class, and members are, therefore, too numerous to be joined in one action as named parties. Complainants' claims are typical of the claims of the other members of the class: respondents have acted, or refused to act, on grounds generally applicable to the entire class, and have denied to complainants, and to the class as a whole, rights guaranteed by the Constitution and laws of the United States. Complainants are represented by counsel who are experienced in class action and civil rights litigation, and thus, the complainants will fairly and adequately protect the interests of their class in this proceeding.

#### IV. Respondents

8. Respondent City of Union City is a unit of general government organized pursuant to the laws of the State of California. The City is responsible for the conduct of all functions of local government within its city limits, with the exception of those functions performed by either Alameda County or the New Haven Unified School District Board. Functions performed by the City include the provision of police and fire protection, traffic control and safety, recreation facilities and programs, and the construction, operation, and maintenance of roads, surface and storm drainage, and sanitary sewage facilities. The City is

responsible for all hiring and promotional practices affecting public employees of the City. The City receives entitlement payments from the Office of Revenue Sharing under the Revenue Sharing Act.<sup>2/</sup> The records of the City indicate that \$507,004 in federal revenue sharing money had been received by the City as of June 30, 1974. Of these funds \$377,523 were spent for environmental conservation, more specifically, for undergrounding utilities on "Alvarado-Niles Road" and \$129,481 for "public safety".<sup>3/</sup> According to the City Manager's Budget Message and Proposed 1974-75 Budget, the City has \$527,447 in revenue sharing funds available for expenditures for the 1974-1975 fiscal year of which the City intends to spend \$523,500.<sup>4/</sup>

9. Respondent Tom Kitayama is the elected Mayor and chief executive officer of the City. Respondents Sue Boyle, Manuel Garcia, Donald Miller and Richard Oliver are elected members of the City Council representing the City at Large.

10. Respondent William Zaner is the City Manager and chief administrative official of the City government. As such, he is responsible for administering the day-to-day affairs of the City government, and performs a wide range of tasks, including ministerial functions and limited policy-making decisions.

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2. The Office of Revenue Sharing Account number for Union City, California is 052 661 561.

3. See, City of Union City City Manager's Budget Message and Proposed 1973-74 Budget, Union City City Hall Records. See also, Planned Use Reports FY 1972-73 and FY 1973-74, City Records.

4. See, City of Union City Manager's Budget Message and Proposed 1974-75 Budget.

V. Statement of the Claim

11. The Decoto District of Union City is the oldest section of Union City and was a well-populated area of Alameda County years before the incorporation of Union City itself. Throughout its history Decoto has had a predominantly Latino population. Decoto is also the poorest area of Union City, and the area with the fewest municipal services and improvements of any area of the City. The clear disparity in services and improvements as between Decoto and the rest of Union City is apparent by virtue of many factors, one of the most significant and visible being road maintenance, the responsibility of the City's Department of Public Works.

12. Wholly aside from actual unequal provision of road surfacing and maintenance, provision of curbs and gutters and other aspects of street work, the City's Department of Public Works maintains racially and ethnically discriminatory recruitment, hiring and promotional practices regarding its employees, relegating Chicano and other Spanish-surnamed to lower paying, menial positions, with no meaningful opportunity for advancement to skilled positions and supervisory or management positions.

13. According to figures provided by the City, \$131,512 to be received from the Office of Revenue Sharing under the Revenue Sharing Act has been allocated to public transportation. According to the 1974-75 City Budget, the City intends to spend \$131,000 of its Revenue Sharing Funds for "Alvarado-Kiles Road"; \$217,500 for Fire Station 3; \$135,000 for Park Development; and \$25,000 for Relocation of Fire Station 2. These federal funds are being

and will be used to perpetuate the racially and ethnically discriminatory practices of the City in providing the benefits of this municipal service to its citizens, and in the hiring and promotion of public employees within the City's Police, Fire and Public Works Departments.

14. Traffic Safety -- The ordinances of the City provide that the Public Works Department is responsible for traffic safety. This service is unusually important in areas such as Decoto, where accidents frequently occur as a result of unmarked cross streets and poor roads. Notwithstanding this clear responsibility the City has deprived and continues to deprive Chicano and other Spanish-surnamed citizens of Decoto benefits of services which are substantially equal to those afforded white citizens and continues to refuse the installation of even minimal traffic control devices such as stop signs.

15. Road Maintenance by City's Public Works Department -- The City concedes that at least 40% of the roadways in the Decoto District are in such deteriorated condition that resurfacing is not economic and that complete replacement is the only economic approach from an engineering standpoint. The City further estimates that the total cost of this vital municipal service to Decoto would be equal to the full budget of the City for a year. Rather than engage in this sort of road work, however, the City expends minimal amounts on road patch work, and devotes the large proportion of its revenue sharing funds and other public monies to the improvement of roads outside the Decoto District, and particularly in the white areas of the City.



16. This pattern of neglect in providing adequate traffic control, and road maintenance is part of the overall pattern of discrimination by the City Department of Public Works, the activities of which are funded in large part by federal revenue sharing funds.

17. Proposed Expenditures of Revenue Sharing -- Upon inquiry into the City expenditures of Revenue Sharing, claimants were informed by the City that all of the revenue sharing money would be spent on capital improvements and that no money was available for social programs. The capital improvement plan (hereinafter called "Plan") of Union City for the next five years indicates that all of the expected revenue sharing money will be spent on capital projects located outside the vicinity of the Decoto District. In reference to the only project planned within the Decoto District, the plan simply stated that,

"An intensive search of available properties has been conducted in the Decoto area to determine if the community center could be relocated into larger quarters more suitable to recreational programming. To date, no such facilities appear to be available. Construction of a minimum facility appears to be economically unfeasible at this time".

and the only proposal was that

"The city continue to seek alternate housing for the Decoto Youth Center".

and that

"Revenue sharing funds should be considered for this purpose".

18. Employment Discrimination by the Public Works Department of the City -- Notwithstanding the high unemployment rate within the Decoto community and the ready availability of Chicano workers, and despite the City's long history of denial to Chicanos of

employment opportunities on public works projects, the City is presently engaged in a hiring program which deprives Decoto residents and other Chicano job applicants of any opportunity to secure desperately needed work, on public works projects, for which these persons are fully qualified.

19. Fire Protection -- The City has engaged in discriminatory recruitment, hiring and promotional practices regarding employment of firefighters. Even today there is but one Spanish-speaking person on the City Fire Department staff.

20. As stated in paragraph 13, supra, \$160,000 of federal revenue sharing money has been appropriated or expended for fire protection. Complainants, Chicano and all other Spanish-surnamed citizens throughout the City, are being denied the benefits of equal fire protection and are being denied equal employment opportunities in this governmental activity, which is receiving major support from funds made available under the Revenue Sharing Act.

21. Recreational Facilities -- Since the date of incorporation of the City, practically all of the funds allocated by the City for park improvements have been used for areas outside of Decoto and the present proposal is to spend money for 1974-1975 to improve parks which are not accessible to or used by the Chicano community of Decoto. For example, of the total special park improvement fund: \$7,000 is to be used for "Civic Center Park"; \$8,000 for "Casa Verde Park"; \$17,000 for "VII Hills Park"; and \$18,000 for "Alvarado Park", all outside Decoto.

22. In marked contrast, there is no money allocated to

improve the only park and plaza in Decoto, itself a small and poorly-serviced facility. For example, the City has steadfastly failed and refused to install even swings and a sandbox and at last installed two toilets only after the frustration of the community over the City's non-responsiveness to Chicano needs had reached crisis proportions. When the community approaches the City Council respecting its recreational needs, the response is to stall, to defer, in other words, to ignore and generally attempt to avoid confronting the demands while at the same time the City is readying itself to say that its monies and priorities must be elsewhere.

23. With respect to the use of recreational facilities, the City's discriminatory practices are apparent at almost every level. For example, during this summer's programs, the City supported a swim program in which over 1,000 children and youngsters participated. Of this total, the City was to set aside 50 "fee-waivers" for low-income persons. Of these 50 "fee-waivers" only 24 were used, yet when approximately 10 poor children from the Chicano community of Decoto showed up at the pool with their "fee-waiver" forms or "passes" filled out, they were denied admittance to the swim classes and told there was no room for them.

24. This pattern of disregard of the community is pervasive and characterizes the City's entire approach to the Chicano and other Spanish-surnamed members of the Decoto community.

25. Denial of Social Service Programs -- The City fails and refused to afford to the Decoto community the sorts of social programs and services it provides to other parts of the City.

The only services and programs which have been made available to the Chicano and other Spanish-surnamed community in Decoto have been the result of efforts of non-profit community organizations and other ad hoc groups who secure their support and their minimal funding, if any, from sources other than the City. These programs and services and aid to the community include a neighborhood health clinic, a senior citizens outreach center and a meals-on-wheels program for seniors. A further example of community-generated aid to Decoto is the long, difficult, and successful struggle waged by the community itself to prevent the loss of housing for some 500 persons in the Decoto areas as the result of a proposed freeway.

26. Most recently, for example, the City has expressly refused to provide funds to assist the Decoto Centro de Servicios, even though the City knows or should know that the Centro is in desperate need of additional aid to carry out a program of social services to the Chicano community of Union City.

27. In sum, all forms of assistance to the Decoto community is the result of volunteer efforts by Decoto community persons rather than any significant degree of effort, commitment or contribution from the City.

28. Other Public Functions -- Racial and ethnic discrimination is evidenced in many governmental functions in addition to those set forth above, which are merely the most easily perceived manifestations of such discrimination. Additional employment discrimination is evidenced by the fact that the City to date has not adopted an Affirmative Action Plan which in some way might

ameliorate the discriminatory employment practices. Moreover, the City has been most uncooperative in providing either employment statistics or utilization analyses from which goals and timetables could be set in compiling a workable Affirmative Action Plan. This lack of cooperation results in a denial to the Chicano community of an opportunity to be heard on a subject of fundamental importance and further aggravates the pervasive discrimination against Chicanos throughout the various departments of the City.

In addition to being important in and of itself, a termination of the City's practice of employment discrimination is much more crucial in Decoto because of the language barrier. Within Decoto approximately 20% of the citizens only speak Spanish, thus major problems arise whenever a non-English speaking person has to call the Fire Department which employs at most one Spanish-speaking person or the Police Department which only employs one Spanish-speaking police officer.

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

29. On information and belief, the City's racial discrimination in recruitment, hiring and promotional practices and absence of affirmative action for public employees pervades all areas of City employment in addition to that existing in the Fire and Public Works Departments and Chicano and other Spanish-surnamed residents are uniformly denied equal job opportunities by the City or its agents. All such discriminatory acts and practices receive

direct or indirect support from the funds made available to the City under the Revenue Sharing Act.

#### VI. Relief Requested

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

(a) cause an investigation to be made of the facts and circumstances alleged in this complaint, such investigation to commence on

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

(c) make a prompt determination that respondents have failed to comply with Section 122 of the State and Local Fiscal Assistance Act of 1972, and Treasury Department regulations implementing Section 122;

(d) defer all payments of further revenue sharing entitlement funds to the City commencing with the date of receipt of this complaint through the initial determination of noncompliance during the pendency of further proceedings;

(e) request the Governor of the State of California to secure compliance immediately upon making the determination of ethnic origin discrimination requested in subparagraph (c) above;

(f) if within 60 days after receiving such request the

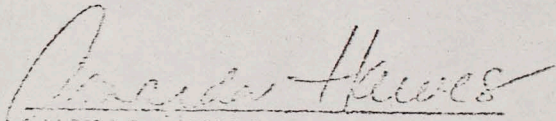
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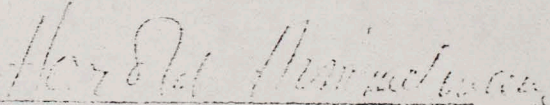
Governor fails or refuses to secure compliance, immediately initiate formal enforcement procedures within the Department, and if, upon completion thereof, respondents fail to comply with nondiscrimination requirements, withhold any further payment of federal funds to respondents for the remainder of the present entitlement period and for all subsequent entitlement periods until such time as the Secretary is satisfied that the requirements of Section 122 and the regulations have been adequately met, and that the effects of past discriminatory acts and omissions will be substantially eliminated;

(g) require the repayment of all federal revenue sharing funds which have been allocated by the respondents for road maintenance, fire protection, public transportation, and capital improvements, unless respondents demonstrate to the Secretary that they will expend sufficient amounts of local revenues to equalize the effects of past discriminatory acts and omissions;

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

Respectfully submitted,

  
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CHARLIE VASQUEZ  
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REVENUE SHARING

I. Nature of the Claim

1. Complainants hereby charge that they, and others  
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funds made available to the City of Union City, hereinafter  
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## II. Jurisdiction

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3. Treasury Department jurisdiction is invoked under Section 122(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 (Section 122)."

4. Complainants also invoke jurisdiction under 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,<sup>1/</sup> 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, 42 U.S.C. §1983, and the equal protection clause of the Fourteenth Amendment to the Constitution of the United States of America.

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1. "No person in the United States shall on the ground of race, color, or national origin, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance." 42 U.S.C. §2000(d).

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enhancement of the Decoto District as a residential district, for the benefit of the present residents of the Decoto District.

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2. The Office of Revenue Sharing Account number for Union City, California is 652-664-564.

3. See, City of Union City City Manager's Budget Message and Proposed 1973-74 Budget, Union City City Hall Records. See also, Planned Use Reports FY 1972-73 and FY 1973-74, City Records.

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V. Statement of the Claim

11. The Decoto District of Union City is the oldest section of Union City and was a well-populated area of Alameda County years before the incorporation of Union City itself. Throughout its history Decoto has had a predominantly Latino population. Decoto is also the poorest area of Union City, and the area with the fewest municipal services and improvements of any area of the City. The clear disparity in services and improvements as between Decoto and the rest of Union City is apparent by virtue of many factors, one of the most significant and visible being road maintenance, the responsibility of the City's Department of Public Works.

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15. Road Maintenance by City's Public Works Department -- The City concedes that at least 40% of the roadways in the Decoto District are in such deteriorated condition that resurfacing is not economic and that complete replacement is the only economic approach from an engineering standpoint. The City further estimates that the total cost of this vital municipal service to Decoto would be equal to the full budget of the City for a year. Rather than engage in this sort of road work, however, the City expends minimal amounts on road patch work, and devotes the large proportion of its revenue sharing funds and other public monies to the improvement of roads outside the Decoto District, and particularly in the white areas of the City.

16. This pattern of neglect in providing adequate traffic control, and road maintenance is part of the overall pattern of discrimination by the City Department of Public Works, the activities of which are funded in large part by federal revenue sharing funds.

17. Proposed Expenditures of Revenue Sharing -- Upon inquiry into the City expenditures of Revenue Sharing, claimants were informed by the City that all of the revenue sharing money would be spent on capital improvements and that no money was available for social programs. The capital improvement plan (hereinafter called "Plan") of Union City for the next five years indicates that all of the expected revenue sharing money will be spent on capital projects located outside the vicinity of the Decoto District. In reference to the only project planned within the Decoto District, the plan simply stated that,

"An intensive search of available properties has been conducted in the Decoto area to determine if the community center could be relocated into larger quarters more suitable to recreational programming. To date, no such facilities appear to be available. Construction of a minimum facility appears to be economically unfeasible at this time".

and the only proposal was that

"The city continue to seek alternate housing for the Decoto Youth Center".

and that

"Revenue sharing funds should be considered for this purpose".

18. Employment Discrimination by the Public Works Department of the City -- Notwithstanding the high unemployment rate within the Decoto community and the ready availability of Chicano workers, and despite the City's long history of denial to Chicanos of



employment opportunities on public works projects, the City is presently engaged in a hiring program which deprives Decoto residents and other Chicano job applicants of any opportunity to secure desperately needed work, on public works projects, for which these persons are fully qualified.

19. Fire Protection -- The City has engaged in discriminatory recruitment, hiring and promotional practices regarding employment of firefighters. Even today there is but one Spanish-speaking person on the City Fire Department staff.

20. As stated in paragraph 13, supra, \$160,000 of federal revenue sharing money has been appropriated or expended for fire protection. Complainants, Chicano and all other Spanish-surnamed citizens throughout the City, are being denied the benefits of equal fire protection and are being denied equal employment opportunities in this governmental activity, which is receiving major support from funds made available under the Revenue Sharing Act.

21. Recreational Facilities -- Since the date of incorporation of the City, practically all of the funds allocated by the City for park improvements have been used for areas outside of Decoto and the present proposal is to spend money for 1974-1975 to improve parks which are not accessible to or used by the Chicano community of Decoto. For example, of the total special park improvement fund: \$7,000 is to be used for "Civic Center Park"; \$8,000 for "Casa Verde Park"; \$17,000 for "VII Hills Park"; and \$18,000 for "Alvarado Park", all outside Decoto.

22. In marked contrast, there is no money allocated to

improve the only park and plaza in Decoto, itself a small and poorly-serviced facility. For example, the City has steadfastly failed and refused to install even swings and a sandbox and at last installed two toilets only after the frustration of the community over the City's non-responsiveness to Chicano needs had reached crisis proportions. When the community approaches the City Council respecting its recreational needs, the response is to stall, to defer, in other words, to ignore and generally attempt to avoid confronting the demands while at the same time the City is readying itself to say that its monies and priorities must be elsewhere.

23. With respect to the use of recreational facilities, the City's discriminatory practices are apparent at almost every level. For example, during this summer's programs, the City supported a swim program in which over 1,000 children and youngsters participated. Of this total, the City was to set aside 50 "fee-waivers" for low-income persons. Of these 50 "fee-waivers" only 24 were used, yet when approximately 10 poor children from the Chicano community of Decoto showed up at the pool with their "fee-waiver" forms or "passes" filled out, they were denied admittance to the swim classes and told there was no room for them.

24. This pattern of disregard of the community is pervasive and characterizes the City's entire approach to the Chicano and other Spanish-surnamed members of the Decoto community.

25. Denial of Social Service Programs -- The City fails and refused to afford to the Decoto community the sorts of social programs and services it provides to other parts of the City.

The only services and programs which have been made available to the Chicano and other Spanish-surnamed community in Decoto have been the result of efforts of non-profit community organizations and other ad hoc groups who secure their support and their minimal funding, if any, from sources other than the City. These programs and services and aid to the community include a neighborhood health clinic, a senior citizens outreach center and a meals-on-wheels program for seniors. A further example of community-generated aid to Decoto is the long, difficult, and successful struggle waged by the community itself to prevent the loss of housing for some 500 persons in the Decoto areas as the result of a proposed freeway.

26. Most recently, for example, the City has expressly refused to provide funds to assist the Decoto Centro de Servicios, even though the City knows or should know that the Centro is in desperate need of additional aid to carry out a program of social services to the Chicano community of Union City.

27. In sum, all forms of assistance to the Decoto community is the result of volunteer efforts by Decoto community persons rather than any significant degree of effort, commitment or contribution from the City.

28. Other Public Functions -- Racial and ethnic discrimination is evidenced in many governmental functions in addition to those set forth above, which are merely the most easily perceived manifestations of such discrimination. Additional employment discrimination is evidenced by the fact that the City to date has not adopted an Affirmative Action Plan which in some way might

ameliorate the discriminatory employment practices. Moreover, the City has been most uncooperative in providing either employment statistics or utilization analyses from which goals and timetables could be set in compiling a workable Affirmative Action Plan. This lack of cooperation results in a denial to the Chicano community of an opportunity to be heard on a subject of fundamental importance and further aggravates the pervasive discrimination against Chicanos throughout the various departments of the City.

In addition to being important in and of itself, a termination of the City's practice of employment discrimination is much more crucial in Decoto because of the language barrier. Within Decoto approximately 20% of the citizens only speak Spanish, thus major problems arise whenever a non-English speaking person has to call the Fire Department which employs at most one Spanish-speaking person or the Police Department which only employs one Spanish-speaking police officer.

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

29. On information and belief, the City's racial discrimination in recruitment, hiring and promotional practices and absence of affirmative action for public employees pervades all areas of City employment in addition to that existing in the Fire and Public Works Departments and Chicano and other Spanish-surnamed residents are uniformly denied equal job opportunities by the City or its agents. All such discriminatory acts and practices receive

direct or indirect support from the funds made available to the City under the Revenue Sharing Act.

VI. Relief Requested

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

(a) cause an investigation to be made of the facts and circumstances alleged in this complaint, such investigation to commence on

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

(c) make a prompt determination that respondents have failed to comply with Section 122 of the State and Local Fiscal Assistance Act of 1972, and Treasury Department regulations implementing Section 122;

(d) defer all payments of further revenue sharing entitlement funds to the City commencing with the date of receipt of this complaint through the initial determination of noncompliance during the pendency of further proceedings;

(e) request the Governor of the State of California to secure compliance immediately upon making the determination of ethnic origin discrimination requested in subparagraph (c) above;

(f) if within 60 days after receiving such request the

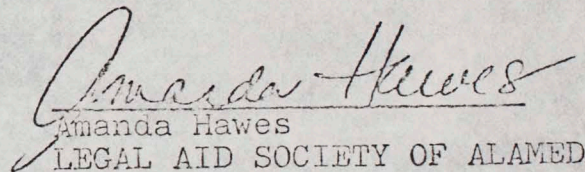
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Governor fails or refuses to secure compliance, immediately initiate formal enforcement procedures within the Department, and if, upon completion thereof, respondents fail to comply with nondiscrimination requirements, withhold any further payment of federal funds to respondents for the remainder of the present entitlement period and for all subsequent entitlement periods until such time as the Secretary is satisfied that the requirements of Section 122 and the regulations have been adequately met, and that the effects of past discriminatory acts and omissions will be substantially eliminated;

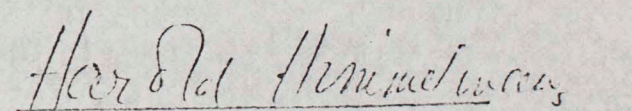
(g) require the repayment of all federal revenue sharing funds which have been allocated by the respondents for road maintenance, fire protection, public transportation, and capital improvements, unless respondents demonstrate to the Secretary that they will expend sufficient amounts of local revenues to equalize the effects of past discriminatory acts and omissions;

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

Respectfully submitted,

  
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