[MS-0398.030-008.007]

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Tina C. DEbaca, JAmes Miner, & Elena Anita Moreno on behalf of themselves and all others similarily situated Plaintiffs,

V.

County of San Diego, Norman Hickey, Chief Administrative Officer of San Diego County, Brian P. Bilbray, County Board of Supervisors, George F. Bailey, County Board of Supervisors, Susan M. Golding, County Board of Supervisors, Leon L. Williams, County Board of Supervisors, John MacDonald, County Board of Supervisors

SUMMONS IN A CIVIL ACTION

Complaint

CASE NUMBER: '911282S (BIM)

TO: (Name and Address of Defendant)

Leon L. Williams, County Board of Supervisors
County Administration Building, Room 335
1600 Pacific Highway
San Diego, CA 92101-2469

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Michael J. Aguirre
AGUIRRE & MEYER
1060 Eighth Ave., SUite 300
SAn DIego, CA 92101

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

SEP 17 1991

WILLIAM W. LUDDY

CLERK

DATE

SEAL

HERBERT SORING

BY DEPUTY CLERK

Michael J. Aguirre, Esquire, SBN 060402
Patricia A. Meyer, Esquire, SBN 109621
AGUIRRE & MEYER
A Professional Corporation
1060 Eighth Avenue, Suite 300
San Diego, California 92101
(619) 235-8636

Attorneys for Plaintiffs

FILED ____ LODGED
RECEIVED ____ ENTERED
SEP 16
CLERK U S DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

TINA C. DeBACA, JAMES MINER, and ELENA ANITA MORENO on behalf of themselves, and all others similarly situated, Plaintiffs, vs. COUNTY OF SAN DIEGO, NORMAN HICKEY, Chief Administrative Officer of San Diego County, BRIAN P. BILBRAY, County Board of Supervisors, GEORGE F. BAILEY, County Board of Supervisors, SUSAN M. GOLDING, County Board of Supervisors, LEON L. WILLIAMS, County Board of Supervisors, JOHN MacDONALD, County Board of Supervisors, Defendants.	Case No. '911282 S (BTM) COMPLAINT FOR VIOLATIONS OF THE VOTING RIGHTS ACT; THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES; AND FOR TEMPORARY, PRELIMINARY AND PERMANENT INJUNCTIONS **CLASS ACTION** **F.R.C.P. 23(b)(2)**

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Table of Contents

I. JURISDICTION 2

II. IDENTIFICATION OF THE PARTIES 2

III. CLASS ACTION ALLEGATIONS 3

IV THE SAN DIEGO COUNTY ELECTION SYSTEM DILUTES THE VOTING STRENGTH OF SAN DIEGO MINORITY CITIZENS 5

V HISTORY OF THE SAN DIEGO COUNTY ELECTORAL SYSTEM 6

VI CURRENT COUNTY OF SAN DIEGO ELECTORAL PROCESS 6

VII HISTORY OF THE SAN DIEGO COUNTY ELECTION RESULTS 8

A. San Diego Minority Citizens Do Not Have Equal Access To The Political System In San Diego County 8

B. The County Of San Diego Has Used The Election System As A Device To Discriminate Against Plaintiffs 18

C. The Reapportionment of Supervisorial Districts in 1991 Intentionally Dilutes The Voting Power of SAN DIEGO MINORITY CITIZENS 18

VIII. VOTING IN SAN DIEGO ELECTIONS IS RACIALLY POLARIZED 25

A. San Diego Minority Residents Are A Geographically Insular Minority Group 25

B. SAN DIEGO MINORITY CITIZENS Are a Politically Cohesive Minority Group. 27

C. White Majority Vote Is Usually Sufficient As A Bloc To Defeat The SAN DIEGO MINORITY CITIZENS' Preferred Candidate 28

IX. POLITICAL CAMPAIGNS HAVE BEEN CHARACTERIZED BY OVERT AND SUBTLE RACIAL APPEALS 29

X. SAN DIEGO MINORITY CITIZENS BEAR THE EFFECTS OF DISCRIMINATION IN EDUCATION, EMPLOYMENT, AND HEALTH WHICH HINDERS THEIR ABILITY TO PARTICIPATE EFFECTIVELY IN THE POLITICAL PROCESS 29

XI. SAN DIEGO MINORITY CITIZENS HAVE BEEN DENIED AN EQUAL CHANCE TO PARTICIPATE IN THE POLITICAL PROCESS IN SAN DIEGO 31

XII. CLAIMS FOR RELIEF 31

XIII. PRAYER 33

Plaintiffs allege on information and belief as follows:

I.

JURISDICTION

1. This action is brought by plaintiffs on behalf of themselves and on behalf of all San Diego Hispanic, Afro-American, and Asian Citizens, pursuant to Federal Rules of Civil Procedure Rule 23(a) and 23(b)(2) to enforce rights guaranteed by the Fourteenth Amendment to the United States Constitution. This action is brought against Defendants COUNTY OF SAN DIEGO, NORMAN HICKEY, BRIAN P. BILBRAY, GEORGE F. BAILEY, SUSAN M. GOLDING, LEON L. WILLIAMS, and JOHN MacDONALD, to stop the imposition of practices and procedures that result in the denial and abridgement of the rights of Afro-American, Hispanic, and Asian American Citizens of the United States who are residents of the County of San Diego. (Hereinafter plaintiffs and the class will be collectively referred to as "SAN DIEGO MINORITY CITIZENS"). Plaintiffs seek and are entitled to a declaratory judgment declaring the districts for the San Diego County Board of Supervisors, as adopted on September 16, 1991, unconstitutional under the Fourteenth Amendment to the United States Constitution. The jurisdiction of this Court is founded on the Voting Rights Act as set forth in Title 42 U.S.C §§1973, et seq. and §1983, et seq.

II.

IDENTIFICATION OF THE PARTIES

2. Plaintiff TINA C. DeBACA ("DeBACA") is a San Diego Hispanic Citizen. residing in the County of San Diego, California. Plaintiff JAMES MINER ("MINER") is a San Diego Afro-American Citizen, residing within the County of San Diego. Plaintiff ELENA ANITA MORENO ("MORENO") is a San Diego Asian Citizen, residing in the County of San Diego. Plaintiffs DeBACA, MINER and MORENO are registered voters in the County of San Diego and will hereafter sometimes be referred to as Plaintiffs.

3. Plaintiffs and the proposed class of SAN DIEGO MINORITY CITIZENS are aggrieved parties. Plaintiffs are commencing this action to make the political processes leading to nomination and election to the San Diego County Board of Supervisors open

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

equally to SAN DIEGO MINORITY CITIZENS. This action is intended to redress practices and procedures of defendants which cause SAN DIEGO MINORITY CITIZENS to have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice to the San Diego County Board of Supervisors.

4. Defendant COUNTY OF SAN DIEGO is a political and geographical subdivision of the State of California and is organized and existing under the laws of the State of California. Its legislative authority making body is comprised of a five member Board of Supervisors. The County powers include the power to reapportion the board of supervisors' district boundaries.

5. Defendant NORMAN HICKEY is the Chief Administrative Officer for the County of San Diego. The Chief Administrative Officer is the chief executive of County government and is responsible for administrative leadership, supervisory control and allocation of resources within the established federal and state guidelines and the policies of the Board of Supervisors. He is sued in his official capacity.

6. Defendants BRIAN P. BILBRAY (District 1), GEORGE F. BAILEY (District 2), SUSAN M. GOLDING (District 3), LEON L. WILLIAMS (District 4), and JOHN MacDONALD (District 5), are the present members of the County of San Diego Board of Supervisors, and as such they constitute the legislative governing body of the County of San Diego pursuant to State law. Each board member is sued in his or her official capacity.

7. Hereinafter, the COUNTY OF SAN DIEGO, NORMAN HICKEY, BRIAN P. BILBRAY, GEORGE F. BAILEY, SUSAN M. GOLDING, LEON L. WILLIAMS, and JOHN MacDONALD will be referred to collectively as the defendants.

III.

CLASS ACTION ALLEGATIONS

8. This action is brought by plaintiffs as a class action, on their own behalf and on behalf of all others similarly situated, under the provisions of Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure, for injunctive and declaratory relief, and relief incident

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

and subordinate thereto, including all further relief as the interest as justice may require, costs and attorneys' fees.

9. The class so represented by plaintiffs in this action, and of which plaintiffs are themselves members, consists of all SAN DIEGO MINORTIY CITIZENS, who have been effectively deprived of their right to vote and participate in the political process by the scheme of electing members to the San Diego County Board of Supervisors.

10. The exact number of members of this class, as hereinabove identified, is not known, but it is estimated that there are not less than 500,000 members. The class is so numerous that joinder of the individual members herein is impracticable.

11. There are common questions of law and fact in the action that relate to the rights of each member of the class and the relief sought is common to the entire class. The common questions of law include:

- Whether the SAN DIEGO MINORITY CITIZENS' voting rights under the Fourteenth Amendment have been violated;
- Whether the redistricting plan adopted by the defendants is in violation of the Voting Rights Act;
- Whether defendants acted intentionally in adopting a redistricting plan to protect their incumbencies and thereby knowingly voted down a constitutionally valid redistricting plan which empowered the SAN DIEGO MINORITY CITIZENS
- Whether plaintiffs and members of the class are entitled to the relief sought herein; and
- Whether the SAN DIEGO MINORITY CITIZENS can draw a district wherein they constitute a majority of the voting age citizens.

12. The claims of plaintiffs, who are representatives herein, are typical of the claims of the class, in that the claims of all members of the class; including plaintiffs, depend on a showing of the acts and omissions of defendants giving rise to the rights of plaintiffs to the relief sought herein. There is no conflict between any individual plaintiff and other members of the class with respect to this action, or with respect to the claims for relief herein.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

13. DeBACA, MINER and MORENO are the representative plaintiffs for the class, and are able to and will fairly and adequately protect the interests of the class. These representative plaintiffs have read the proposed complaint in this action and have a good understanding of the issues alleged. The plaintiffs have agreed to serve as representatives because of their belief that the issues raised herein are of serious concern to all SAN DIEGO MINORITY CITIZENS. The representative plaintiffs are prepared to take whatever steps are necessary to see this case through to its necessary conclusion in the best interests of the SAN DIEGO MINORITY CITIZENS.

14. Class Counsel has been certified on three other voting rights class actions raising similar and related issues involving cities within in the County of San Diego. Class Counsel has also been retained in numerous other class action litigations.

15. This action is properly maintained as a class action pursuant to FRCP 23(b)(2) inasmuch as defendants herein have acted or refused to act, as hereinafter more specifically alleged, on grounds which are applicable to the class, and have by reason of such conduct, made appropriate final injunctive relief and corresponding declaratory relief with respect to the entire class.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

IV.

THE SAN DIEGO COUNTY ELECTION SYSTEM DILUTES THE VOTING STRENGTH OF SAN DIEGO MINORITY CITIZENS

16. The 1990 Census indicated that the population of the County of San Diego as of 1990 was 2,498,016, of whom 6% were Afro-American. In addition, 20.4% of the County's population identified themselves as being of Spanish origin and, 7.4% of the County's population identified themselves as being of Asian origin. Finally, 65.4% of the County's population identified themselves as White. The U.S. Census data for 1990 has not been broken down by those residents who are citizens, and therefore eligible voters, and those who are non-citizens. That data is not available until late 1992. Plaintiffs have statistically computed eligible voters based on the percentage of non-citizen residents in San Diego County in 1980.

17. The last time supervisorial districts of the County of San Diego were reapportioned was in 1981 as a result of 1980 census statistics. Since 1981, according to County statistics, the population of the County of San Diego has grown from 1,861,846 to approximately 2,509,919.

18. Plaintiffs seek a redistricting plan which will: significantly increase the opportunity for SAN DIEGO MINORITY CITIZENS to participate in the political process; and allow SAN DIEGO MINORITY CITIZENS to elect candidates of their choice to the San Diego County Board of Supervisors.

V.

HISTORY OF THE SAN DIEGO COUNTY ELECTORAL SYSTEM

19. The County of San Diego was established by the California Legislature on February 18, 1850. A Court of Sessions, created in 1850 to handle the administrative affairs of the County of San Diego, was replaced by a Board of Supervisors which held its first meeting on January 3, 1853. At the time of its creation, San Diego County included the present counties of San Diego, Riverside, San Bernardino, and Imperial, as well as the eastern portion of Inyo County, for a total territory of approximately 40,000 square miles. The present boundaries of San Diego County, covering approximately 4,255 square miles, was set in 1907.

20. The San Diego Board of Supervisors were elected at large until 1855, when the County was divided into five supervisorial districts. At the time, the population of San Diego was 798. Today, with a population of 2,509,919, the County still has only five supervisorial districts.

VI.

CURRENT COUNTY OF SAN DIEGO ELECTORAL PROCESS

21. The Charter of San Diego County provides for the power of the county as follows:

> **Section 300: County Powers.** As a political subdivision of the State, the County has all the powers specifically stated and necessarily implied in general law and this Charter, including the power to assess, levy, and collect taxes.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Section 301: County Authority. The County may exercise its powers only through a five-member Board of Supervisors or through persons authorized by general law, this Charter, or the Board.

22. The Charter of San Diego County provides for the creation of supervisorial districts for the Board of Supervisors in Article IV as follows:

Section 400: Number and Apportionment of Districts. For the purpose of electing Supervisors, the County is divided into five legally apportioned districts.

Section 400.1: After each Federal decennial census, the districts of the County shall be reapportioned by the Board in the manner specified by general law and in such a way that the area of at least two districts is as substantially outside the City of San Diego as the population will permit. Failure of the Board to so redistrict within one year constitutes misconduct in office.

23. The Charter of San Diego County in relevant part provides for the election of supervisors as follows:

Section 401: Election and Appointment of Supervisors. The voters in each of the County's five districts nominate and elect one Supervisor from their district to serve on the Board for a four-year term . . .

Section 401.1: Elections of Supervisors occur every two years: Supervisors for the first, second and third districts are elected at one general election; Supervisors for the fourth and fifth districts are elected at the alternate general election . . .

Section 403. Election of Presiding Officer. At its first meeting . . . the Board shall elect a Presiding Officer and a Presiding Officer Pro Temp . . .

24. The County of San Diego has experienced one of the fastest growth rates of any county in the United States. According to County statistics, the population of San Diego County was 209,659 in 1930; 556,808 in 1950; 1,033,011 in 1960; 1,357,854 in 1970; 1,861,846 in 1980, and 2,509,919 in 1990. It is currently estimated that the population of the County of San Diego is in excess of 2,550,000.

///

///

///

///

///

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

VII.

HISTORY OF THE SAN DIEGO COUNTY ELECTION RESULTS

A. San Diego Minority Citizens Do Not Have Equal Access To The Political System In San Diego County

25. No San Diego Hispanic American or San Diego Asian American has been elected under the San Diego County election system since 1907 when the county was drawn to include its current boundaries. Additionally, only one San Diego Afro-American has ever been elected to the San Diego County Board of Supervisors and at the time of that election he was serving on the San Diego City Council in a seat he first received by appointment. The following is a history of the elected officials on the San Diego County Board of Supervisors:

1907

Cherry, Howard M., Chairman (Jan. 7 – Aug. 8)
Cassidy, James H., Chairman (Aug. 8 – Dec. 31)
Foster, Joseph
Griffin, John
Webster, Frank S.
Adams, Daniel K.
Fisher, Thomas J.

1908

Cassidy, James H., Chairman
Adams, Daniel K.
Foster, Joseph
Fisher, Thomas J.
Griffin, John

1909

Foster, Joseph, Chairman
Adams, Daniel K.
Fisher, Thomas J.
Cassidy, James H.
Griffin, John

1910

Fisher, Thomas J., Chairman (Jan. 3 – July 21 & Aug. 5 – Dec. 31)
Foster, Joseph, Chairman (July 21 – Aug. 5)[1]

1911

Adams, Daniel K., Chairman (Jan. 2 – May 11)
Foster Joseph, Chairman (May 1 – Dec. 31)
Cassidy, James H.
Westfall, George F.
Griffin, John
Fisher, Thomas J.
Smith, John P.

1 *Technical requirement to validate bond issue

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

1912

Cassidy, James H., Chairman
Smith, John P.
Fisher, Thomas J.
Foster, Joseph
Westfall, George F.

1913

Westfall, George F. Chairman
Smith, John P.
Swallow, Charles H.
Foster, Joseph
Fisher, Thomas J.

1914

Westfall, George F., Chairman
Smith, John P.
Swallow, Charles H.
Foster, Joseph
Fisher, Thomas J.

1915

Smith, John P., Chairman
Swallow, Charles H.
Foster, Joseph
Good, Charles L.
Westfall, George F.

1916

Smith, John P., Chairman
Swallow, Charles H.
Foster, Joseph
Good, Charles L.
Westfall George F.

1917

Foster, Joseph, Chairman
Greene, Harry P.
Swallow, Charles H.
Good, Charles L.
Westfall, George F.

1918

Foster, Joseph, Chairman
Greene, Harry P.
Swallow, Charles H.
Good, Charles L.
Westfall, George F.
Greene, Mildred L.

1919

Foster, Joseph, Chairman
Swallow, Charles H.
Greene, Mildred L.
Good, Charles L.
Westfall, George F.
Hornbeck, Edward A.

1920

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Good, Charles L.
Westfall, George F.

1921

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Good, Charles L.
Westfall, George F.

1922

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Good, Charles L.
Westfall, George F.

1923

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Good, Charles L.
Hurley, Tom

1924

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Good, Charles L.
Hurley, Tom

1925

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Good, Charles L.
Hurley, Tom

1926

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Good, Charles L.
Hurley, Tom

1927

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Good, Charles L.
Hurley, Tom

1928

Foster, Joseph, Chairman
Greene, Mildred L.
Hornbeck, Edward A.
Hurley, Tom

1929

Good, Charles L., Chairman
Hastings, Edgar F.
Hornbeck, Edward A.
Aul, LeRoy H.
Hurley, Tom

1930

Good, Charles L., Chairman
Hastings, Edgar F.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Hornbeck, Edward A.
Aul, LeRoy H.
Hurley, Tom

1931

Hornbeck, Edward A., Chairman
Hastings, Edgar F.
Aul, LeRoy H.
McMullen, Stewart P.
Hurley, Tom

1932

Hurley, Tom, Chairman
Hastings, Edgar F.
Hornbeck Edward A.
Aul, LeRoy H.
McMullen, Stewart P.

1933

Hurley, Tom, Chairman
Richards, T. LeRoy
Trussell, Ray
McMullen, Stewart P.
Hastings, Edgar F.

1934

Hurley, Tom, Chairman
Richards, T. LeRoy
Trussell, Ray
McMullen, Stewart P.
Hastings, Edgar F.

1935

Hastings, Edgar F., Chairman
Richards, T. LeRoy
Trussell, Ray
Hicks, Harvey D.
Sweet, Bryan A.

1936

Hastings, Edgar F., Chairman
Richards, T. LeRoy
Trussell, Ray
Hicks, Harvey D.
Sweet, Bryan A.

1937

Bellon, Walter, Chairman
Richards, T. LeRoy
Faddis, John P.
Hicks, Harvey D.
Sweet, Bryan A.

1938

Richards, T. LeRoy, Chairman
Bellon, Walter
Faddis, John P.
Hicks, Harvey D.
Sweet, Bryan A.

1939

Richards, T. LeRoy, Chairman
Bellon, Walter
Faddis, John P.
Warner, Harry C.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Hart, William T.

1941

Bellon, Walter, Chairman
Howell, Dean E.
Faddis, John P.
Bird, David W.
Warner, Harry C.

1942

Bellon, Walter, Chairman
Bird, David W.
Faddis, John P.
Warner, Harry C.
Howell, Dean E.

1943

Bird, David W., Chairman
Bellon, Walter
Faddis, John P.
Warner, Harry C.
Howell, Dean E.

1944

Bird, David W., Chairman
Austin, DeGraff
Robbins, James A.
Rossi, Dan
Howell, Dean E.

1945

Bird, David W., Chairman
Austin, DeGraff
Robbins, James A.
Rossi, Dan
Howell, Dean E.

1946

Bird, David W., Chairman
Austin, DeGraff
Robbins, James A.
Rossi, Dan
Howell, Dean E.

1947

Austin, DeGraff
Bird, David W.
Robbins, James A.
Rossi, Dan
Howell, Dean E.

1948

Austin, DeGraff, Chairman
Bird, David W.
Robbins, James A.
Rossi, Dan
Howell, Dean E.

1949

Howell, Dean E., Chairman
Austin, DeGraff (resigned 6/27/49)
Gibson, Frank A. (appointed 6/27/49)
Bird, David W.
Robbins, James A.
Rossi, Dan

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

1950

Robbins, James A.
Gibson, Frank A.
Bird, David W.
Rossi, Dan
Howell, Dean E.

1951

Gibson, Frank A., Chairman
Bird, David W.
Robbins, James A.
Rossi, Dan
Howell, Dean E.

1952

Bird, David W., Chairman
Gibson, Frank
Robbins, James
Rossi, Dan
Howell, Dean E.

1953

Howell, Dean E., Chairman
Gibson, Frank
Bird, David W.
Robbins, James A.
Rossi, Dan

1954

Robbins, James A., Chairman
Bird, David W.
Rossi, Dan
Howell, Dean E.

1955

Gibson, Frank A., Chairman
Bird, David W.
Robbins, James A.
Austin, DeGraff
Howell, Dean E.

1956

Bird, David W.
Gibson, Frank
Robbins, James A.
Austin, DeGraff
Howell, Dean E.

1957

Austin, DeGraff, Chairman
Gibson, Frank A.
Bird, David W.
Dent, Robert
Howell, Dean E.

1958

Howell, Dean E., Chairman
Gibson, Frank A.
Bird, david W.
Dent, Robert
Austin, DeGraff

1960

Gibson, Frank A., Chairman
Bird, David W.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Dent, Robert
Austin, DeGraff
Faddis, John P. (appointed 6/14/60)
Weber, J.W. (appointed 7/5/60)
Weber, J.W. (oath of office 11/19/60)

1961

Bird, David W., Chairman
Gibson, Frank A.
Dent, Robert
Austin, DeGraff
Cozens, Bob

1962

Austin, DeGraff, Chairman
Cozens, Bob, Vice Chairman
Gibson, Frank A.
Bird, David W.
Dent, Robert

1963

Cozens, Bob, Chairman
Dent, Robert, Vice Chairman
Gibson, Frank A.
Bird, David W.
Austin, DeGraff

1964

Dent, Robert, Chairman
Gibson, Frank A., Vice Chairman
Bird, David W.
Austin, DeGraff
Cozens, Bob

1965

Gibson, Frank A., Chairman
Austin, DeGraff, Vice Chairman
Boney, Henry
Dent, Robert
Cozens, Bob

1966

Austin, DeGraff, Chairman
Cozens, Bob, Vice Chairman
Gibson, Frank A.
Boney, Henry A.
Dent, Robert

1967

Cozens, Bob, Chairman
Boney, Henry A., Vice Chairman
Gibson, Frank A.
Dent, Robert
Austin, DeGraff

1968

Boney, Henry A., Chairman
Dent, Robert, Vice Chairman
Gibson, Henry A.
Austin, DeGraff
Cozens, Bob

1969

Austin, DeGraff, Chairman
Cozens, Bob, Vice Chairman

Walsh, Jack
Boney, Henry A.
Scheidle, Harry F.

1970

Boney, Henry A., Chairman
Scheidle, Harry F., Vice Chairman
Walsh, Jack
Austin, DeGraff
Kratka, Miles W. (appointed 2/9/70, resigned 6/23/70)
Craven, William A. (appointed 7/1/70)

1971

Craven, William A., Chairman
Bear, Jim, Vice Chairman
Walsh, Jack
Boney, Henry A.
Scheidle, Harry F.

1972

Scheidle, Harry F., Chairman
Bear, Jim, Vice Chairman
Walsh, Jack
Boney, Henry A.
Craven, William A.

1973

Walsh, Jack, Chairman
Conde, Lou, Vice Chairman
Brown, Dick
Bear, Jim
Craven, Wm. A. (resigned 7/17/73)
Taylor, Lee r. (appointed 8/15/73)

1974

Conde, Lou, Chairman
Brown, Dick, Vice Chairman
Walsh, Jack
Bear, Jim
Taylor, Lee R.

1975

Brown, Dick, Chairman
Taylor, Lee R., Vice Chairman
Walsh, Jack
Conde, Lou
Bates, Jim

1976

Taylor, Lee R., Chairman
Bates, Jim, Vice Chairman
Walsh, Jack
Brown, Dick
Conde, Lou

1977

Bates, Jim, Chairman
Moore, Lucille V., Chairman
Hamilton, Tom
Hedgecock, Roger
Taylor, Lee R.

1978

Moore, Lucille V., Chairman
Hamilton, Tom, Vice Chairman

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Hedgecock, Roger
Bates, Jim
Taylor, Lee R.

1979

Hamilton, Tom, Chairman
Hedgecock, Roger, Vice Chairman
Moore, Lucille V.
Bates, Jim
Eckert, Paul

1980

Hedgecock, Roger, Chairman
Eckert, Paul, Vice Chairman
Hamilton, Tom
Moore, Lucille V.
Bates, Jim

1981

Eckert, Paul, Chairman
Bates, Jim, Vice Chairman
Hamilton, Tom
Fordem, Paul W.
Hedgecock, Roger

1982

Bates, Jim, Chairman
Fordem, Paul, Vice Chairman
Hamilton, Tom
Hedgecock, Roger
Eckert, Paul

1983

Fordem, Paul W., Chairman
Hamilton, Tom, Vice Chairman
Boarman, Patrick M. (appointed 6/28/83)
Williams, Leon
Eckert, Paul
(Roger Hedgecock resigned 5/19/83 to become mayor of San Diego)

1984

Hamilton, Tom, Chairman
Williams, Leon, Vice Chairman
Fordem, Paul W.
Boarman, Patrick M.
Eckert, Paul

1985

Williams, Leon, Chairman
Eckert, Paul, Vice Chairman
Bilbray, Brian P.
Bailey, George F.
Golding, Susan

1986

Eckert, Paul, Chairman
Bilbray, Brian P., Vice Chairman
Bailey, George F.
Golding, Susan
Williams, Leon

1987

Bilbray, Brian P., Chairman
Williams, Leon
Golding, Susan M.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

MacDonald, John
Bailey, George F.

1988

Bailey, George F., Chairman
MacDonald, John
Golding, Susan M.
Bilbray, Brian P.
Williams, Leon

1989

Golding, Susan M., Chairman
Bilbray, Brian P.
MacDonald, John
Williams, Leon
Bailey, George F.

1990

Williams, Leon, Chairman
MacDonald, John
Bilbray, Brian P.
Bailey, George F.
Golding, Susan M.

1991

MacDonald, John, Chairman
Golding, Susan M.
Williams, Leon
Bailey, George F.
Bilbray, Brian P.

26. Similarly, the SAN DIEGO MINORITY CITIZENS have been denied access to the political process in other municipal and state elections conducted in the County of San Diego. No SAN DIEGO MINORITY CITIZEN has ever been elected outright to the San Diego City Council, except in 1987 when two Afro-American Citizens were running against each other. Two San Diego Hispanic citizens and two San Diego Afro-American Citizens have been elected to the San Diego City Council, but only after having first been appointed. Moreover, no SAN DIEGO MINORITY CITIZEN has served in any of the following positions, among others:

A. Sheriff of the County of San Diego;
B. District Attorney of the County of San Diego;
C. United States Congressman;
D. California State Senator;
E. Presiding Judge of the San Diego Superior Court.
F. President of the San Diego County Bar Association;
G. San Diego Board of Education Member;
H. Chief of the Fire Department of the City of San Diego;
I. Mayor of San Diego;
J. Mayor of National City;
K. Mayor of Chula Vista;

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

L. San Diego City Manager; or
M. Chief of Police of the City of San Diego.

B. The County Of San Diego Has Used The Election System As A Device To Discriminate Against Plaintiffs

27. Defendant COUNTY OF SAN DIEGO in or about June 1991, began its decennial redistricting process. In its redistricting process, the Board of Supervisors failed to consider the rights of voting bloc minorities.

28. Defendant COUNTY OF SAN DIEGO has intentionally used the election system as a device to discriminate against SAN DIEGO MINORITY CITIZENS by minimizing, cancelling out and diluting the voting strength of SAN DIEGO MINORITY CITIZENS. This intentional conduct by Defendant COUNTY OF SAN DIEGO has resulted in the denial and abridgement of the right of SAN DIEGO MINORITY CITIZENS to vote. It has further resulted in closing the political processes leading to the nomination and election of SAN DIEGO MINORITY CITIZENS to the San Diego County Board of Supervisors. Upon these premises SAN DIEGO MINORITY CITIZENS have less opportunity, than do other members of the electorate, to fully participate in the political process and to elect a representative of their choice.

C. The Reapportionment of Supervisorial Districts in 1991 Intentionally Dilutes The Voting Power of SAN DIEGO MINORITY CITIZENS

29. On September 16, 1991, the County of San Diego Board of Supervisors intentionally reapportioned the supervisorial districts so as to divide the San Diego Hispanic American Areas, from each other as well as from the San Diego Afro-American Areas, and the San Diego Asian American Areas. Said districts were drawn with the intent of fragmenting or fracturing the voting power of SAN DIEGO MINORITY CITIZENS.

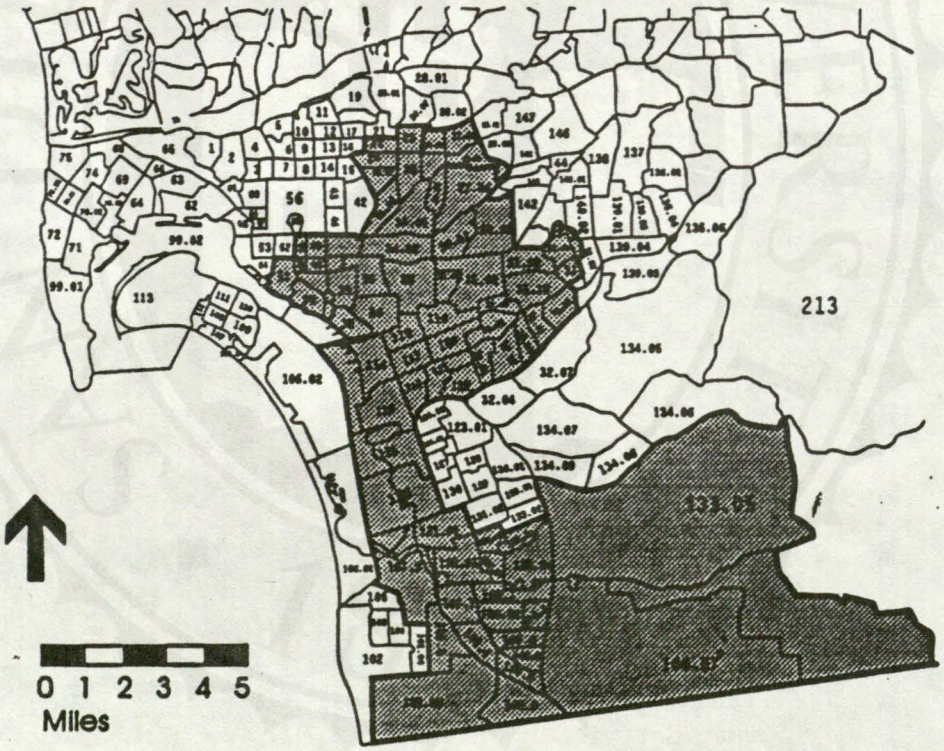
30. The fragmentation of the San Diego Hispanic populations was effectuated for the purpose and with the result of diluting the hispanic population between two districts thereby allowing the white bloc vote to over power the voting strength of the hispanics.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

31. The fracturing of the SAN DIEGO MINORITY CITIZENS was effectuated notwithstanding requests from SAN DIEGO MINORITY CITIZENS that their communities be respected during the redistricting process and in the face of a validly drawn proposal which would have consolidated the SAN DIEGO MINORITY CITIZENS into a compact and cohesive super majority minority district.

32. Between June 1991 and September 1991, representatives of the Chicano Federation of San Diego County (hereinafter Chicano Federation) attended several County Board of Supervisors' meetings to object to the proposed redistricting proposal and to educate the County Board of Supervisors on the legal and factual position of the Chicano Federation. The Chicano Federation also submitted the following proposal to the San Diego County Board of Supervisors in an effort to resolve this matter without litigation:

MAP PROPOSED TO COUNTY BOARD OF SUPERVISORS BY THE CHICANO FEDERATION



Ethnic Breakdown	Population	Percentage
Hispanics	207,485	43.11%
Afro-Americans	77,211	16.04%
Asian-Americans	73,705	15.31%
Other Minorities	3,346	1%
Non-Minority	122,466	25.44%
TOTAL POPULATION	481,281	

Aguirre & Meyer
A Professional Corporation
1080 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

33. The following table represents the population of each census tract by total persons according to ethnicity of the proposed map submitted by the Chicano Federation (hereinafter referred to as the Chicano Federation Proposal:

TOTAL POPULATION

Census Tract	Popul.	Hispanic	White	Afro-Amer	Amer Indian	Asian/PI	Other
3201	5869	1138	1824	873	41	1979	14
3202	4019	1817	1564	184	29	421	4
3203	7202	2094	2576	795	36	1691	10
3208	6701	1345	1917	1561	19	1850	9
3209	5065	861	1938	989	25	1242	10
3210	9093	1591	2730	1202	23	3534	13
5000	3307	1921	946	360	16	56	8
5100	2423	1183	678	498	36	20	8
10001	4140	1634	1222	137	14	1120	13
10002	9232	3935	2545	567	35	2136	14
10003	6330	2746	1507	206	11	4854	6
10004	5179	3144	943	184	5	889	14
10005	5885	4809	393	221	5	441	16
10007	5173	3086	805	1205	8	30	39
10008	10421	9540	509	171	15	151	35
10009	4471	3853	295	267	4	37	15
10103	4822	2179	2141	200	27	253	22
10106	8371	5769	1682	301	25	567	27
10107	5762	2639	1896	241	29	943	14
10108	11873	4884	3498	802	34	2632	23
10109	4797	2153	1122	222	13	1275	12
11400	7408	1948	3805	1219	74	346	16
11500	260	234	17	8	0	1	0
11600	8814	5276	1572	619	37	1300	10
11700	5762	3359	1146	307	23	1025	13
11800	9335	6000	1598	583	25	1093	36
11900	6711	2917	1555	475	27	1719	18
12000	8444	3379	1797	795	28	2427	18
12100	4821	2819	1434	149	31	378	10
12200	2523	1306	1047	19	18	128	5
12500	6703	2547	3217	529	39	342	29
12600	4442	1966	2044	170	29	205	28
13101	6721	2957	2889	410	33	403	29
13201	7156	3690	2702	349	31	366	18
13203	5390	2500	2023	385	32	434	16
13204	3501	2464	815	94	16	110	21
3303	4940	2427	1962	163	29	349	10
13304	11160	5172	4278	524	54	1123	9
13305	10218	3688	4686	429	32	1369	14
2200	7385	2958	1797	1261	31	1310	28
2300	7356	2174	2457	1582	49	1076	18
2400	8761	3094	2524	1788	62	1249	44
2501	5389	2194	1397	982	32	751	33
2502	5342	1639	2372	692	32	585	22
2600	10564	3700	2573	2062	81	2121	27

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Census Tract	Popul.	Hispanic	White	Afro-Amer	Amer Indian	Asian/PI	Other
2701	10681	2893	2320	2643	64	2740	21
2702	4516	591	2901	606	23	382	13
2703	5924	996	3475	919	37	493	4
2704	6995	1974	1844	1469	35	1647	26
2705	3687	661	1807	512	31	671	5
2706	5573	1126	2226	1725	24	460	12
3001	3996	1003	331	2460	14	179	9
3002	8928	3610	2617	2125	59	484	33
3101	3432	603	170	2492	10	152	5
3102	14502	3131	1536	5046	57	4702	30
3103	5993	1295	748	3315	20	595	20
3105	3984	1618	1120	759	25	450	12
3107	5693	1178	1782	1399	40	1278	16
3109	3199	330	288	131	9	2428	13
3110	10598	1937	1565	1737	30	5324	5
3300	13674	4558	705	7084	45	1225	57
3401	6087	960	2035	2531	27	512	22
3402	8695	3646	359	2902	26	1722	40
3500	7987	5052	319	2302	10	269	35
3600	9676	7745	369	1179	19	327	37
3800	7889	734	5162	1488	90	404	11
3900	8257	6242	225	1619	16	126	29
4000	4585	3224	124	1141	16	70	10
4100	5008	2645	1116	1053	27	156	11
4500	6296	3875	1550	567	31	155	18
4600	2958	1590	908	161	10	279	10
4700	2800	2479	147	108	11	39	16
4800	5196	4452	191	494	4	45	10
4900	5231	4608	77	464	4	60	18
TOTAL	481281	207485	122455	77211	2109	73705	1327

34. Under the Chicano Federation proposal, all SAN DIEGO MINORITY CITIZENS' respective percentage of the population would increase while the non-minority population would decrease. For example, the Hispanic percentage of population in the new proposed district will increase from 38.3% to 43.1%. Moreover, in the maps adopted and proposed by the city the non-minority population constitutes at least 46.2% whereas in the Chicano Federation Proposal the non-minority population would be 25.44%.

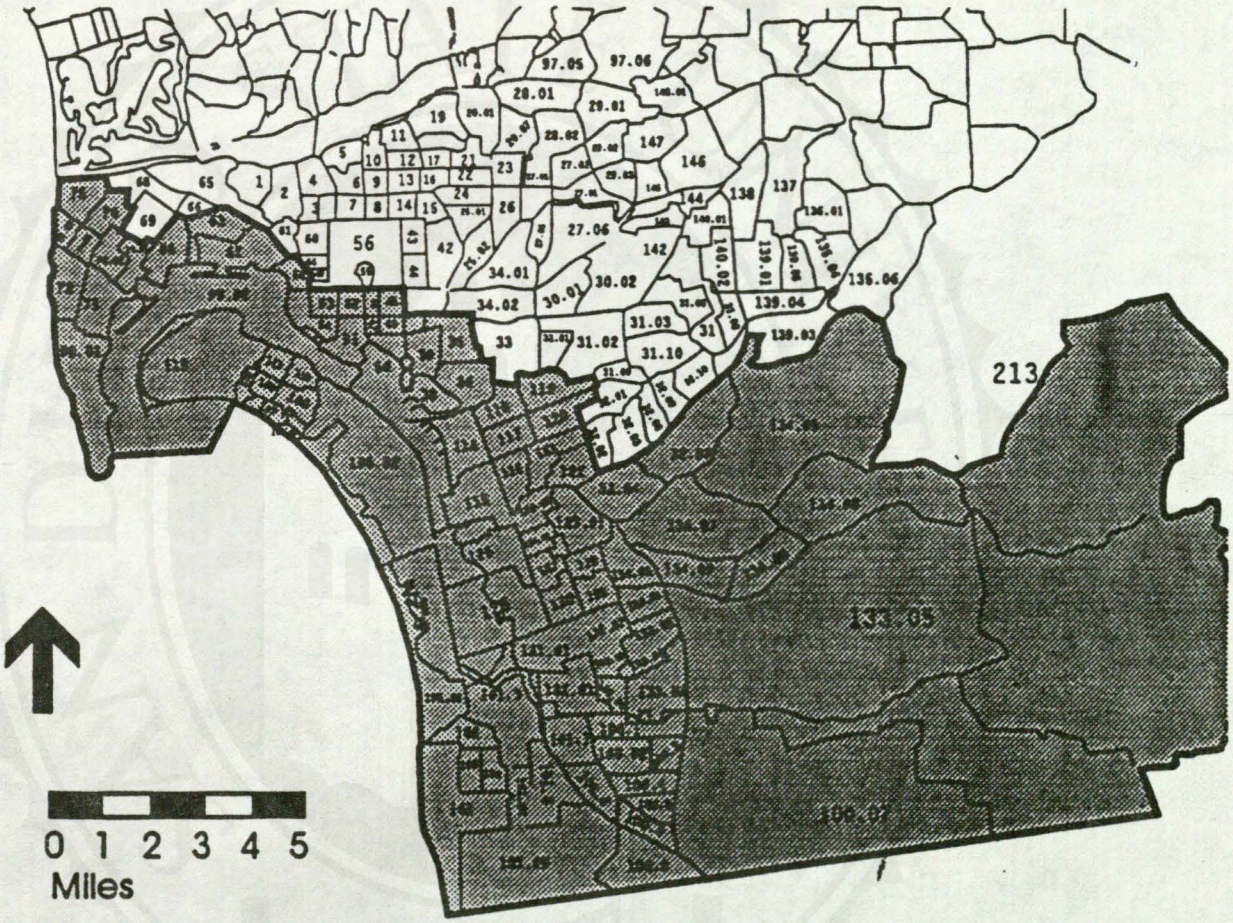
Percentage of Ethnicity	1981 Districts	1991 Districts	Chicano Fed.
Hispanics	35.3%	40.4%	43.11%
Afro-Americans	15.4%	15.1%	16.04%
Asian Americans	10.9%	13.3%	15.31
Non-Minority	46.8%	43.6%	25.44%

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

35. The County Board of Supervisors rejected alternatives that unite the SAN DIEGO MINORITY CITIZENS and that adhere to non-discriminatory redistricting criteria.

36. The Chicano Federation Proposal statistically complied with the Voting Rights Act. Nonetheless, the County Board of Supervisors intentionally and knowingly rejected the Chicano Federation Proposal in favor of their own proposal, as shown below:

Map Adopted by County Board of Supervisors
September 16, 1991



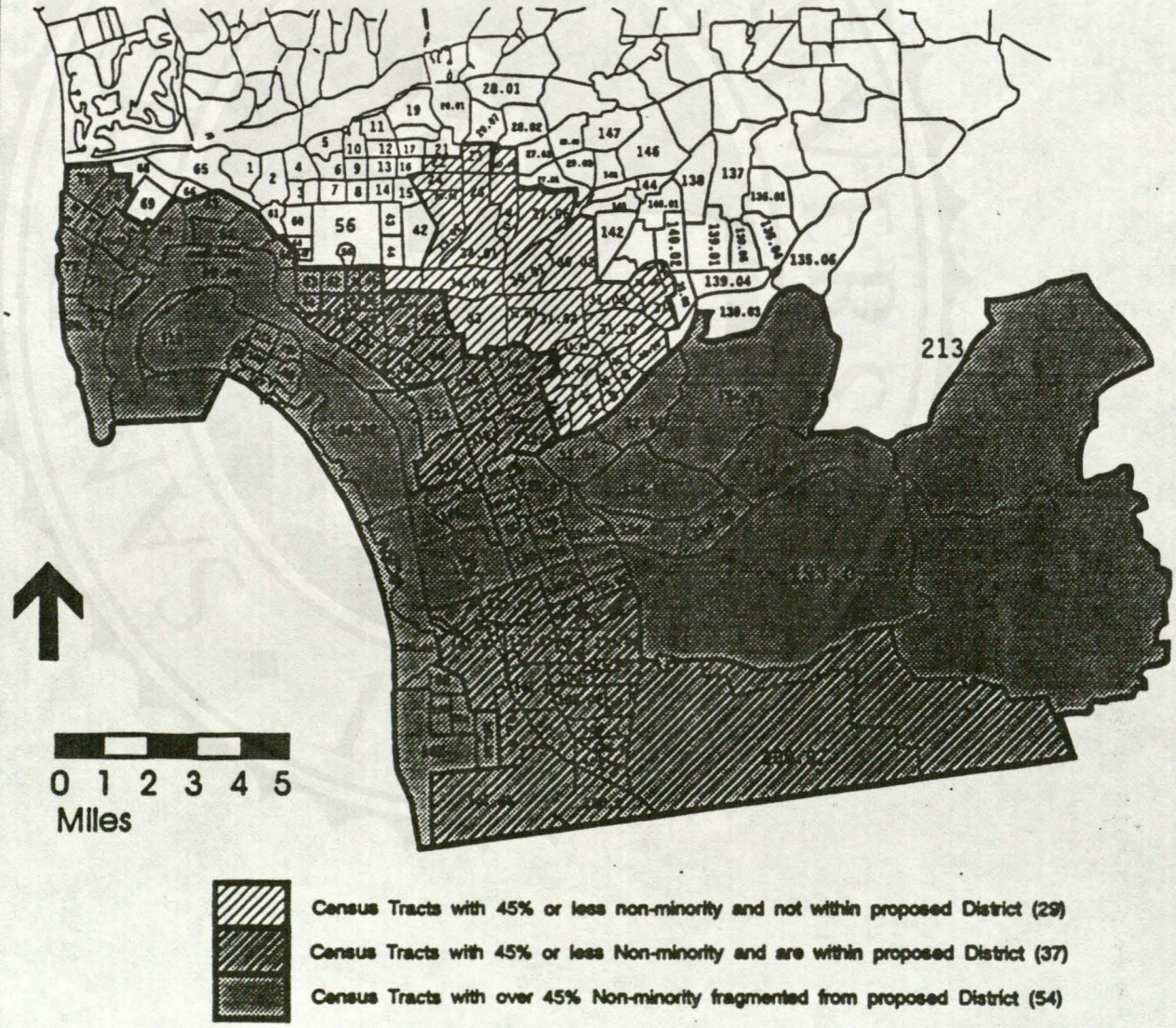
ETHNIC BREAKDOWN	POPULATION	PERCENTAGE
Hispanics	192,550	40.4%
Afro-Americans	32,961	6.9%
Asian-Americans	39,618	8.3%
Other Minorities	3,277	.7%
Non-Minorities	207,846	43.6%
TOTAL POPULATION	476,252	

37. This redistricting map, adopted by the County Board of Supervisors on September 16, 1991, is in violation of the Voting Rigths Act and was adopted with full knowledge

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

of said violations. In addition to dividing the heavily minority populated South Bay areas from the heavily minority populated Southeast San Diego area, the defendants joined the heavily non-minority communities of Bonita, Coronado, Mission Bay and Point Loma with the South Bay. The following analysis based upon ethnicity of the County's newly adopted map, with surrounding census tracts. The map is based upon data provided by the Defendants and establishes the number of high minority populated census tracts which defendants fragmented in order to dilute the SAN DIEGO MINORITY CITIZENS voting power. A cursory analysis of this map exemplifies the intentional wrongdoing of defendants

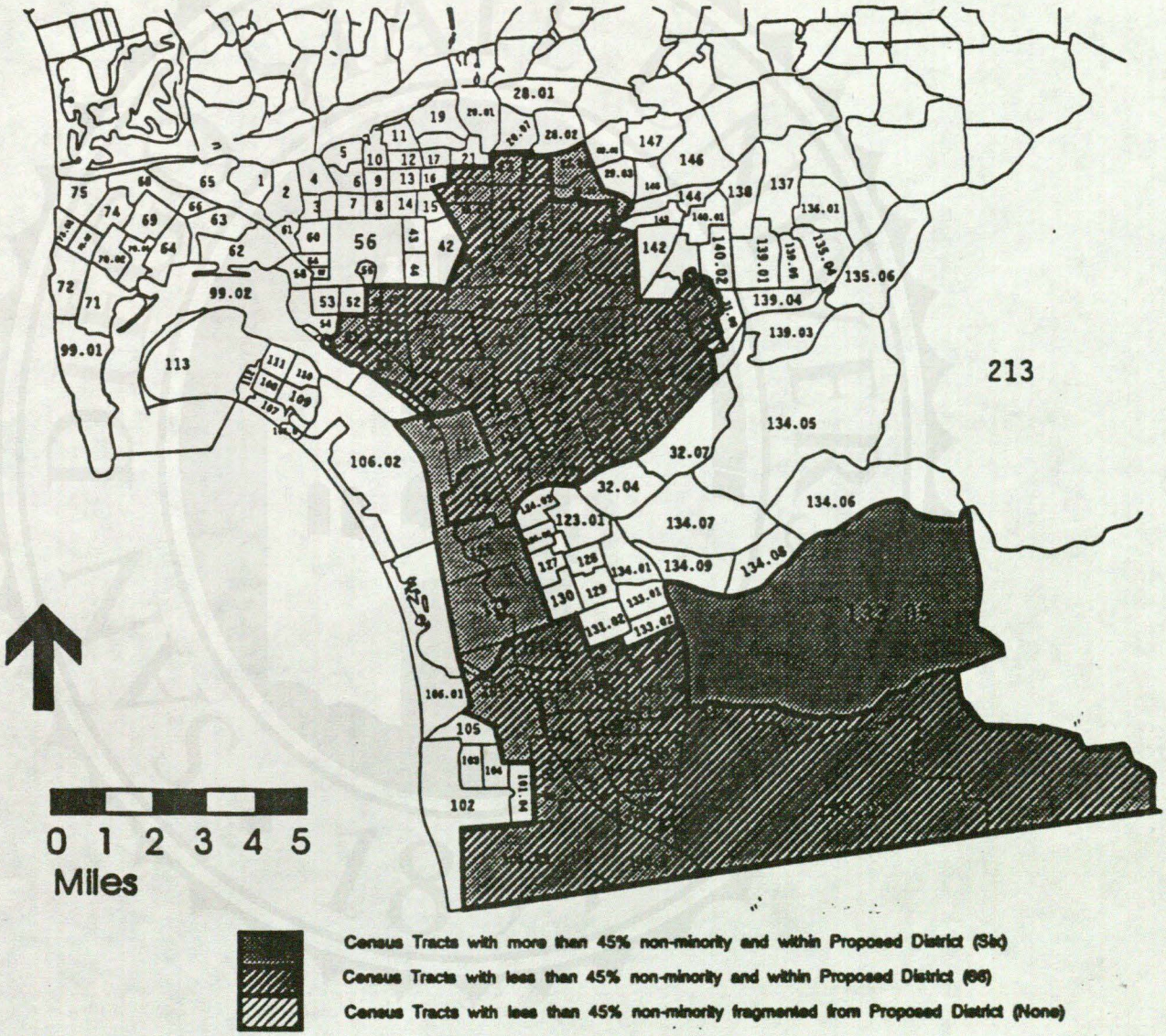
Ethnicity Analysis of Defendants' Reapportionment



Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

38. Plaintifffs proposals, however, have attempted to unite the heavy minority populated census tracts and to increase the number of SAN DIEGO MINORITY CITIZENS in the proposed district, while simultaneously, decreasing the number of non-minority citizens located in the proposed district. As a result, plaintiffs have not fragmented any census tracts wherein SAN DIEGO MINORITY CITIZENS constitute in excess of 45% of the population:

Ethnicity Analsyis of Chicano Federation Proposal



39. The defendants, as part of a course of conduct that began decades earlier, intentionally fragmented the Hispanic, Afro-American and Asian population among the

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8638

various districts in order to dilute the effect of the Hispanic, Afro-American and Asian vote in future elections and preserve incumbencies of the Anglo members of the Board of Supervisors, even though it is possible to draw lines for five districts of roughly equal population size, with one single-member district having a majority of the minority groups.

40. The failure to reapportion in accordance with appropriate federal guidelines has resulted in SAN DIEGO MINORITY CITIZENS being placed into districts that will deny them the chance to be elected or to elect representatives of their choice.

41. The election scheme currently employed by the San Diego County Board of Supervisors, particularly in combination with the above-described formal and informal practices, effectively excludes the Hispanic, Afro-American and Asian communities from participation in the political process of electing County Board members in a reliable and meaningful manner.

42. Defendant COUNTY OF SAN DIEGO has made extensive use of unusually large districts and has failed to redistrict in response to population growth, majority vote requirements, anti-single shot provisions, and other voting practices and procedures. These practices include the manipulation of the appointment process to fill vacancies that have enhanced the opportunity for discrimination against SAN DIEGO MINORITY CITIZENS.

VIII.

VOTING IN SAN DIEGO ELECTIONS IS RACIALLY POLARIZED

A. San Diego Minority Residents Are A Geographically Insular Minority Group

43. SAN DIEGO MINORITY CITIZENS are sufficiently large and geographically compact groups to constitute a majority in one single-member supervisorial district. But for the COUNTY OF SAN DIEGO's discriminatory electoral practices, SAN DIEGO MINORITY CITIZENS would form a majority in one district.

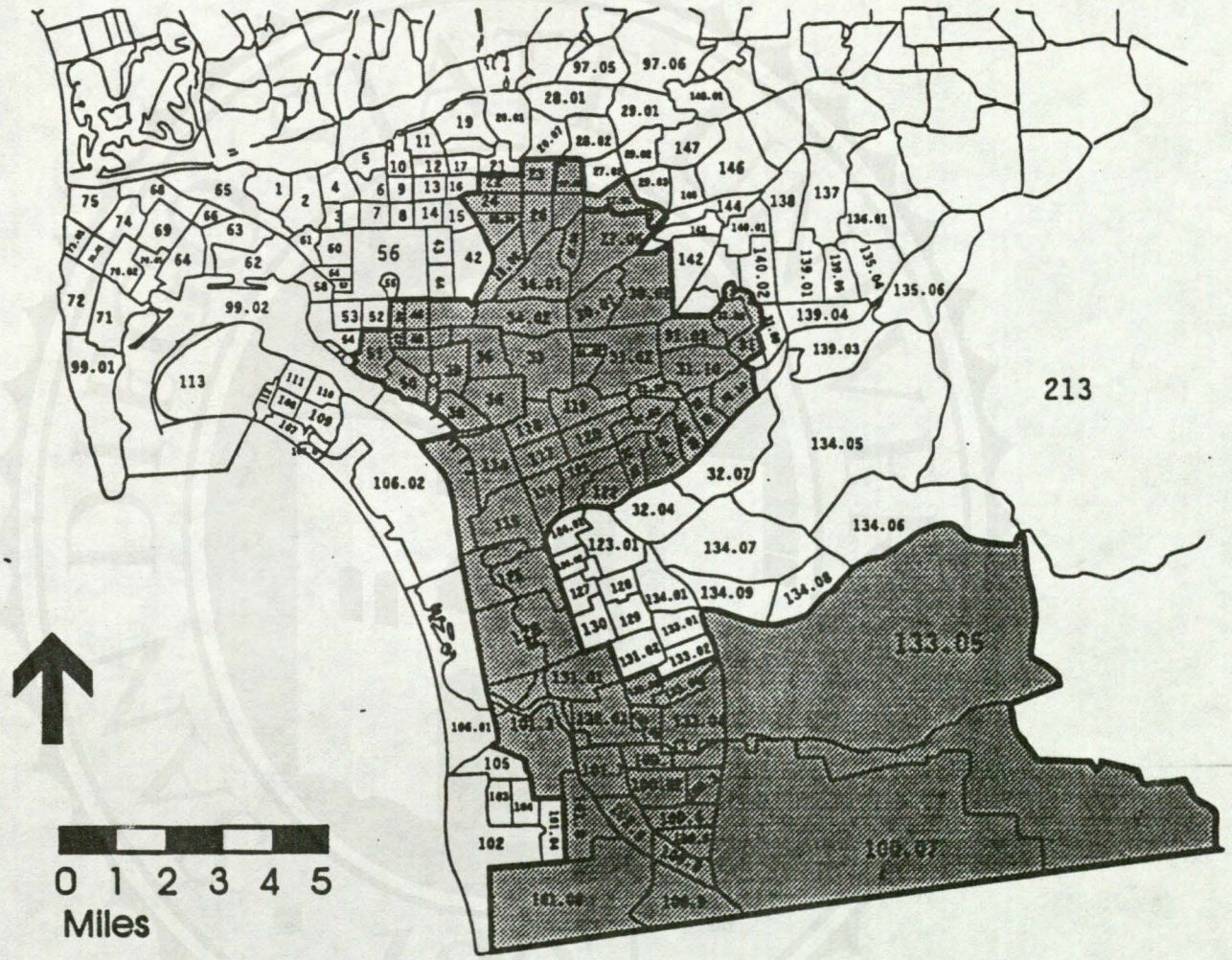
44. The SAN DIEGO MINORITY CITIZENS constitute a geographically insular minority group. SAN DIEGO MINORITY CITIZENS are sufficiently large and geographically compact to constitute a majority in a single member district. But for Defendant COUNTY OF SAN DIEGO's unlawful and unconstitutional districting scheme and election

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

system, SAN DIEGO MINIORITY CITIZENS would have been able to elect candidates of their choice to the San Diego County Board of Supervisors.

45. For example, the following map would comply with all federal and state guidelines and would provide SAN DIEGO MINORITY CITIZENS a voting age majority by population and citizenship:

Voting Age Population and Voting Age Citizen Majority Map



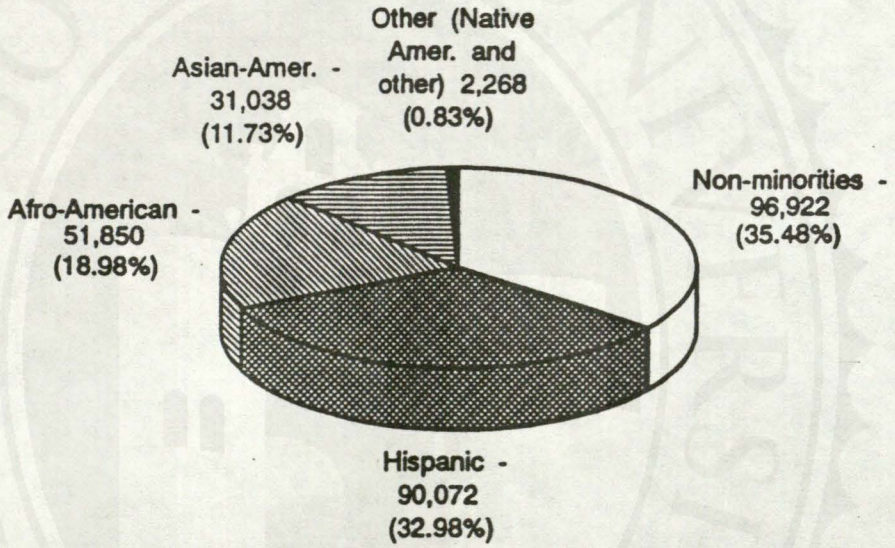
46. The statistical data to support this proposed map is based upon information provided by the Defendants and reportedly is based upon the 1990 census. Moreover, although the citizenship breakdown is not yet available for the 1990 census, based upon percentages employed by legal counsel to the County Board of Supervisors in other litigation, which was based upon the 1980 census, the SAN DIEGO MINORITY CITIZENS would constitute a majority of the eligible voters in the proposed district:

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-9636

Ethnic Breakdown	Total Population	Over 18 Population	Eligible Voters	% of Eligible Voters
Hispanics	206,894	146,623	90,072	32.98%
Afro-Americans	76,695	51,157	51,157	18.98%
Asian-Americans	73,323	47,042	31,038	11.73%
Other Minorities	3,400	2,268	2,268	.83%
Non-Minorities	119,554	96,922	96,922	35.48%

47. Therefore, the SAN DIEGO MINORITY CITIZENS can draw a map, and have submitted a map to the Defendants, wherein they constitute 63.79% of the eligible voters in the District. This breakdown is further demonstrated by the following chart wherein the Class members are shaded:[2]

VOTING AGE CITIZENS CHART



B. SAN DIEGO MINORITY CITIZENS Are a Politically Cohesive Minority Group.

48. SAN DIEGO MINORITY CITIZENS are a politically cohesive minority group. They have historically voted as a group for the same local, state and federal candidates.

2 Because citizenship statistics are as yet unavailable from the 1990 census, plaintiffs have calculated the percentage of foreign vs. native-born Hispanic people to determine citizenship. In the 1980 census, 37.55% of the Hispanic population was foreign born. Plaintiffs have multiplied that percentage by the number of voting age Hispanics in the County and deducted that figure from the total number of Hispanics of voting age. Thus, 332,548 subtracted by 124,691 results in 207,691 persons born in the United States and thus U.S. Citizens. Plaintiffs then add back in 11.25% (14,046) people because Mr. McDermott, counsel for the County, used this figure in other litigation to estimate the percentage of foreign-born Hispanics who became naturalized citizens. Thus there are 221,737 Hispanics of voting age in the County. Then 221,737 total voting age Hispanic citizens in the County was prorated among the districts to determine the number of eligible hispanic voters.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

49. SAN DIEGO MINORITY CITIZENS possess the potential to elect representatives in the absence of the election structure challenged in this action. SAN DIEGO MINORITY CITIZENS are sufficiently concentrated and politically cohesive that a putative district plan would result in districts in which SAN DIEGO MINORITY CITIZENS would constitute a majority of the voters.

C. White Majority Vote Is Usually Sufficient As A Bloc To Defeat The SAN DIEGO MINORITY CITIZENS' Preferred Candidate

50. A white bloc vote in the San Diego County Board of Supervisor elections normally will defeat the combined strength of SAN DIEGO MINORITY CITIZENS together with white "cross over" votes. This results in a substantial loss of political power through vote dilution of SAN DIEGO MINORITY CITIZENS. The existence of bloc voting has resulted in the polarization of the County of San Diego electorate. This has resulted from a pattern of racial bloc voting, extending over a long period of time which has emerged in connection with San Diego Board of Supervisor elections in which white bloc voters and SAN DIEGO MINORITY CITIZENS vote in blocs for different candidates. This has resulted in the dilution of SAN DIEGO MINORITY CITIZENS votes and the denial of equal access to San Diego county politics.

51. SAN DIEGO MINORITY CITIZENS have and do prefer certain candidates, whom they could elect were it not for the interaction of the challenged electoral districts with the white majority bloc voting.

52. Defendant COUNTY OF SAN DIEGO has intentionally tried to manufacture a false historical record to conceal its discriminatory practices by manipulating the power to appoint members to fill vacancies. Defendants have thereby deprived plaintiffs of the representatives of their choice.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

IX.

POLITICAL CAMPAIGNS HAVE BEEN CHARACTERIZED BY OVERT AND SUBTLE RACIAL APPEALS

53. The County of San Diego's political campaigns have been characterized by both overt and subtle racial appeals. This has included derogatory racist remarks against Hispanic, Asian, and Afro-American candidates.

54. For example, candidates have appealed to voters to vote for them because they are not Afro-American, Asian or Hispanic. In the context of political campaigns, opposition candidates have attempted to appeal to bigotry by blaming social and economic problems of San Diego County on Afro-Americans, Asians and Hispanics, for which they were not the cause.

X.

SAN DIEGO MINORITY CITIZENS BEAR THE EFFECTS OF DISCRIMINATION IN EDUCATION, EMPLOYMENT, AND HEALTH WHICH HINDERS THEIR ABILITY TO PARTICIPATE EFFECTIVELY IN THE POLITICAL PROCESS

55. There has been a history of official discrimination by the State of California and Defendant COUNTY OF SAN DIEGO against SAN DIEGO MINORITY CITIZENS. This discrimination has included discrimination touching on the right of the Spanish- speaking and other language minorities to register to vote, to vote, or otherwise to participate in the democratic process.

56. Past and present discrimination has been a direct and proximate result of SAN DIEGO MINORITY CITIZENS not having equal access to the political, professional and educational positions of authority. Past and present discrimination against SAN DIEGO MINORITY CITIZENS has resulted in a lack of responsiveness on the part of elected County board members, the Chief Administrative Officer, and the County Counsel to the particularized needs of SAN DIEGO MINORITY CITIZENS, without fear of political consequences.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

57. Past and present discrimination against SAN DIEGO MINORITY CITIZENS exists in education, hiring of County and City employees, and appointment of County and City Boards and Commissions. There is a considerably higher percentage of Afro-Americans, Asian, and Hispanics below the poverty line than their white counterparts. Afro-Americans, Hispanics, and Asians are subjected to unequal law enforcement practices. Afro-American, Asian, and Hispanic businesses are discriminated against in the awarding of government contracts. Afro-American, Asian and Hispanic neighborhoods receive a substantially lower level of county services than non-minority communities. Afro-American, Asian and Hispanic neighborhoods receive a substantially lower level of city services than non-minority communities.

58. This past and present discrimination has resulted in inferior education, poor employment opportunities, lower income, poor health conditions, depressed political participation by SAN DIEGO MINORITY CITIZENS, and has restricted the present opportunity of SAN DIEGO MINORITY CITIZENS to participate in the political process.

59. The effects of this past and present discrimination against these citizens are reflected in the statistical comparisons set forth on the following chart:

SOCIO-ECONOMIC FACTORS	HISPANICS	AFRO-AMERICANS	ASIANS	NON-MINORITIES
Below Poverty Line	18.1%	18.9%	13.2%	6.7%
Median Family Income	$15,004	$13,985	$18,722	$21,227
High School Graduates	44.7%	74.23%	72.2%	80.4%
College Graduates	0.077%	11.1%	22.8%	22.2%
Managers and Professionals	12.9%	17.75%	19.7	27.9%

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

XI.

SAN DIEGO MINORITY CITIZENS HAVE BEEN DENIED AN EQUAL CHANCE TO PARTICIPATE IN THE POLITICAL PROCESS IN SAN DIEGO

60. In light of the totality of circumstances, the challenged election law and procedure has had and continues to have the effect of denying SAN DIEGO MINORITY CITIZENS an equal chance to participate in the electoral process. The Defendant COUNTY OF SAN DIEGO's redistricting plan ensured that the white bloc vote majority will continue to elect all members to the Board of Supervisors while plaintiffs and their class will continue to have neither the opportunity to be elected, nor the chance to elect a representative of their choice, all in violation of the Fourteenth Amendment to the United States Constitution and, otherwise, in deprivation of their rights under State and Federal law.

61. It is entirely feasible to devise supervisorial districts in the County of San Diego which include nearly equal populations, and which respect the residential and neighborhood patterns of plaintiffs SAN DIEGO MINORITY CITIZENS, without violating the rights of plaintiffs.

XII.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Violation of the Voting Rights Act)

62. Plaintiffs incorporate by reference paragraphs 1 through 61 as though fully set forth herein.

63. The plaintiffs allege that the 1991 County of San Diego supervisorial redistricting plan constitutes a voting standard, practice, or procedure which was adopted pursuant to a discriminatory purpose in violation of the rights of plaintiffs and the class they seek to represent under section 2 of the Voting Rights Act, 42 U.S.C. §1973.

64. The County of San Diego in 1991, as part of a course of conduct that began decades earlier, intentionally fragmented the San Diego Minority Citizens' population

amount the various districts in order to dilute the effect of the San Diego Minority Citizens' vote in future election and preserve the incumbencies of the Anglo members of the County Board of Supervisors.

65. Plaintiffs seek a judicial declaration that the County adopted and applied a redistricting plan that resulted in dilution of the San Diego Minority Citizens' vote in violation of Section 2. Plaintiffs further seek a declaration that the County, by establishing and maintaining the plan, had intentionally discriminated against the San Diego Minorities Citizens in violation of §2 of the Voting Rights Act and the Equal Protection Clause of the 14th Amendment, thereby making injunctive relief appropriate. Unless enjoined, defendants will continue to conduct supervisorial elections for the County of San Diego based upon an election system which incorporates an illegal redistricting plan.

66. Plaintiffs further seek judicial supervision over the County's redistricting process.

67. Plaintiffs have no adequate remedy at law and will suffer irreparable injury as a result of defendants' wrong doing alleged herein. Such injury to plaintiffs will continue unless enjoined by this Court.

SECOND CLAIM FOR RELIEF

(Injunctive and Equitable Relief)

68. Plaintiffs incorporate by reference paragraphs 1 through 67 as though fully set forth herein.

69. Plaintiffs have been denied the right to due process and the equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution and the Voting Rights Act as set forth in Title 42 U.S.C. Section 1973 et seq. and Section 1983 et seq.

70. Plaintiffs seek such injunctive relief and all other equitable relief as may be proper to assure them, and all others similarly situated, due process and the equal protection of laws which now, and for many years, have been denied them by defendants.

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

71. Plaintiffs have no adequate remedy at law and will suffer irreparable injury as a result of defendants' wrong doing alleged herein. Such injury to plaintiffs will continue unless enjoined by this Court.

THIRD CLAIM FOR RELIEF

(Violation of the Fourteenth Amendment's One Person-One Vote Rule)

72. Plaintiffs incorporate by reference paragraphs 1 through 71 as though fully set forth herein.

73. The electoral process of the County of San Diego and the format of the current County districts violates the Fourteenth Amendment to the United States Constitution and the principle of one person-one vote as articulated by the United States Supreme Court in Reynolds v. Sims. Reynolds declares that a population deviation of .10 is per se unconstitutional. The County's population deviation of .99% is the functional equivalent of the Reynolds standard. Thus, the County's redistricting plan is violative of the one person-one vote rule and entitles plaintiffs to the relief sought. Plaintiffs seek a declaration that the current alignment is violative of plaintiffs' rights. Plaintiffs seek such declaratory and injunctive relief as may be proper to assure them, and all others similarly situated, due process and equal protection of laws.

74. There is a real and actual controversy between plaintiffs and defendants. Plaintiffs have no adequate remedy of law and will suffer irreparable injury as a result of defendants wrong doing as alleged herein. Such injury will continue unless enjoined by this Court.

XIII.

PRAYER

Wherefore, plaintiffs pray, on behalf of themselves and all others similarly situated, as follows:

UPON ALL CLAIMS FOR RELIEF:

For injunctive relief enjoining defendants, their agents and successors in office, and all other persons acting in concert with them, from administering, implementing or conducting

Aguirre & Meyer
A Professional Corporation
1060 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636

any election for members of the San Diego County Board of Supervisors pursuant to the five district system as presently apportioned;

For a judgment declaring the present number of supervisorial districts too few to effectively represent the constituency and, thereby determining the County Board of Supervisors to be in violation of plaintiffs' constitutional rights requiring additional districts be adopted;

Upon the second claim for relief, only, for punitive damages, pursuant to 42 U.S.C. § 1983;

For a Judicially Supervised Redistricting of the County Board of Supervisors in accordance with the terms of the Voting Rights Act;

For all costs and expenses occasioned as a result of this litigation including attorneys fees; and

For all such further relief as this Court deems appropriate.

AGUIRRE & MEYER
A PROFESSIONAL CORPORATION

Dated: September 16, 1991

By Patricio A. Aguirre
Michael J. Aguirre
Attorney for Plaintiffs

Aguirre & Meyer
A Professional Corporation
1080 Eighth Ave., Suite 300
San Diego, California 92101
(619) 235-8636