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TRANSCRIPT OF PROCEEDINGS

CALIFORNIA ADVISORY COMMITTEE TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

OPEN FORUM ON CIVIL RIGHTS IN SANTA MARIA

Pages: 1 through 339
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Date: December 1, 1990

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CALIFORNIA ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS
OPEN FORUM ON CIVIL RIGHTS IN SANTA MARIA

Saturday,
December 1, 1990

Santa Maria Inn
801 South Broadway
Hancock Room
Santa Maria, California

BEFORE:

MICHAEL CARNEY, Chairman
ARNOLDO BELTRAN, Vice Chairman
C.C. CHANG
TED COOPER
DR. EDWARD ERLER
ANDREA PATTERSON
HERMAN SILLAS

PHILIP MONTEZ, Director, Western Regional
Office, Civil Rights Commission

JOHN DULLES, II
TOM PILA

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P R O C E E D I N G S

(9:05 a.m.)

1
2
3 CHAIRMAN CARNEY: Ladies and gentlemen, this
4 meeting of the California Advisory Committee to the
5 United States Commission on Civil Rights will now come
6 to order. The purpose of this meeting is to obtain
7 information and views relating to voting rights,
8 housing, education, employment and municipal services in
9 the City of Santa Maria.

10 Participants have been invited and requested
11 to address the Advisory Committee on the issues under
12 consideration. Among those invited to address the
13 meeting are community representatives, civil rights
14 leaders, public and elected officials and other
15 knowledgeable about the issues.

16 Based upon the information collected at this
17 meeting a report will be prepared for the United States
18 Commission on Civil Rights. I am Michael Carney,
19 Chairman of the California Advisory Committee. The
20 Advisory Committee receives information and makes
21 recommendations to the Commission in areas which the
22 Committee or any of its sub-committees is authorized to
23 study. Other members of the Committee in attendance
24 during this meeting will be Mr. Arnolde Beltran, the
25 Vice Chairman of this Committee, Mr. C.C. Chang, Mr. Ted

1 Cooper, Doctor Edward Erler, Ms. Andrea Patterson, and
2 Mr. Herman Sillas.

3 Also with us today from the Western Regional
4 Office of the Civil Rights Commission in Los Angeles are
5 Regional Director Mr. Philip Montez and staff members
6 John Dulles and Mr. Tom Pila.

7 This fact-finding meeting is being held
8 pursuant to federal rules applicable to state advisory
9 committees and regulations promulgated by the United
10 States Commission on Civil Rights. All inquiries
11 regarding these provisions should be directed to the
12 Chair or to Mr. Montez, the federal officer for this
13 meeting.

14 The Commission on Civil Rights is an
15 independent agency of the United States Government
16 established by Congress in 1957 and directed to conduct
17 investigations to complaints alleging that citizens are
18 being deprived of their right to vote by reason of their
19 race, color, religion, sex, age, handicap, national
20 origin or by reason of fraudulent practices; also to
21 study and collect information concerning legal
22 developments constituting discrimination or denial of
23 equal protection of the laws under the Constitution
24 because of race, color, religion, sex, age, handicap,
25 national origin or in the administration of justice;

1 also to appraise federal laws and policies with respect
2 to discrimination or denial of equal protection of the
3 laws.

4 Also it serves as a national clearing house
5 for information about discrimination and it also submits
6 reports, findings and recommendations to the President
7 of the United States and to the Congress. I would like
8 to emphasize that this is a fact-finding forum and not
9 an adversary proceeding. Individuals have been invited
10 to come and share with the Committee information
11 relevant to the subject of today's inquiries. Each
12 person who will participate has voluntarily agreed to
13 meet with the Committee.

14 Since this is a public meeting, the press,
15 radio and television stations, as well as individuals,
16 are welcome. Persons meeting with the Committee,
17 however, may specifically request that they not be
18 televised. In this case, we will comply with their
19 wishes. We're concerned that no defamatory material
20 presented at this meeting take place.

21 In the unlikely event that this situation
22 should develop, it will be necessary for me to call this
23 to the attention of the person or persons making these
24 statements and request that they desist in this action.
25 Such information will be stricken from the record, if

1 necessary. Every effort has been made to invite persons
2 who are knowledgeable in the issues to be dealt with
3 here today.

4 In addition, we have allocated time between
5 5:00 p.m. and 6:00 p.m. to hear from anyone who wishes
6 to share information with the Committee about the
7 specific issues under consideration today. At that
8 time, each person or organization will be afforded a
9 brief opportunity to address the Committee and may
10 submit additional information in writing. Those wishing
11 to participate in the open session must contact a staff
12 member before 4:00 p.m. this afternoon.

13 In addition, the record of this meeting will
14 remain open a period of ten days following the
15 conclusion of this meeting. The Committee welcomes
16 additional written statements and exhibits for inclusion
17 in the record. These written statements or exhibits
18 should be submitted to the Western Regional Division of
19 the United States Commission on Civil Rights, the
20 address of which is at 3660 Wilshire Boulevard, Suite
21 810, Los Angeles, California, 90010.

22 And for the information of any of you people
23 here who wish to address the Committee between the hours
24 of 5:00 and 6:00 p.m., the staff members that you should
25 contact are over in the corner there, Mr. Dulles and Mr.

1 Pila.

2 And we will now proceed and our first
3 presenter is Mayor George Hobbs. Mr. Hobbs, please.
4 Good morning, Mr. Hobbs, and if you would be so kind for
5 the record to state your name.

6 MAYOR HOBBS: My name is George Hobbs, Mayor
7 of the City of Santa Maria.

8 CHAIRMAN CARNEY: If you have a statement that
9 you -- a prepared statement, you may make that statement
10 now, sir, if you wish.

11 MAYOR HOBBS: Well, I have. Because this
12 hearing obviously occurred because I made some remarks
13 last July 16th, Far Western Guadalupe, I wanted to read
14 a letter to the editor that I think is pertinent in this
15 situation.

16 "To the editor: With all the controversy over
17 abolishing hand guns and automatic weapons, I don't know
18 why none of our country's dedicated activists have never
19 called for ban or at least protection from the use of a
20 lethal weapon that is available to anyone old enough to
21 speak, costs nothing to buy, use or maintain and is
22 guaranteed to last a lifetime as well as demolish a
23 target at any distance or render the target too helpless
24 to defend themselves.

25 This weapon, free to all who care to use it,

1 is so powerful that even the thought of having it
2 leveled against them have been known to make strong men
3 blubber like babies and apologize for things they've
4 never even done. A weapon so powerful that the threat
5 of having it used against them has caused our
6 congressional leaders to lead our country to the brink
7 of social, economic and cultural disaster by supporting
8 such legislation as Immigration Bill HR 4300, a bill
9 conceived by and dictated to them by the wielders of
10 this terrifying weapon.

11 What is this weapon you may ask? The answer
12 is simple, as its use can be given in one word, racist,
13 one word that has been used so effectively by minority
14 activists and their equally well-armed supported that
15 millions of American citizens resemble victims of an
16 epidemic of lock-jaw. As a matter of fact, these
17 minority activists have become so proficient in the use
18 of this one-word weapon that last April they publicly
19 announced a hit list of potential victims at one of
20 their ambiguous conferences.

21 At this particular meeting of minority leaders
22 where their weapons were definitely not checked at the
23 door, Andrew Naviz, Director of Southwest Water Projects
24 was quoted in the press as saying, 'If we cut a deal and
25 it ain't kept, there should be hell raised and hell to

1 pay. We need a hit list of those people in our own
2 backyard because congressmen are wavering'.

3 Pete Hernandez then urged Latino leaders to
4 demand that their senators and congressmen take a yes or
5 no stand on employer sanction laws which strike fear and
6 dread into the heart of any politician". That's only
7 about half of the letter, but I think that is what we
8 have had here.

9 What further led to this hearing, I assume, is
10 a letter I received from Miland D. Smith, Junior, Vice
11 Chairperson of the Fair Employment and Housing
12 Commission, operating out of 1390 Market Street, Suite
13 410, San Francisco, California. It says, "Dear Mayor
14 Hobbs: The California Fair Employment and Housing
15 Commission of the State Civil Rights Agency, held its
16 regular meeting at Santa Barbara on September 27th,
17 1990.

18 As part of that meeting, the Commission held a
19 public forum during which local residents spoke to the
20 Commission about civil rights issues of concern in the
21 area. During the Commission's public forum, the
22 Commission heard several accounts concerning remarks
23 allegedly made by you in mid-July 1990 and in the time
24 since then about individuals of Mexican origin. The
25 Commission also heard a number of reports of incidents

1 of racial and ethnic violence which has occurred in
2 Santa Maria and the surrounding area".

3 Point one; I'd like to see some of those
4 reports. I don't think our police department has any
5 reports of any such thing happening. Then it goes on to
6 say, "The Commission has also seen a number of newspaper
7 accounts of your remarks and the attendant controversy
8 and incidents of racial and ethnic violence which have
9 occurred in Santa Maria since mid-July". Again, I'd
10 like to see them listed.

11 There was a -- this activist group has been
12 before everything they could come before in the County
13 of Santa Barbara to try to have me censored for saying
14 that we have a Mexican problem in Santa Maria. And as
15 they went before these people they -- this is a reply to
16 something they had printed in the press. And I say,
17 "During my speech at the Far Western and Guadalupe, I
18 said, quote, 'At this time in Santa Maria we have a
19 Mexican problem. We have difficulty with scads of
20 illegal aliens who have come across the border and
21 they've made our neighborhoods look not like Santa Maria
22 neighborhoods'.

23 On certain streets these people gather around
24 in groups drinking beer and smoking cigarettes. It's a
25 formidable experience for a lot of the older people who

1 have been here for a long time". It was pretty obvious
2 that I was referring to the illegal aliens and that the
3 older people who have been here for a long time who were
4 being intimidated were our good citizens of Mexican
5 descent who had called me to complain about the
6 situation.

7 However, when those words came out of the
8 mouth of Michael Balaban, the shyster from Santa Anez
9 who presented the allegations against me at last Tuesday
10 night's council session, they were as follows. "Among
11 other things, Mayor Hobbs stated and I quote, 'We have a
12 problem in this community and the problem is the
13 Mexicans'. He also stated, 'Mexican people are dirty
14 and unsanitary'." Quite a different meaning, wasn't it,
15 obviously, designed to stir up racial unrest. But maybe
16 I shouldn't be too hard on the schiester Balaban.

17 Since he wasn't in attendance at the Far
18 Western, he had to get that interpretation from someone
19 else, and it's very possible that it was from Esteban
20 Valenzuela, since he has apparently assumed leadership
21 of the activist group.

22 To show some of the things that have occurred
23 in regards to myself, I was interviewed by a reporter
24 from Fresno, who came here and acted very friendly and
25 then he wrote up a rather unsatisfactory article about

1 it, because he had taken a lot of his information from
2 previous stories that said that I sometimes say colorful
3 things in council meetings.

4 In other words, I hate environmental impact
5 reports. I think they're the biggest waste of money.
6 These companies get about fifty thousand dollars for
7 them. They get it out of their files, out of their
8 computer. They maybe do a week's worth of work on it
9 and charge fifty thousand dollars. So I never hesitate
10 to point that out. That's what they meant by colorful
11 remarks.

12 But when this Fresno reporter wrote it up, and
13 I went through it. I think he was the McClatchey
14 agency, news agency, it went into the Sacramento paper,
15 the San Francisco paper and even came back down here in
16 the tri-counties paper. And it said, "Mayor Hobbs is
17 noted for making off-color remarks". I never made an
18 off-color remark in any meeting in the whole thirty
19 years I've been on the City Council.

20 Another example, this was printed in the Santa
21 Maria Times. "Mayor's statements are divisive,
22 manipulative". "To the editor: We have something very
23 important to comment. We both have read at one time or
24 another the very First Amendment of the Constitution of
25 the United States of America. Furthermore, I commend

1 you for printing both sides of Mayor George Hobbs' issue
2 problem. Concerning this issue, I have read all the
3 articles and letters to you from this newspaper. All
4 along I have been viewing this issue from a critical,
5 analytical and even emotional point of view.

6 Well, now it's time for me to take advantage
7 of this very amendment, this very First Amendment.
8 Before I begin, let me tell you a true story, true
9 story, which took place six years ago. At that time I
10 was fourteen", so he must be twenty now. "I was taking
11 summer golfing lessons at a nearby golf club. At the
12 end of one of my lessons, I went into the dining area to
13 get a cola.

14 Guess who I saw? Mayor Hobbs was sitting in
15 there all alone. He didn't even look up once. I barely
16 remember him sitting in a chair with his hair messed up,
17 staring down at the table, smoking a cigarette". I have
18 never smoked a cigarette in my life, never, and I don't
19 know why the Times even printed this because I think
20 most of the city knows I don't smoke.

21 Okay, "He looked like he may have been hung-
22 over from the night before. I then said to myself, 'I
23 can't believe this guy is our mayor. He looks like a
24 bum'. Now, sociologists and physiologists would say
25 that I was making a situational observation that

1 included a stereotype.

2 Six years later it is now, and, Mayor Hobbs,
3 you fall very short of being a hero who looks like a
4 bum. Excuse me for using one of your prudent down to
5 earth honest verbal taxies". Another lie; I don't
6 drink, see, so he made up this whole thing. They don't
7 hesitate to lie about anything. They've done it all
8 through this whole situation. And I think I'll open
9 myself up to question at this point.

10 CHAIRMAN CARNEY: All right, thank you, Mr.
11 Hobbs. Do any of the Committee members have any
12 questions? Mr. Sillas?

13 MR. SILLAS: Mayor Hobbs, I'd like to inquire
14 about the structure of the city government, if I can,
15 for a moment. You run at large as the mayor?

16 MAYOR HOBBS: Yes.

17 MR. SILLAS: Do you have a vote on the
18 council?

19 MAYOR HOBBS: Yes.

20 MR. SILLAS: There are commissions, are there,
21 appointed?

22 MAYOR HOBBS: Yes.

23 MR. SILLAS: Who makes the appointments to the
24 commissions?

25 MAYOR HOBS: I do, with the approval of the

1 council.

2 MR. SILLAS: So it's your nominee with the
3 approval of the council.

4 MAYOR HOBBS: Yes.

5 MR. SILLAS: How many commissions are there in
6 the city that you appoint to?

7 MAYOR HOBBS: Well, the two main ones are the
8 Planning Commission and the Recreation Commission. The
9 others are, you know, Library Board -- I shouldn't say
10 that's not important, it's very important, but people
11 more or less seek the other two, the other two
12 appointments and the others, we always have -- we fill
13 them without too much competition, because it's usually
14 one person running for one seat.

15 MR. SILLAS: How many members on the Planning
16 Commission?

17 MAYOR HOBBS: Five.

18 MR. SILLAS: And how many on the Recreation
19 Commission?

20 MAYOR HOBBS: Nine.

21 MR. SILLAS: And of the Planning Commission,
22 how many of those are minorities?

23 MAYOR HOBBS: Two.

24 MR. SILLAS: And what is their ethnic
25 background?

1 MAYOR HOBBS: Hispanic.

2 MR. SILLAS: And of the Recreation Commission,
3 how many are minorities?

4 MAYOR HOBBS: Well, we have two -- we had two
5 until -- unless -- do you consider women a minority,
6 too?

7 MR. SILLAS: Only if they're --

8 MAYOR HOBBS: There were two, two Hispanics on
9 the Recreation Commission, until one of the complainants
10 resigned in protest of my terrible remark that we had a
11 Mexican situation.

12 MR. SILLAS: How many presently sit?

13 MAYOR HOBBS: What?

14 MR. SILLAS: How many presently sit, just one?

15 MAYOR HOBBS: Just one now, yeah.

16 MR. SILLAS: And how many members are there of
17 the other commissions that you appoint to?

18 MAYOR HOBBS: The other commissions?

19 MR. SILLAS: Yes.

20 MAYOR HOBBS: Well, we've appointed since -- I
21 used to try to do this real democratic. We'd take a
22 secret vote. See, each member of the council would vote
23 and we'd have a secret ballot and the City Clerk would
24 tally them to get someone so we wouldn't hurt anybody's
25 feelings. They wouldn't know whether they got any votes

1 or not.

2 But then the newspaper decided that they'd
3 like to be right in on the process and be able to see
4 who got turned down and everything. So we had -- we
5 were forced under the Brown Act to do it the way it
6 reads in our City Code, which is for me to appoint with
7 the approval of the council.

8 MR. SILLAS: All right. Excuse me, but of the
9 other commissions, are we talking about maybe ten,
10 fifteen, twenty persons that --

11 MAYOR HOBBS: No, we're probably talking about
12 one since we started doing it this way, there's a
13 Library -- a Black Goal division of the Library board
14 member.

15 MR. SILLAS: All right, but how many of the
16 other commissions, other than the Parks, Recreation and
17 the Planning Commission, what are the total number of
18 persons that sit on those other commissions? Are we
19 talking about twenty persons?

20 MAYOR HOBBS: I can't really say. I'm not --
21 I can't think of those other commissions readily.

22 MR. SILLAS: Okay, but of that group your
23 recollection is that there was only one minority that
24 sits on those commissions?

25 MAYOR HOBBS: I'm not sure there -- because

1 I'm not sure of the makeup, you'll probably get that
2 better when you're City Administrator or --

3 MR. SILLAS: All right, that's fine. Let me
4 inquire then, in terms of the participation of Hispanics
5 in the municipal elections, do you have any information
6 to advise this Committee as to the number that
7 participate in the elections?

8 MAYOR HOBBS: How many minorities?

9 MR. SILLAS: Percentage-wise, percentage-wise
10 of the votes cast.

11 MAYOR HOBBS: I don't have any idea.

12 MR. SILLAS: Do you know of any barriers that
13 would prevent them from -- artificial barriers that
14 would prevent them from participating in the elections,
15 assuming that they are citizens?

16 MAYOR HOBBS: No barriers at all.

17 MR. SILLAS: Does the city have a policy
18 pertaining to the service -- providing services to the
19 residents of the city if the persons are not citizens?

20 MAYOR HOBBS: No. Now you're asking questions
21 that should probably be asked the City Administrator.
22 We pay him almost a hundred thousand dollars a year.
23 They don't pay me anywhere near that and I don't --

24 MR. SILLAS: Now, is it your testimony -- is
25 it your testimony then that the policy of the city is

1 determined by the City Administrator as opposed to the
2 City Council?

3 MAYOR HOBBS: The policy of the city is
4 supposedly -- comes from the decisions of the City
5 Council.

6 MR. SILLAS: All right.

7 MAYOR HOBBS: And he carries the policy
8 decisions out. He's the administrative head.

9 MR. SILLAS: All right. And to your
10 knowledge, there is no policy that you know of that
11 prevents the services of the city to be denied to
12 persons who reside in the city --

13 MAYOR HOBBS: Well, I'm sure there's no policy
14 like that, right.

15 MR. SILLAS: And you, I take it, are in favor
16 of making sure that services that are available to all
17 residents be available to everyone regardless of their
18 ethnic or ancestral background.

19 MAYOR HOBBS: Well, yes. I think I went
20 further out at that Guadalupe meeting and stated that I
21 wasn't in favor of sending the people back that are
22 already here, but that I'd like to see a border or a
23 obstruction built at the borderline that would keep more
24 from coming in. We just can't stand any more.

25 MR. SILLAS: I appreciate your comments. Our

1 focus, however, here is as it pertains to the city. And
2 as it pertains to the city, any and all persons that are
3 residing here in the city, you have no problem that they
4 -- with the proposition that they should receive all of
5 the services that the city provides.

6 MAYOR HOBBS: No problem at all.

7 MR. SILLAS: Okay. That would include --

8 MAYOR HOBBS: I might have some problems with
9 what the county provides, but as far as the city, no, I
10 have no problem at all.

11 MR. SILLAS: And that would include police
12 protection; is that right?

13 MAYOR HOBBS: Definitely.

14 MR. SILLAS: That would include housing?

15 MAYOR HOBBS: Definitely.

16 MR. SILLAS: That would include education?

17 MAYOR HOBBS: Definitely. Incidentally, well,
18 education, there I would argue. I have nothing to do
19 with it. I think bilingual education is a mistake. My
20 mother-in-law taught school for many, many years in
21 Guadalupe. Jim May over here, who was formerly one of
22 our councilmen, his mother taught at Bonita School for
23 about fifty years. And the policy then was, when the
24 new immigrants came from Mexico, they went cold turkey
25 right into that situation and they didn't hear any

1 Spanish at all.

2 And their parents at home were urging the
3 children to learn English so they could come home and
4 teach it to them, so they could become good American
5 citizens. And so I have every -- I'm not for bilingual
6 education. I think it does a disservice to the child of
7 Mexican ancestry. It's a wrong thing. It's been pushed
8 onto the school systems by activists and it's not good
9 for the children, not good for the people.

10 MR. SILLAS: All right. I understand your
11 opinion. Based on what you've stated in terms of your
12 policies, if in the course -- following the course of
13 this hearing, there is found to be barriers that prevent
14 persons within your city, regardless of their
15 background, and there are found barriers to prevent them
16 from participating in the city's voting process,
17 educational process, employment process, municipal
18 service process or housing and there were
19 recommendations made to you, I take it then that you
20 would seriously consider those recommendations if, in
21 fact, you found that there was barriers.

22 MAYOR HOBBS: We'd immediate take steps to
23 correct them, if we found any wrong.

24 MR. SILLAS: Okay, thank you.

25 CHAIRMAN CARNEY: Does any other Committee

1 member wish to address a question to Mayor Hobbs?

2 MR. BELTRAN: Let me ask a question of the
3 Mayor, Mr. Chairman. In light of the policy that you
4 espouse, Mr. Mayor, regarding services, to your
5 knowledge, does the city provide any means by which the
6 delivery of these services can be assured to the
7 minority or ethnic communities of the city?

8 MAYOR HOBBS: Like what?

9 MR. BELTRAN: Like Spanish speaking city
10 employees?

11 MAYOR HOBBS: Well, we've got a lot of Spanish
12 speaking city employees, yes.

13 MR. BELTRAN: In what capacities to your
14 knowledge?

15 MAYOR HOBBS: I'd advise you to ask that of
16 the City Administrator. I don't have the figures.

17 MR. BELTRAN: Well, no, I'm asking you to your
18 knowledge whether the city provides the means by which
19 delivery of these services can be assured. You're
20 responding in the affirmative. I'm wondering if you
21 have any basis for responding in the affirmative beyond
22 making the statement that there are Spanish speaking
23 city employees.

24 MAYOR HOBBS: Well, give me an example.

25 MR. BELTRAN: In the housing sector, do you

1 have administrators who are bilingual?

2 MAYOR HOBBS: I don't know. I don't know, but
3 let me tell you something about in the housing sector.
4 Since I've been on the City Council, the last thirty --
5 about thirty years and a half now, I have either
6 initiated or supported through my fullest extent about
7 one thousand units of housing, low rent housing,
8 affordable housing, so-called, nowadays. And about
9 eight hundred of those units are occupied by people of
10 Mexican origin. So I say that we probably are seeing
11 that those people get those kind of services.

12 MR. BELTRAN: Are there any other sectors of
13 the city government where you're aware that the same is
14 the case, that there are no language impediments for the
15 delivery of those services?

16 MAYOR HOBBS: I would say that there are none,
17 right, there are none.

18 MR. BELTRAN: And keeping with Mr. Sillas'
19 remarks then, if we were to identify any type of
20 problems of that nature, I take it then that you would
21 work with the people of the community to remedy those
22 situations.

23 MAYOR HOBBS: Yes, we would.

24 MR. BELTRAN: Thank you.

25 CHAIRMAN CARNEY: Any other questions to be

1 addressed to Mayor Hobbs? It appears there are no more
2 questions, Mayor Hobbs. And we want to thank you very
3 much for your participation in this forum.

4 MAYOR HOBBS: Thank you very much. I'd like
5 to be here all day but there are a couple of other
6 appointments I have. Thank you very much for hearing
7 me.

8 CHAIRMAN CARNEY: Next on our agenda we have
9 Esteban Valenzuela and Hilda Zacarias. We're having a
10 little difficulty with chairs. We'll take a moment.
11 Mr. Valenzuela and Ms. Zacarias, would you state your
12 names for the record, please?

13 MR. VALENZUELA: Yes, thank you, sir. Esteban
14 Valenzuela, attorney here in Santa Maria, private
15 practice.

16 MS. ZACARIAS: And I'm Hilda Zacarias.

17 CHAIRMAN CARNEY: Which of you would like to
18 proceed first?

19 MR. VALENZUELA: I believe that Ms. Zacarias
20 has an urgent appointment and I would implore the
21 Commission to allow her to speak first.

22 CHAIRMAN CARNEY: Certainly.

23 MS. ZACARIAS: And I do have a prepared
24 statement.

25 CHAIRMAN CARNEY: All right, go ahead.

1 MS. ZACARIAS: First of all, good morning.
2 Nice to see you this morning here. I'd like to thank
3 you all for the opportunity to share a little bit of the
4 recent history of what has been happening in our
5 beautiful city.

6 I am current co-chairperson of the Community
7 for the Betterment of Santa Maria Valley along with Mr.
8 Valenzuela. This committee was formed in response to
9 Mayor George Hobbs' comments regarding the Mexican
10 problem, but we have now evolved into an advocacy group
11 committed to the struggle against racism and
12 discrimination.

13 I also speak as a life-long resident of the
14 area who has seen many changes in our city, but never
15 have I seen such a rapid change as the one that has
16 occurred in Santa Maria since July 16th. As you now
17 know, that was when Mayor Hobbs chose to isolate a
18 Mexican problem. He has since termed it an illegal
19 alien problem. His solution, building containment camps
20 south of the border with all the amenities for them to
21 live.

22 In subsequent news articles, he went so far as
23 to say that they live like pigs. They can't help it.
24 That that's what they're used to. Needless to say the
25 Latino community was outraged. And how did the rest of

1 the community respond to this leader? They supported
2 his statements. They praised him for his
3 courageousness. They cheered him for his perception.

4 Letters to the local paper ran approximately
5 sixty percent in favor of Mayor Hobbs. One woman went
6 so far as to state with pride that, "If being a bigot
7 meant that she considered her culture superior to others
8 then she was proud to consider herself a bigot".

9 Those of us in the community who chose to
10 speak out against the attack were labeled by any number
11 of terms, some of which you've heard this morning,
12 opportunists, shysters, activists. Most illustrative of
13 Hobbs' position was when he labeled us during our appeal
14 to the City Council for censor of his comments. He
15 labeled us as a semi-secret Mexican militant
16 organization with an intent to take over California
17 politics within the next ten years.

18 These comments have fueled the fears of those
19 feeling threatened by the influx of Mexican immigrants
20 into our cities. Those persons who have lived in the
21 same home for many years and who now see four or five
22 families living together next door to them, are afraid,
23 yet they cannot put together the economic and cultural
24 puzzle that led to this situation.

25 The rent in Santa Maria, although far less

1 than Santa Barbara, is incredibly unaffordable for a
2 field worker. Thus, they join together, usually with
3 other family members, to pay the rent. When you have so
4 many persons occupying a single unit you will experience
5 a quicker rate of wear and tear. This deterioration is
6 what the frightened neighbor must contend with, along
7 with an inability to communicate their frustrations with
8 that neighbor. The result, an angry citizen who
9 complains to his or her city's mayor about those
10 Mexicans.

11 The mayor, choosing to lump together those
12 Mexicans, validated these fears. Persons who have
13 suppressed feeling of frustration with issues such as
14 bilingual education, illegal immigration, rundown
15 neighborhoods and perceived criminal activity by
16 Mexicans have received a message that it is okay to
17 berate them.

18 Just last month while I was precinct walking a
19 man told me that we should build a ten-foot wall with
20 dogs and machine guns on the border to keep the Mexicans
21 out of the United States. This type of openly hostile
22 discrimination has become common place, not that the
23 discriminatory activity has occurred only since July
24 16th.

25 Before that time at the Town Center Mall, a

1 Mexican woman was trying to order a cookie for her
2 little girl. She had limited English skills and spoke
3 with a heavy accent. The employee told her that if she
4 couldn't speak English, she could go back to Mexico,
5 that she wasn't going to serve her.

6 Many persons resent the fact that they believe
7 they are losing jobs to bilingual persons because they
8 feel they shouldn't have to speak Spanish to begin with.
9 Problems? We have many. Solutions? We are just now
10 beginning the search for solutions. We turn to the
11 other leadership of the city as well as the Board of
12 Supervisors of the county to follow the lead of Mr. Tom
13 Allen, President of the Santa Maria High School Board of
14 Trustees, to issue a resolution condemning the Mayor's
15 comments as racist and divisive.

16 Mr. Allen's resolution, passed unanimously
17 just days after Mr. Hobbs' comment, was drafted to show
18 support for all persons in the district regardless of
19 race, creed, color, gender or national origin and for
20 abolition of prejudice. Yet our leadership chose to
21 make excuses for the comment.

22 With the exception of Mr. Wallace of the Board
23 of Supervisors, not one official was willing to take a
24 stand. Rather, they chose to make excuses or adopt
25 water-downed versions of anti-discriminatory resolutions

1 with no mention of Hobbs or his comments. We, as a
2 community, cannot be surprised this inaction. This is
3 the same City Council that looks the other way when
4 developers do not adhere to the city's requirement that
5 they set aside ten percent of new housing for low to
6 moderate income families.

7 This is the same City Council that requires an
8 employee to housing ratio for new industries arriving in
9 the city to assure adequate housing for the new
10 employees and yet, when agricultural land use increased
11 by over three thousand acres in the last three years,
12 which required an additional ten thousand workers, they
13 make no mention of this requirement.

14 This the same City Council that drafted a
15 resolution supporting expansion of Vanderburg Air Force
16 Base because, to quote one City Councilman, "Those are
17 the type of people we want here in our community".
18 Well, we have all types of persons in this community.
19 This community cannot stay the small town that it has
20 always been. Instead we must work within the resources
21 that exist and look to other cities that are
22 experiencing the same pressures for direction.

23 This puzzle of social, economic and cultural
24 inequities can only be pieced together if we have the
25 leadership willing to appreciate each piece and join

1 them together for the sake of our future. And we need
2 forums like this one here today where all persons have
3 the opportunity to address this serious problem,
4 discrimination so that we may learn from the mistakes
5 that have been made and build that future which is the
6 dream of all immigrants, both old and new. Thank you.

7 CHAIRMAN CARNEY: In the interest of your
8 situation, we would ask now the members of the Committee
9 if they have any questions to address to you and we have
10 to keep in mind also that we're on a time budget here.
11 So, if anybody has any questions of Ms. Zacarias.

12 MR. SILLAS: Mr. Chairman. Could you point to
13 specific things that you believe the city is not doing
14 for persons solely because they happen to be of a
15 particular ethnic background?

16 MS. ZACARIAS: I can speak only from my
17 feelings to say that I believe they are not looking to
18 solve issues that affect persons that are not
19 directly -- that do not have direct access to the
20 process. I feel that many of the people who are
21 involved in the situation that was created by the city
22 do not know or do not have the time or the inclination
23 to go to City Hall and say, "This is -- I really need
24 help with housing. I really don't want to live thirty
25 people in this house".

1 And I believe it is the role of the City
2 Council to know there is a problem because of the
3 responses they have received from persons and seek
4 solutions.

5 DR. ERLER: Is the city faced with a homeless
6 situation as in other cities?

7 MS. VALENZUELA: Yes, it is.

8 DR. ERLER: And is the makeup of the homeless
9 solely of minority persons or does it conclude whites
10 also?

11 MS. ZACARIAS: I personally don't have any
12 knowledge of that. I do know that at the homeless
13 shelter they generally have families, women and
14 children, and that is really the only thing I know.

15 DR. ERLER: What would be your solution for
16 the situation you've described pertaining to the large
17 number of Hispanics or Mexicans in homes and the influx
18 of the ten thousand workers that you made mention to?

19 MS. ZACARIAS: Well, I believe that a
20 partnership should be formed with the agricultural
21 community and the county, since it affects both the city
22 and the county, to make some positive decisions as to
23 providing things such as migrant housing, not low income
24 housing, because a migrant worker does not have income
25 for twelve months out of the year and not in this

1 community. So really, I believe a solution may be to
2 have a joint project to provide migrant housing.

3 MR. SILLAS: Do you know whether or not such a
4 proposal had been made to the city of Santa Maria?

5 MS. ZACARIAS: I know that there are various
6 organizations, some of which are going to be speaking
7 today about their efforts to secure housing.

8 MR. SILLAS: You don't have a problem, do you,
9 with anyone exercising their constitutional right to
10 speak out on any issue that they feel inclined to do so?

11 MS. ZACARIAS: Oh, absolutely not.

12 MR. SILLAS: And so the Mayor, in his
13 comments, was exercising his constitutional rights?

14 MS. ZACARIAS: That's correct.

15 MR. SILLAS: You wouldn't want to prohibit him
16 from speaking and exercising that right, would you?

17 MS. ZACARIAS: No.

18 MR. SILLAS: And I take it that your comments
19 and exercise -- and activity has been an exercise of
20 your constitutional rights?

21 MS. ZACARIAS: Absolutely.

22 MR. SILLAS: And I take it you don't want
23 anyone interfering with that?

24 MS. ZACARIAS: No, I do not.

25 MR. SILLAS: And to this date, has there been

1 any interference that you know of by government
2 officials or officials of the city that would have
3 prevented you or intimidate you in anyway in exercising
4 those right?

5 MR. VALENZUELA: Mr. Sillas, if I may speak at
6 this time.

7 MR. SILLAS: Sure.

8 MR. VALENZUELA: I realize that it is not
9 exactly my turn but in answer to a couple of the
10 questions of what the city may be doing, I believe that
11 it is the administration of the regulations, the
12 ordinances and the manner that they are administrated
13 that has a discriminatory effect upon the minority
14 people of this community, primarily Hispanic, Mexican.

15 And in terms of the voting or participation, I
16 believe that the comments of the Mayor that the people
17 that rose against his comments and went to the City
18 Council and asked for an apology, exercising freedom of
19 assembly, exercising the rights of free speech, to then
20 come back and label those persons as a semi-secret
21 Mexican organization seeking to overtake California,
22 created a subversive, a type of almost a red baiting
23 atmosphere that did result in persons being intimidated
24 in participating in a protest or taking steps against
25 the type of thing that the Mayor was doing.

1 So I feel that it is not as blatant as we may
2 have seen. And I know that this Commission probably
3 sees more blatant problems in other areas. It's a
4 subtle, but a very effective method of discrimination
5 that we have seen and intimidation in the exercise of
6 civil rights.

7 MS. ZACARIAS: If I may respond to that same
8 question, I do believe that it has made me a more
9 realistic person to be labeled racist, activist,
10 shysters, semi-secret militant. I have my friends who
11 call me up and laugh and say they're secret agents
12 themselves. But I have people who will then, because of
13 those comments, disallow my comments. They are no
14 longer valid comments because I am just an activist. So
15 they're not valid.

16 And I believe that that is where my concern
17 in, is, yes, everybody has the freedom to exercise their
18 rights, but when they create situations that are
19 affecting other person's rights, then I feel that it is
20 time for us to stand up.

21 DR. ERLER: How do you believe that the
22 situation is affecting other person's rights? I mean,
23 you've made a case for a general kind of climate of
24 opinion that exists, but can you give us some examples?
25 For example, do you believe that -- you said that you

1 believe that some groups were excluded from direct
2 access to the political process. Is anyone prevented
3 from running for office or voting in an office or
4 appearing before council meeting to air their opinions
5 or do you have some evidence of direct exclusion from
6 the political process?

7 MS. ZACARIAS: From the political process? I
8 could only, again, state that the individual's position
9 in securing a livelihood for themselves in and of itself
10 lends it to not having the same type of access as if we
11 were here in Santa Maria working from 8:00 to 5:00 and
12 was able to attend a City Council meeting, to attend it
13 and speak in English also is a barrier because it's --

14 MR. BELTRAN: Let me ask you a question,
15 following up on what Mr. Erler inquired about. To your
16 knowledge, is anyone allowed to address the City Council
17 in Spanish and use a translator?

18 MS. ZACARIAS: They are?

19 CHAIRMAN CARNEY: Well, do you know?

20 MS. ZACARIAS: Oh, only from a group that was
21 appealing for housing, there was a gentleman who spoke
22 in Spanish and there was a remark made that they should
23 speak in English.

24 DR. ERLER: Was that a remark by a member of
25 the council?

1 MS. ZACARIAS: Yes.

2 DR. ERLER: Was he allowed to speak in
3 Spanish?

4 MR. VALENZUELA: My understanding is that he
5 was not.

6 CHAIRMAN CARNEY: Doctor Erler, do you have
7 any further questions?

8 DR. ERLER: No.

9 CHAIRMAN CARNEY: Ms. Zacarias, when was this
10 event?

11 MS. ZACARIAS: I'm sorry, I don't have the
12 date.

13 CHAIRMAN CARNEY: Were you present?

14 MS. ZACARIAS: No, I was not.

15 CHAIRMAN CARNEY: Are there any more questions
16 for Ms. Zacarias? Mr. Valenzuela, do you want to make a
17 statement?

18 MR. VALENZUELA: If I may briefly.

19 CHAIRMAN CARNEY: Certainly.

20 MR. VALENZUELA: Honorable Commission, it is a
21 pleasure to have you here to respond to the concerns
22 and, I believe, needs of the members of the Santa Maria
23 community to address civil rights and to perhaps become
24 better educated among ourselves as to what civil rights
25 are and what civil rights mean and how civil rights can

1 be violated and are violated in our community.

2 I realize that you folks deal with the
3 question everyday, but for many of us, and I think
4 specifically the mayor, perhaps does not realize the
5 extent of the protections that our Constitution, Federal
6 Constitution and adopted by our California Constitution
7 offers. I would like to recall for the body here that
8 all persons are entitled to the same civil rights,
9 whether they are citizens or whether they are aliens.

10 And I believe that is the fundamental
11 distinction that the Mayor has commented on and divided
12 this community with his Mexican problem. In fact, there
13 is -- there is growth, as Ms. Zacarias mentioned, and I
14 think everyone in this community recognizes, and there
15 are pressures within this community. And for the Mayor
16 to define and say, "The problems we have in the
17 community are the cause of a certain ethnic group, a
18 Mexican group", and then to go further than that and say
19 false statements such as, "The Mexican people are
20 responsible for ninety percent of the crime in this
21 community", that is a false, unfounded statement that
22 was made, I believe, with the intent to incite hatred or
23 to incite contempt for this community, specifically the
24 Spanish speaking community.

25 His comment that the Mexican people are

1 causing a deterioration of our neighborhood, his comment
2 that the Mexican people are unsanitary and -- is
3 creating a finger to be pointed at an ethnic group that
4 does not have power politically to resist this type of
5 abuse. And the result of that -- well, his comment that
6 the amnesty law was the worse thing that ever happened
7 to this country and that the Mexican people should be
8 placed in camps, where they will have all the amenities
9 of life and never want to come back to Santa Maria,
10 places an atmosphere or encourages an atmosphere where
11 racial tensions have always existed since the history of
12 this valley and California and the competing cultures of
13 California as Mexico and the United States movement
14 west.

15 And we have seen, throughout the California
16 history and also in this valley, and I am a fifth
17 generation Californian of the central coast, I've
18 learned these things from my own family that after the
19 initial change in political structure, that an era of
20 hostility, an era of intimidation took place in a very
21 blatant and a very violent form. And I believe that
22 what is taking place in our community since July is a
23 renewal but it is a very subtle nature.

24 When we have incidents that come forth in our
25 community of direct violence against Hispanic people

1 directly related to the comments of the Mayor and came
2 to light in some of the community minutes that were
3 held. Ms. Zacarias mentioned one in the cookie
4 incident. There was another one where a Mexican child
5 was touching goods on display and the vendor became very
6 angry and said, "You're the Mexicans George Hobbs is
7 talking about".

8 We have an eyeball witness to that incident.
9 It created a hostile incident between the two cultures.
10 Youths of Anglo heritage confronted some groups of
11 Mexican heritage and there was nearly violence but it
12 dissipated. A resident of Santa Maria, Carlo Romero,
13 was an eyewitness to that incident and reported it to
14 the committee.

15 There was -- when we went to the City Hall and
16 asked for the Mayor's apology for this type of comment
17 against our community and attempted to educate him and
18 the council concerning how this affected us as Mexican
19 people, a person who had demonstrated was assaulted by a
20 motor vehicle and nearly hit and yelled from a young
21 person of Anglo heritage, "Go home, Mexican".

22 And further incidents of direct violence where
23 a young man who was employed at the Burger King
24 Restaurant here in Santa Maria was surrounded by his co-
25 employees and told, "You're taking American jobs", and

1 threatened him with actual physical violence and he was
2 compelled to leave his employment for his own safety and
3 that is documented and witnessed to by one Rosa Caeserio
4 who is employed here with an agency here in Santa Maria.
5 The incident by the City Hall was also witnessed and I
6 have that person's name but not before me. I can submit
7 it later.

8 I have another incident that came forth from a
9 Mr. Moreno, a long time resident of Santa Maria, who at
10 a fiesta was accosted by Anglo security guards and was
11 battered and was held by one and said by the other,
12 "This is for Mayor Hobbs" as he was struck severely and
13 received injuries. Now, these are only isolated
14 incidents of people that had the courage to come forward
15 and speak to this committee that formed in nothing more
16 than a response to, "We, as responsible Hispanic people
17 of this community, how do we respond to this publicity
18 that is creating an atmosphere of anger; it is creating
19 an atmosphere of intimidation"?

20 And I view this, honorable Commission, as an
21 intimidation and suppression and a means to maintain
22 oppression of a minority group that does not have
23 economic nor political power. And I am very sad to say
24 that as a result of these comments of Mayor Hobbs, that
25 normally it is my understanding he won his election with

1 approximately forty some percent of the vote, that in
2 this past election of November 6th, 1990, he nearly
3 doubled that with sixty-six percent of the vote and not
4 one Hispanic won a single position in this community.
5 And we had the most Hispanics running ever.

6 And I have to say that there is an ignorance
7 that exists in our community concerning civil rights and
8 I have to say that there is an ignorance in its
9 application from our own leadership.

10 CHAIRMAN CARNEY: Mr. Valenzuela, pardon me
11 for interrupting but we are on a strict agenda.

12 MR. VALENZUELA: In closing, let me just say
13 in closing, sir, that I would see the solution to this
14 problem to be education.* And the way to bring about
15 education, as I would see it, would be two-fold. One
16 would be the establishment of a body within our local
17 government in Santa Maria to address the question of
18 civil rights and its impact upon the community whenever
19 there is a regulation, an ordinance or application and
20 present a forum for this to be viewed separate from the
21 City Council open hearings which I do not believe are
22 effective for that purpose.

23 Secondly, would be to support our educators in
24 their efforts not only to continue bilingual education,
25 which has proven to a strong force in eliminating

1 segregation, but to encourage history of Mexican
2 history, Chicano studies, if you will, so that our
3 community will have a true understanding of our place in
4 history and a sense of dignity and a sense of pride
5 rather than the remnants of a conquered people or
6 oppressive or hereditary slavery from the colonial era
7 as taught by our western civilization and is now taught.
8 Thank you very much.

9 CHAIRMAN CARNEY: Mr. Valenzuela, I didn't
10 mean to cut you off, but we do want to have the
11 opportunity to address questions to you and that's why I
12 was trying to limit your remarks.

13 MR. VALENZUELA: Any questions by the
14 Committee to Mr. Valenzuela?

15 MR. COOPER: I have one, Mr. Chairman.

16 CHAIRMAN CARNEY: Mr. Cooper.

17 MR. COOPER: Mr. Valenzuela, is there at this
18 time any office, any official place in the city, where a
19 person who feels that they've been victimized by a
20 discriminatory act could go and appeal or file a
21 complaint or get help? Is there anything official in
22 the city that you know of?

23 MR. VALENZUELA: To my knowledge, no, sir.

24 MR. MONTEZ: Does the -- Mr. Chairman.

25 CHAIRMAN CARNEY: Go ahead, Mr. Montez.

1 MR. MONTEZ: Does the county have any vehicle
2 such as a Human Relations Commission or --

3 MR. VALENZUELA: It's my understanding that
4 the county does have such a vehicle within its
5 administrative government. And, of course, we're not
6 addressing specifically the county problem but I feel
7 the availability of that has not been extended to the
8 north county residents adequately at all.

9 MR. MONTEZ: But it is a county-wide committee
10 or commission?

11 MR. VALENZUELA: Yes, sir, I believe so.

12 MR. MONTEZ: But it doesn't reach this far, is
13 that what you're saying?

14 MR. VALENZUELA: Well, its authority does, but
15 it seems as though, due to the distance or the politics
16 or the financial constraints that that ear doesn't seem
17 to be available to the north county residents as it may
18 be to south county residents. We need to expand that
19 certainly and we're hoping to do so with the new
20 leadership in the county.

21 MR. COOPER: Have you tried the county or has
22 anyone approached the county from this area that you
23 know of?

24 MR. VALENZUELA: I think Ms. Zacarias
25 mentioned that the county has had a fairly deaf ear to

1 this and, in fact, consider it a city problem. They
2 consider our problem up here a city problem. So we have
3 them passing the ball between two agencies in my view.

4 MR. MONTEZ: Might I just suggest, Mr.
5 Chairman, that a letter be sent to the county on
6 behalf -- I can't make a motion, because I'm staff, but
7 I would if you'd let me.

8 CHAIRMAN CARNEY: Doctor Erler, do you have a
9 question for Mr. Valenzuela?

10 DR. ERLER: Yes. I take it that in your
11 opinion there's a direct causal link between the
12 incidents of violence and purported discrimination and
13 the Mayor's remarks, but at the same time you also
14 indicate that the Mayor had First Amendment rights to
15 say those kinds of things. But the idea is that they're
16 creating a kind of atmosphere that's chilling the
17 exercise of civil rights. Is that your point? --

18 MR. VALENZUELA: Very much so. I believe that
19 the Mayor articulating the policy of the city, if you
20 will, is creating an atmosphere where the application or
21 enforcement of the ordinances, for example, housing or
22 congestion, we realize that after some of these comments
23 were made that there was a cleanup of certain
24 neighborhoods on the west side that are predominantly
25 Hispanic and many cars were towed. Persons were asked

1 to get off the front areas and of course, this is a
2 direct enforcement that just happens to be against
3 Mexican people.

4 DR. ERLER: So this is a piece of evidence
5 that there is discriminatory enforcement.

6 MR. VALENZUELA: I believe it is. I believe
7 if the Mayor had an idea of really solving the problem
8 that he would also look to the landowners and to the
9 apartment owners, who in many cases, are not residences
10 of this community and do some enforcement in that regard
11 about how many people are living there, what are the
12 conditions, are the services adequate, are the toilets
13 flushing, are the ceilings falling down, and if they
14 are, why are they, rather than clamping down on the
15 victims of this housing situation who are outside or who
16 are parking cars where there's insufficient parking.
17 That application is discriminatory, I believe.

18 CHAIRMAN CARNEY: Mr. Sillas?

19 MR. SILLAS: Mr. Valenzuela, you referenced to
20 specific incidents. I take it that you are saying two
21 things to this Commission; one, that the Mayor's
22 comments encourages those persons who are opposed to
23 Mexicans living in their community to take more
24 aggressive acts against Mexicans.

25 MR. VALENZUELA: Yes, sir, that's correct.

1 MR. SILLAS: I also gather from your comments
2 that you indicate that the comments have a chilling
3 effect upon Mexicans living within the district, within
4 the city.

5 MR. VALENZUELA: Very much so, that's correct,
6 sir.

7 MR. SILLAS: Can you give me -- well, let me
8 ask this; you talked about a group gathering as a result
9 of the comments. How large was the group when you first
10 met?

11 MR. VALENZUELA: Approximately two to three
12 hundred persons.

13 MR. SILLAS: And since that time there were
14 subsequent comments made by the Mayor.

15 MR. VALENZUELA: Correct.

16 MR. SILLAS: In which there were persons that
17 were participated in that were given certain labels.

18 MR. VALENZUELA: Correct.

19 MR. SILLAS: Was there a reduction in the
20 number of the persons that attended your meetings
21 thereafter?

22 MR. VALENZUELA: I would say after those
23 comments of the Mayor suggesting that we were some kind
24 of semi-secret Mexican organization with -- the
25 participation in the group dropped to roughly fifty and

1 then twenty. And persons directly said that, "We have
2 to quit," because they were losing their friends and
3 their spouses are angry or they're afraid.

4 We had one person very active and said that
5 she's afraid the city's going to do something to their
6 housing application. That's Ms. -- I have her name. I
7 don't want to state it.

8 MR. SILLAS: Did any of them indicate that
9 they were fearful of the loss of their jobs?

10 MR. VALENZUELA: Yes, yes.

11 MR. SILLAS: You need not give the names.

12 MR. VALENZUELA: Part of what we had done was
13 to show solidarity against discrimination, racism, and
14 we had a green ribbon campaign. And persons were told
15 either get the off or get out.

16 MR. SILLAS: Was there any other threats made
17 to persons of your organization in terms of retaliation
18 that would take place if they continued to participate
19 in your functions?

20 MR. VALENZUELA: I believe I have relayed all
21 that I can recall.

22 MR. SILLAS: Mr. Chairman, I would ask that
23 the staff be instructed to meet with Mr. Valenzuela
24 later to obtain the names of the individuals that he
25 made reference to, that they be interviewed for the

1 specific incidents that have been referred to here and
2 that with adequate protection for their identification,
3 that they be a part of the report.

4 CHAIRMAN CARNEY: We will certainly make that
5 recommendation to staff members. And I notice they are
6 taking note at the moment. Ms. Patterson?

7 MS. PATTERSON: Yes, Mr. Valenzuela, did your
8 group make a proposal to the city to establish a civil
9 rights group?

10 MR. VALENZUELA: No, no, we have not done so
11 specifically.

12 MS. PATTERSON: What proposals have you made?

13 MR. VALENZUELA: There was an offer from one
14 of the council members to establish some type of a board
15 or commission to address some of these problems, but it
16 didn't materialize. And I'm not sure why not. I have a
17 feeling in my own sense that with a political election
18 year that we were operating under, that association with
19 our body was viewed as being political suicide. And I
20 know certain candidates that specifically did not want
21 to be associated with the Committee for the Betterment
22 of Santa Maria Valley and against discrimination and
23 racism, which was the name that this community
24 organization assumed.

25 So in light of that, I don't think there was a

1 receptive political environment for working with out
2 group and I think that was the stalemate at that time.

3 CHAIRMAN CARNEY: Mr. Valenzuela, these
4 incidents of violence that you've related, have there
5 been identifiable assailants?

6 MR. VALENZUELA: I believe in some, there are.

7 CHAIRMAN CARNEY: Have there been any follow-
8 up with the police department or the county sheriff that
9 you know of, resulting in arrests and prosecution?

10 MR. VALENZUELA: To my knowledge there have
11 not, although there is an attorney practicing in town
12 who specializes in criminal law, Mr. Derburarros. It is
13 my understanding that he has filed additional claims
14 against the city for unwarranted or unnecessary
15 violence. Whether they apply to these specific
16 incidents, since the Mayor's comments I'm not aware.

17 CHAIRMAN CARNEY: Has anybody made any
18 complaints to the police department following -- the
19 victims made complaints to the police department
20 following these incidents of violence?

21 MR. VALENZUELA: I'm not sure, sir.

22 CHAIRMAN CARNEY: You understand that for the
23 police department to act and prosecute these individuals
24 that those incidents have to be reported to them,
25 otherwise they can't do anything. You understand that.

1 MR. VALENZUELA: Yes, I understand that, sir.

2 CHAIRMAN CARNEY: All right, Mr. Valenzuela,
3 because of the time, going over our budget or our
4 agenda, we want to thank you very much for your time and
5 your information.

6 MR. VALENZUELA: Thank you very much.

7 CHAIRMAN CARNEY: And if you would make
8 yourself available to the staff members at the rear of
9 the room, we'd like to talk to you further about your
10 comments.

11 Ladies and gentlemen, I wanted to remind
12 everyone, please sign in when you're entering and that
13 if you have statements that you wish to make to this
14 Committee, you may do so during the period from 5:00
15 p.m. to 6:00 p.m., but please see one of the staff
16 members before 4:00 p.m. if you wish to do so.

17 Additionally, I noted during the remarks of
18 Mr. Valenzuela that there were several members of the
19 audience who wished to ask questions. We cannot --
20 because of the agenda situation that we cannot allow
21 ourselves the luxury of fielding questions from the
22 audience. So, if you'll understand that and if you want
23 to make comment, you're certainly free to do so. Please
24 make note of them and address your situation to the
25 staff member and you can do so during that period from

1 5:00 to 6:00.

2 We're not trying to discourage your input or
3 your questioning or anything, but we do have time
4 restrictions and if I keep talking we're going to have
5 more time restrictions. So I would ask if Mr. Smiley
6 Wilkins is present, would he step forward?

7 MR. BELTRAN: Mr. Chairman, before we go on,
8 I'd like to follow up on the comment made by Mr. Montez
9 earlier that this Committee -- let me make it by way of
10 a motion, that this Committee inquire of the Human
11 Relations Commission for the County of Santa Barbara
12 about its activities and the handling of the types of
13 complaints that Mr. Valenzuela made reference of in his
14 comments so that we may get a response as part of this
15 record of the activities of the county commission.

16 CHAIRMAN CARNEY: Is there a second to that
17 motion?

18 MR. SILLAS: Second.

19 CHAIRMAN CARNEY: All right, there's a second.
20 All in favor?

21 (Aye)

22 CHAIRMAN CARNEY: Carried. That
23 recommendation will be -- or that motion will be
24 followed up. All right, Mr. Wilkins from the National
25 Advancement -- pardon me, National Association for the

1 Advancement of Color People, if you will, sir, we're
2 running short of time. I don't mean to step on your
3 statements, but if your statement that you prepared is
4 lengthy, would you try and summarize it? You may submit
5 it and it will all appear in the record. But in order
6 to field questions, we do wish to have that opportunity.
7 And I know all the members of the panel are anxious to
8 ask questions in this area. So let that guide, sir.

9 MR. WILKINS: Okay. My statements aren't
10 long. Civil rights, the rights and privilege of
11 citizenship, these are our God-given rights and should
12 not be denied any citizen has gone through due process
13 of law. One cannot be denied civil rights and receive
14 equality under the law, for a denial of civil rights has
15 a ripple effect. It denies an individual justice,
16 equality and the pursuit of happiness in all facets of
17 life which is a contradiction to the rights guaranteed
18 by the Constitution.

19 Denial of civil rights may be covert or overt
20 or may even be unintended. Nevertheless, it puts
21 individuals and groups at a disadvantage which is
22 obviously negative actions in these circumstances. The
23 Santa Maria branch and the Lompoc branch of the NAACP is
24 encouraged by the visit of the Civil Rights Commission
25 in the central coast area. Your presence gives hopes to

1 the aspirations of individuals and groups who are
2 dedicated to the cause of human relations and, of
3 course, to civil rights.

4 Additionally, your visit is particularly
5 timely when one considers the national and local crime
6 in which civil rights and liberties are being eroded.
7 Social and economic assistance programs are also under
8 attack. Racial hate groups are on the increase and a
9 small group of elected officials feel compelled to
10 resort to the use of distasteful and/or demeaning ethnic
11 and racial slurs.

12 In our immediate vicinity, and I'm sure you're
13 quite aware of that, Mayor George Hobbs indulged in
14 inflammatory and decisive rhetoric in his unprovoked
15 slur upon the Hispanic population of Santa Maria during
16 a pre-election lecture in July. In another area of
17 civil rights, the police department of Lompoc and Santa
18 Maria, as well as Santa Barbara Sheriff's Department,
19 are frequently accused of alleged brutality.

20 Job discrimination in a variety of agencies
21 and industries is yet another area of frequent
22 complaint. Mr. Chairman, I have reported only a brief
23 overview of problem areas in the central coast area. I
24 would be seriously remiss if I did not report that in
25 general the people and the minority groups enjoy

1 excellent opportunities as far as fair housing and
2 equitable treatment in employment of housing.

3 However, those minority persons at the lower
4 end of the social and economic scale suffer inordinate
5 in all endeavors of life. In my observations, I have
6 observed really as far as housing is concerned if you
7 have the money you get to live wherever you want to.
8 That having been said, I am compelled to remind the
9 Commission that when one person is denied equal
10 treatment and consideration, then equal treatment and
11 consideration of all is in jeopardy. That concludes my
12 statement.

13 CHAIRMAN CARNEY: Any questions for Mr.
14 Wilkins?

15 MS. PATTERSON: Yes, Mr. Wilkins --

16 MR. WILKINS: Yes.

17 MS. PATTERSON: -- you mentioned that there
18 were some examples of police brutality.

19 MR. WILKINS: Yes.

20 MS. PATTERSON: Could you expand on that,
21 please?

22 MR. WILKINS: Yes, and of course, I don't
23 happen to have the cases with me, but we had some cases
24 that our Civil Rights Director, Mr. R. Hicks, who
25 happens to be in San Diego right now, has a case and we

1 are referring those cases to your Commission for someone
2 who was supposedly beaten very badly as far as the
3 police department is concerned. And, of course, right,
4 wrong or indifferent, you know, it did occur. And those
5 areas will be checked out.

6 We do have solid cases to give you and we will
7 be forwarding that to you next week.

8 CHAIRMAN CARNEY: Mr. Wilkins, these incidents
9 of brutality at the hands of police agencies, are they
10 restricted to any -- in your acknowledging way, are they
11 restricted to minorities?

12 MR. WILKINS: Well, I couldn't say that,
13 because I don't know about all the groups. You know, I
14 hear other people complaining from time to time. But I
15 have noted that we do get quite a few complaints in that
16 particular area. And you know, we haven't checked it
17 out thoroughly to determine the validity of all the
18 complaints.

19 CHAIRMAN CARNEY: What you're saying is
20 that -- your basic statement is that the incidents of
21 brutality cover all racial groups; is that correct, as
22 victims?

23 MR. WILKINS: Generally, that's what I am
24 saying. However, from my observation, I have observed
25 from what I know specifically it occurs in more cases as

1 far as minority groups are concerned.

2 CHAIRMAN CARNEY: Any other questions from
3 members of the Committee? Well, Mr. Wilkins, you've
4 helped us catch up on our agenda. I want to thank you
5 very much for your attendance here and for your input.
6 And we look forward to the submission of the other
7 material and other information.

8 MR. WILKINS: You'll get it. Thank you.

9 CHAIRMAN CARNEY: Thank you, sir.

10 MR. WILKINS: Thank you.

11 CHAIRMAN CARNEY: Ladies and gentlemen, those
12 of you who are in the rear of the room, you're welcome
13 to help yourself to the refreshments that are there, but
14 I would ask those that are over by the door to please
15 get seats. There are empty seats and for the
16 convenience of ingress and egress of other members of
17 the public who wish to come in, and also for safety
18 reasons. So if you would kindly find one of the empty
19 seats.

20 Next on our agenda we have Adrian Andrade,
21 William Abeytia and Fernando Castillo.

22 MR. ANDRADE: Good morning, my name is Adrian
23 Andrade.

24 CHAIRMAN CARNEY: In case all of you gentlemen
25 were not here a few moments ago, I'll repeat what I

1 said. If your prepared statements are lengthy, we'd ask
2 you to summarize them, and you may submit them to the
3 Committee for entry into the record. We do wish to get
4 all the information that we can from you. And we also
5 wish to have the opportunity, as Committee members, to
6 question you about the specific items that you are
7 seeking to report on. And who wishes to go first.

8 MR. ANDRADE: I don't mind going first.

9 CHAIRMAN CARNEY: All right, Mr. Andrade?

10 MR. ANDRADE: Yes. Thank you, Commissioner.
11 Thank you for your introductory remarks. I was not here
12 earlier and I appreciate them. I don't have any
13 prepared written statement. I just have a number of
14 notes that I made this morning in preparation for today.

15 My name is Adrian Andrade. I've been a
16 resident of this area since 1978 and I am a practicing
17 attorney here locally. And I've practiced here since
18 that time. I have a family and most recently what
19 brings me here today is I was a School Board candidate
20 for the Santa Maria Joint Union High School District.

21 My concerns are concerns with respect to
22 impact on voting. When we commenced the campaign
23 earlier this year, there was a sense of excitement among
24 all of the candidates. And that sense of excitement
25 continued until sometime in July, July of this year. In

1 July, as I think you gentlemen and ladies know, the
2 Mayor of our city made several statements focused on
3 what he called a Mexican problem.

4 As a candidate, I would like to stress that
5 the fact that he had raised these issues in the manner
6 that he did made it very difficult for a candidate of
7 Hispanic background, of Mexican background, to deal with
8 that issue and not focus on the issues that were at
9 hand. In my candidacy, I was attempting to focus on the
10 issues of dropout rate, parental involvement, different
11 kinds of issues, yet each time one attempted to do that,
12 this underlying issue would creep up to the top.

13 My focus is not so much in terms of the
14 statements that he made, but to focus on the
15 continuation of his statements. On a radio program, in
16 particular, on July 25, 1990, there was a number of
17 statements that were made by our Mayor. One of the
18 statements that he made was that, "These people, the
19 Mexicans, were ruining our cities".

20 And an example that he gave was a city in the
21 valley where they -- and I assume he was referring to
22 Mexicans, elected, and my emphasis is elected, a whole
23 city council. The whole five of them were Mexican
24 activists and they bankrupted the city. Those are
25 statements he made. I have a copy of the tape and am

1 willing to present it to the Commission.

2 Those are the focus of my statements today,
3 because he was talking about electing Mexicans to the
4 City Council and I understood that to mean that he was
5 talking about citizens who vote, Mexicans who run for
6 elected positions, that somehow that was not
7 appropriate. He said that the city was bankrupted and
8 that that's what can happen if Mexicans are elected to
9 positions of authority.

10 My concern today is that that was not mindless
11 mumblings of a gentleman, of a person. Those were
12 pronouncements from our Mayor about voting. And in
13 effect, he was attacking every citizen's right to vote.
14 He was attacking every citizen's right to elect their
15 leader and in doing it in the manner that incited and
16 aroused pernicious types or racism.

17 As a consequence, voting patterns, and we
18 would be willing to submit those to the Commission once
19 they're complete, but voting patterns as I have reviewed
20 them, and I'm not a political scientist, I grant you
21 that -- as I have reviewed them have indicated that
22 voting went along racial lines. And my concern was the
23 statements that were made, that they were pernicious and
24 that they incited this kind of racism and in effect,
25 affected the election of all of the candidates that were

1 running during this election period.

2 CHAIRMAN CARNEY: Thank you, Mr. Andrade. Do
3 either or you gentlemen have a prepared statement to
4 make or other remarks to address prior to a questioning
5 session?

6 MR. ABEYTIA: I have some remarks to make.

7 CHAIRMAN CARNEY: All right. I would ask
8 that, if you could, if you would replace yourself there
9 in Mr. Andrade's chair and introduce yourself for the
10 record. And if you would kindly keep your voice up
11 because everybody here is interested in hearing what you
12 have to say.

13 MR. ABEYTIA: My name is William Abeytia.
14 I've lived in Santa Maria for thirty years. I'm an
15 accountant and I'm a business consultant, often referred
16 to as the Godfather, but have no fear, there is no
17 Mexican mafia in Santa Maria.

18 In July of this year the Mayor made some
19 statements that were, needless to say, derogatory, I'm
20 not going to rehash that over again, in saying that we
21 had a Mexican problem. We do not have a Mexican problem
22 in Santa Maria. We have a Santa Maria community
23 problem. That's what he should have said, that we do
24 not have the leadership to deal with these problems and
25 other problems that are prevalent in our community.

1 Instead he chose to create a division between
2 the citizens of this community. At no time has there
3 been a denial by any of the Hispanic community member
4 that we have an influx of Mexican agricultural workers
5 in the Santa Maria Valley from Mexico. Whether they are
6 undocumented or not is not for me to confirm, since I do
7 not inspect documents. I do not inspect the green
8 cards, the citizenship papers or anything else.

9 If the city -- if the mayor or any city
10 official knew that this was in effect that there were
11 illegals in the City of Santa Maria, in the valley, why
12 then didn't they take the initiative and go to the INS
13 and say, "Gather up these people and deport them" which
14 is the law, but they chose not to do that.

15 Let me tell you why they chose not to do that.
16 Because these people spend a hell of a lot of money here
17 in the valley. Through my office there's in excess of
18 fifteen million dollars that is generated by farm
19 workers. That's in labor. Now, that's all right when
20 we get their money, "But for God sakes don't live next
21 to me. I don't want you living next to me; I just want
22 to get your money".

23 Why didn't they do something about the over-
24 crowding in the housing? Again, it was not in the
25 landlord's best interest. There's indications, and I

1 don't have the proof, but I do have some of the farm
2 workers who have come forward to me and said that one
3 landlord has received as much as two thousand dollars a
4 week in rent in one house. It sounds funny, doesn't it?
5 It sound outrageous, but that is the truth, ladies and
6 gentlemen.

7 The statement that the Santa Maria Times --
8 that the City Administrator made to the Santa Maria
9 Times just recent was that the charges were unfounded.
10 And in the same breath he says, "If we move these people
11 out where would they go"? Well, if the charges are
12 unfounded, you don't have to move them out. It doesn't
13 exist, right? It seems to me that the whole -- you
14 know, the city officials and so forth, there's a hell of
15 a lot of talking through both sides of their mouth.

16 We don't -- we can't believe anything the city
17 says anymore. And that's unreal. I've known George
18 Hobbs and I believe I've known a lot of gentlemen
19 here -- ladies and gentlemen here for the time that I've
20 been in Santa Maria. I'm an American citizen, and damn
21 it, don't nobody else call me anything other than an
22 American. But I will not stand by and have any other
23 ethnic group -- my background, I will not stand by and
24 have those people abused just for the sake of winning a
25 seat on the City Council, just for the sake of

1 controlling politics in Santa Maria.

2 I don't think that we're a threat to anyone.
3 I really and truly believe that there is a problem in a
4 lot of the Anglo community's mind in seeing a Villa
5 Vinca (phonetic) driving a 1990 Cadillac or a Miguel
6 Chavez living in a three hundred thousand dollar home.
7 We have come to where we are now controlling this
8 strawberry industry in Santa Maria. It was a struggle,
9 one hell of a struggle and I was in the forefront of
10 that. We could not get funding. We could not get land.
11 We could not get anything, until such time as we put our
12 act together and now some people even call me Mr.
13 Abeytia now.

14 It's really unfortunate. To me it is
15 sickening, okay. We don't have a Mayor that is doing
16 what he's supposed to be doing. We don't have a City
17 Council that is acting like it should be acting. We
18 don't have them doing anything at all for the benefit of
19 the community except themselves to be in there to
20 control the politics.

21 Let me tell you, ladies and gentlemen, in
22 closing, that we don't pose a threat to this community.
23 I think that the majority of us Americans, and I want to
24 emphasize that, I went to Korea. I was shot down. I've
25 got silver knee caps. I risked my butt for this country

1 and I would do it again. And nobody's going to destroy
2 it, if I can help it. We are willing to live here, work
3 side by side with a George Hobbs, but they cannot stand
4 that we have worked hard. We have done what we can to
5 educate ourselves; proof, attorneys, doctors, teachers,
6 accountants, businessmen. That didn't come about just
7 by handing it to us. We worked for it, ladies and
8 gentlemen, because we too like the better things in
9 life.

10 It is a pleasure, ladies and gentlemen, when I
11 drive to Las Vegas in my Cadillac, boy, I am just as
12 comfortable as all get out. It's a lot better than
13 going on the Greyhound bus, I'll tell you that.

14 CHAIRMAN CARNEY: Is that how you come back?

15 MR. ABEYTIA: No, believe it or not, the last
16 time I went in a forty-five thousand car and I came back
17 in a three hundred thousand dollar car. That's what we
18 like. We like nice things. We like to dress well. We
19 like to live in nice homes. We like to eat well. We
20 like anything anybody else would like in this room.

21 So we're not a threat to you. And I think
22 that's really what bothers you, is that we are becoming
23 an economic threat to you. Don't fear for that; we're
24 going to build for you and we're going to build for
25 ourselves. We're going to build for the community. If

1 you don't believe it, take a look at California Giant on
2 the corner of Blosser and Stowe. That came up from
3 scratch. Take a look at Robert Chavez and Sons Farming,
4 Miguel Chavez and Son, Cardenas, Juan Cardenas, Juaquin
5 Cardenas, Alberto Cardenas, Robert Chavez, I can name
6 you a bunch of them.

7 Each and every one of them worked and worked
8 and worked to get where they are and they are
9 contributing to the community, ladies and gentlemen.
10 They are taking nothing from the community. They are
11 contributing. Likewise, all the workers -- like I say
12 through my office goes a hell of a big payroll. Even if
13 fifty percent of that payroll is spent here in Santa
14 Maria, let me tell you that is a lot of money.

15 You don't want the Mexicans here? Hey, that's
16 fine. We'll stand in front of the grocery store and if
17 the -- like I told Bill Williamson and some of the other
18 people, I said, "We'll stand in front of there and we'll
19 check their documentation. If they're legal you can
20 come in and buy. If you're not legal, you can't". "Oh,
21 no, no, no, we can't do that". That's all right.

22 I said, "Maybe what we ought to do is get all
23 our money out of the banks, the local banks and take it
24 someplace else". Sounds radical, doesn't it? I'm not a
25 radical, ladies and gentlemen, but it's just an example

1 of what could happen if we pulled out that money from
2 the banks.

3 Let me finish by saying I don't want to take
4 up too much of your time. I'm having a hell of a time
5 up here. I enjoy this, really.

6 CHAIRMAN CARNEY: And you're not even a
7 lawyer.

8 MR. ABEYTIA: My dear old daddy used to say,
9 "Bill, don't even shut up if you've got something to
10 say". What we need in this town to have a more
11 adequate representation for the Mexican, the Hispanic,
12 Latino, what are you people more comfortable with
13 calling me? Latino, Mexican, Hispanic, Mexican
14 American? The hell with you all, just call me Bill.
15 that's what I am. I'm an American and I keep
16 emphasizing that because I want you to know it, that
17 most of them are becoming citizens. They are becoming
18 naturalized, okay.

19 One day the Hispanic community will be
20 properly represented when there is council managed
21 districts, when we have a full time City Council,
22 somebody who can be accountable to the people not at
23 large. Some day we will have a City Council who will
24 make decisions and not city staff.

25 In closing, ladies and gentlemen, let me tell

1 you what's happening in the City of Santa Maria. The
2 tail is wagging the dog because the staff is making all
3 the decisions in this city. Thank you very much. Thank
4 you very much.

5 CHAIRMAN CARNEY: Thank you, sir. Mr.
6 Castillo?

7 MR. CASTILLO: My name is Fernando Castillo.
8 I was a candidate for the mayoral race here in Santa
9 Maria. The concern that I have and wish to share with
10 the Committee is that in October of this year, 1990,
11 Mayor Hobbs made some statements and some promises that
12 I believe were misleading and did indeed mislead many
13 people.

14 One of the things he said was, and I quote the
15 Santa Maria Times as quoting him, "The city gets all the
16 grants it can to subsidize housing. And the real
17 problem is, is that we need to shut the borders to keep
18 illegal aliens out of the country and stop the
19 displacement of funds to those people" which are the
20 Mexican immigrants, "from coming in and having to take
21 services away from the American public".

22 I'm a businessman and an educator here in town
23 and I'm not affiliated with the city in anyway, but I
24 find it strange how a lay person like myself can get on
25 the phone and start calling and asking questions and

1 find that the State of California indeed does have funds
2 and government grants to subsidize housing for migrant
3 farm workers to the tune of ten million dollars.

4 I find that strange for a man that's been in
5 office as long as Mr. Hobbs has been in office to say
6 that he has diligently sought all the possibilities he
7 can to subsidize housing. Well, I only have one
8 question that I've run into time and time again. I
9 think it depends on who the housing's for. The housing
10 project that the state has in proposal would cover
11 medical facilities, schooling facilities and day care
12 for the children of migrant farm workers. It's
13 estimated that the State of California and all the total
14 number of migrant farm workers that go through
15 California, we in the central coast receive fifteen
16 percent of those migrant farm workers.

17 Now taking this all into account, in lieu of
18 the statements that Mayor Hobbs and other people have
19 made about over-crowded homes, people living four, five
20 families to a home, I think it's very narrow minded to
21 say, "Let's close the border and stop those people from
22 coming around", when yet the State of California
23 generously has these funds. They're not funds that will
24 be taxed upon the people of California, but rather funds
25 that have been laid aside for years.

1 And I just find it difficult as a former
2 candidate, as I went door to door talking to people, and
3 they asking me about this program, that they thought
4 there was no need to invoke a program like this in the
5 area for the mere reason that Mayor Hobbs is going to
6 close the border. Speaking to the Justice Department,
7 to Mr. Paul Smith, he informed me that -- the INS, he
8 informed me that the policies of this government, the
9 last administration or this administration, have never
10 had the intention to close the border.

11 Just recently, President Bush made these
12 statements, that the United States and Mexico were one
13 family and we needed to join more tightly together to
14 form a more prosperous and job generating alliance. So,
15 in conclusion, I'll say this, we're a farm labor
16 oriented community and I don't think the City Council or
17 the Mayor has addressed those issues and helped those
18 people which bring in literally millions of dollars to
19 this community. And I think it's about time that those
20 things start to happen.

21 And I hope that in these proceedings that
22 something will be done, because the laborers in this
23 area do contribute a great deal to the economy of this
24 city. Thank you.

25 CHAIRMAN CARNEY: All right, gentlemen, we're

1 going to ask questions of you and for Mr. Andrade's
2 sake, I'm going to ask you, sir -- or actually for the
3 Reporter's sake, as a lawyer, I know you don't have any
4 difficulty talking, but we do want you to keep the
5 volume up. That way you don't have to play musical
6 chairs.

7 MR. ANDRADE: That's fine.

8 DR. ERLER: Mr. Chairman, I have a question,
9 if I may.

10 CHAIRMAN CARNEY: We'll start at this end of
11 the table, Doctor Erler. Mr. Chang, do you have any --
12 I expect we're going to have a lot of questions here.
13 So I'll try and do it in an orderly fashion. Mr. Chang,
14 do you have any questions you wish to address to either
15 of these -- any of these gentlemen?

16 MR. CHANG: I don't have any.

17 CHAIRMAN CARNEY: All right. Doctor Erler.

18 DR. ERLER: I was just wondering, the three of
19 you are obviously political opponents of the Mayor and
20 you've lost in one form or another in the political
21 process.

22 MR. ABEYTIA: No, not me.

23 DR. ERLER: I'm sorry, but you're all
24 political opponents of the Mayor.

25 MR. ANDRADE: I don't think that's a correct

1 statement.

2 DR. ERLER: Well, it seems -- from your
3 remarks you certainly indicated that the policies of the
4 Council, including the statements and policies of the
5 Mayor, are defective in certain regards, but I'm
6 wondering here when you've talked about the voting and
7 the general climate, what are the civil rights issues
8 involved here? I mean, the Mayor -- you've all said
9 that the Mayor has made narrow minded statements and
10 however distasteful they might be. Has there been any
11 denial of access to candidacy or voting for minorities
12 in this community? Have there been any barriers that
13 you can point to that have disrupted the political
14 process that discriminâtes in a way that would raise
15 civil rights issues? Any three of you.

16 MR. ANDRADE: If I may respond to a couple of
17 your concerns.

18 CHAIRMAN CARNEY: For the record, you're Mr.
19 Andrade?

20 MR. ANDRADE: Yes, my name is Adrian Andrade.
21 And I was a candidate for the high school board which
22 encompasses part of Santa Maria but it also encompasses
23 the City of Guadalupe and the incorporated area of Orca,
24 so it wasn't just the City of Santa Maria. But my
25 concern was the statements that were made with respect

1 to voting, and I didn't talk about it in the other
2 statement, the statements that he made about voting.
3 And the thrust of my argument was that he incited folks,
4 placed this fear with respect to candidates who are
5 Latinos or Mexicans and the like, and made it very
6 difficult in order to discuss some of the issues during
7 my candidacy.

8 Although I did not oppose the Mayor and I
9 didn't take a stand with respect to many of the
10 candidates that were running for the City Council or
11 Mayor's position. The statements that were made and
12 the results after the election, winning with a very high
13 percentage of votes, indicates that there are -- that
14 the Mayor did what he set out to do, that is incite
15 folks to come out and vote, vote for him. They did do
16 that.

17 I think if one looks at where the voting --
18 how the voting occurred, that there were more folks
19 voting in different areas of the city that are not
20 traditionally considered the Hispanic areas. Those
21 people came out to vote. So those are my concerns.

22 There was nothing brought to me that I saw --
23 there was people changing precincts and doing those
24 kinds of things, traditional Justice Department kind of
25 issues. Those were not anything that we saw or anything

1 that I saw. And my campaign was separate and apart from
2 anybody else's campaign. So I don't know what Mr.
3 Castillo or Ms. Lopez, who also ran, or any of the other
4 candidates had, but my campaign was separate and apart.

5 DR. ERLER: What are the civil rights issues
6 involved here? Let's say that the Mayor's made some
7 distasteful statements and a lot of people agreed with
8 him and they come out and vote. I mean, that's one of
9 the unfortunate side effects of political life is these
10 things happen. But what's the civil rights issue
11 involved? That's the thing that I'm missing.

12 MR. ANDRADE: Well, I'm talking about the
13 percentage of folks that come out to vote, if -- voting
14 is a civil rights issue. And voting, if you're talking
15 about a particular candidate or type of candidate, and
16 you are asking folks to come out and vote to oppose
17 those kind of candidates, and that's what's going on.
18 And decisions are being made on the basis of race.

19 If for example, and I'm sure you gentlemen are
20 aware, if certain statements are made with respect to
21 the reputation of a particular candidate during an
22 election and there's a court finding that the false
23 statements have affected -- or have affected the
24 candidate's ability to win the election, under
25 California's Constitution that winning candidate can be

1 asked to step aside.

2 And I think -- I'm sure, since you gentlemen
3 are on the Commission, you're aware of those kinds of
4 things. So statements that are made during the
5 candidacy can have the impact upon voting and voting
6 patterns and those kind of things. And so California
7 law has dealt with those particular issues. So that's,
8 in my mind, sir, the civil rights issue or the voting
9 issue that I have spoke to.

10 MR. CASTILLO: I'd like to add to that. My
11 name is Fernando Castillo, in that as I campaigned and
12 went through the city, I very much encountered a
13 negative feel towards the Hispanic community in the
14 sense that -- again, with housing, that there were
15 abuses of housing, there were neighborhoods being
16 dilapidated because of four or five families living to a
17 home.

18 So the blame that I saw was more of a racial,
19 more of a type of people in the sense that the Hispanics
20 were doing this and not in the sense that, you know,
21 what is the City Council or what is the Mayor, what's
22 the leadership in the city doing about it, but rather
23 it's those people that are the problem.

24 CHAIRMAN CARNEY: Mr. Sillas.

25 MR. SILLAS: Yes. Mr. Abeytia, if I

1 understand your comments, your -- or, I'm sorry, not Mr.
2 Abeytia, Mr. Andrade. If I understand your comments
3 pertaining to the statements made by the Mayor, they had
4 an effect to bring out votes that might not have
5 normally participated in the voting process. And the
6 votes that were brought out were votes in favor of the
7 Mayor. That was one effect.

8 MR. ANDRADE: I believe that that is accurate.

9 MR. SILLAS: All right. Do you know whether
10 or not the comments had an effect on the Mexican vote in
11 terms of decreasing its numbers?

12 MR. ANDRADE: Mr. Sillas, I have not -- as I
13 said before, I'm not a political scientist. My major
14 was history and I've looked at the figures and we can
15 present those figures. I think that they were just
16 finalized as of yesterday and I haven't seen the final
17 figures. I looked at the figures with respect to the
18 high school election.

19 And there is in some of the northwestern
20 voting precincts less in terms of the percentage of
21 registered voters who came out than in other precincts.
22 And so, as I said before, I'm not a political scientist.
23 I can't make that direct connection and tell you, yes,
24 that in fact occurred. I can give you the raw data and
25 perhaps you all can make your own conclusions.

1 MR. SILLAS: In the course of -- and I
2 recognize that you campaigned for a school board and I
3 take it you walked precincts.

4 MR. ANDRADE: Yes.

5 MR. SILLAS: And in the course of your
6 precinct walking, did you have an opportunity to talk to
7 voters?

8 MR. ANDRADE: Yes.

9 MR. SILLAS: And did you talk to Mexican
10 voters?

11 MR. ANDRADE: Yes.

12 MR. SILLAS: Did any of them ever -- did any
13 of them indicate to you that they were not going to vote
14 because of the Mayor's comments?

15 MR. ANDRADE: No, no one indicated to me that
16 they were not going to vote because of the Mayor's
17 comments. A number of them discussed the Mayor's
18 comments and were very upset by the general overall
19 comments that he made.

20 MR. SILLAS: Conversely, did they indicate
21 because of his comments they were going to make sure
22 that they went out to vote?

23 MR. ANDRADE: No, they did not make that
24 statement.

25 MR. SILLAS: Did any of them indicate that

1 they were not going to vote because they felt that the
2 atmosphere that was created by the Mayor's comments was
3 a negative atmosphere and they did not want to
4 participate in the process?

5 MR. ANDRADE: There was some of that. Some of
6 those comments were made but I don't -- and they were
7 made with respect to the Mayor's comments but I don't
8 know whether or not those folks may not have
9 participated at any rate. That's something that I
10 wouldn't know.

11 MR. SILLAS: All right. But it's your
12 statement that, although you were not running in a
13 municipal race that the Mayor was involved in, his
14 comments had a direct effect on your campaign.

15 MR. ANDRADE: As I said before, I -- his
16 comments had an effect. The effect that they had on the
17 campaign is difficult to measure because one, I'm not a
18 political scientist.

19 MR. SILLAS: Okay, I understand.

20 MR. ANDRADE: Two, there are other kinds of
21 things that affect political elections. However, I
22 would submit that my candidacy was supported by a
23 teacher's union who went out and did a lot of door-to-
24 door, who sent mailers and who put a great deal of money
25 behind the campaign. My campaign also was a campaign

1 that probably had, in terms of the high school election,
2 spent the most money.

3 They worked very hard at this campaign. And
4 not to say that other folks did not, but I think there
5 was some impact. What that amount was, I mean, I think
6 one gentleman won by two hundred and ninety-six votes or
7 something like that. It was a very close race in terms
8 of the number of votes. My candidacy was way down.
9 There may have been other factors that contributed to
10 that. I'm not here, you know --

11 MR. SILLAS: I understand.

12 MR. ANDRADE: -- complaining about that.

13 MR. SILLAS: Okay, let me just ask a similar
14 question of Mr. Castillo. I take it you walked
15 precincts.

16 MR. CASTILLO: Yes, I did.

17 MR. SILLAS: I take it you walked precincts in
18 the Mexican community.

19 MR. CASTILLO: Yes, I did.

20 MR. SILLAS: Did you encounter any voters
21 indicating to you that they were not going to go to the
22 polls because of the comments made by the Mayor?

23 MR. CASTILLO: I can't say that they outright
24 told me that.

25 MR. SILLAS: Did any of them conversely

1 indicate to you that they were definitely going to go to
2 the polls because of the Mayor's comments?

3 MR. CASTILLO: No, they didn't and I will say
4 this though, there was a feel and I did get this
5 comment. And I can't say that the people that gave me
6 this comment -- the comments that I'm about to share did
7 vote or didn't vote, but they conveyed to me, "What's
8 the use"?

9 MR. SILLAS: Did you -- following the Mayor's
10 comments, did you notice a drop of support, of
11 volunteers, persons participating in your election from
12 the Mexican community? Was there a drop-off of their
13 participation?

14 MR. CASTILLO: As far as my campaign, I can't
15 say there was.

16 MR. SILLAS: Was there an increase because of
17 it?

18 MR. CASTILLO: It was about the same as far as
19 I'm concerned, but then again, I'm speaking for myself.
20 I'm not speaking for the other candidates.

21 MR. SILLAS: So your statement is that -- the
22 best you can tell us is that as a result of the comments
23 there was statements made to you by Mexican voters
24 indicating that, "What's the use", kind of a dead-end
25 participation.

1 MR. CASTILLO: Right.

2 MR. SILLAS: Had you encountered that type of
3 comment prior to the Mayor's campaign as you walked
4 precincts?

5 MR. CASTILLO: Before I even ran for office or
6 placed my papers in to run for office, I did not find
7 that type of feel in the community. And after -- as a
8 result of the comments, I began to see a division in the
9 community.

10 MR. SILLAS: Did you have support of the non-
11 Mexican residents prior to the Mayor's comments? Did
12 you have voters that you talked to in your precinct
13 walking who were non-Mexican who indicated they were
14 going to support you?

15 MR. CASTILLO: Prior to that, I had not walked
16 precincts, prior to his comments, but I had contacted
17 different people, different organizations, and they said
18 that they would indeed support me.

19 MR. SILLAS: Following the Mayor's comments,
20 did you get any indication from any of the non-Mexican
21 groups that they would not support you?

22 MR. CASTILLO: As far as the groups
23 themselves, I can't say that. As far as people that I
24 encountered during the precinct walks, as I stated
25 earlier, there was a question of, "The Mayor's going to

1 close the border so why should we address those issues
2 that you're bringing up"?

3 MR. SILLAS: All right. And these were
4 comments from white voters or non-Mexican voters?

5 MR. CASTILLO: Mostly Anglo voters.

6 MR. SILLAS: All right, and it was -- did any
7 of them indicate to you that they were not going to vote
8 for you because you were Mexican?

9 MR. CASTILLO: They said that they already had
10 made up their minds who they were voting for --

11 MR. SILLAS: Okay.

12 MR. CASTILLO: -- the people that I talked to.
13 Then again I'm talking to a limited number of people,
14 you know, when I say this. I'm not saying that I talked
15 to every single person in Santa Maria, because I didn't.

16 MR. SILLAS: Did any of the non-Mexican voters
17 that you talked to indicate that they were going to vote
18 for you following the Mayor's comments?

19 MR. CASTILLO: That they were not going to
20 vote for me?

21 MR. SILLAS: Yes.

22 MR. CASTILLO: They --

23 MR. SILLAS: Or, I'm sorry, that they were
24 going to vote for you in spite of the Mayor's comments.

25 MR. CASTILLO: The ones that I personally

1 talked to, they were personal acquaintances, so they
2 would vote for me regardless.

3 CHAIRMAN CARNEY: Ms. Patterson.

4 MS. PATTERSON: Yes, Mr. Castillo, what
5 examples can you give us of civil rights violations with
6 respect to housing?

7 MR. CASTILLO: As far as civil rights
8 violations, the one thing I will say is that, again
9 going back what I had said earlier, that the Mayor's
10 comments that he had looked into all the grants that
11 were possible for low income housing, again as a layman,
12 I find it strange -- I will state again that I can get
13 on the phone and contact people with Migrant Affairs and
14 find out there are monies for migrant workers that do go
15 through the area. And as far as them being helped or
16 supported, with these grants and with the city and the
17 Mayor backing them, that I saw that not happening.

18 MS. PATTERSON: Are you aware of people being
19 denied housing because of their ancestry, any incidents?

20 MR. CASTILLO: That I know of personally, no.

21 CHAIRMAN CARNEY: Mr. Beltran?

22 MR. BELTRAN: I have a question for Mr.
23 Abeytia in terms of the political structure within the
24 Hispanic or Mexican community, did you see any impact
25 after the comments of the Mayor on the willingness of

1 some of your clients to support the candidacy of Mexican
2 individuals running for office?

3 MR. ABEYTIA: No, the Mayor's comments had a
4 chilling effect on the -- on the Hispanic people. Many
5 of them -- and let me go back just a bit. Many of them
6 are from Mexico. They are accustomed to the Mexican
7 politics, the way things are done in Mexico, you might
8 say. They can do any damn thing they want, okay. And
9 they felt that because of the same situation here that
10 our City Council was going to do as they damn well
11 please no matter who -- you know, how they voted.

12 So they chose not to participate for that very
13 reason, not because they felt that they were going to be
14 harassed or anything else, but they -- it was, "What
15 for"? That was the attitude that I got from most of my
16 clients. Even clients that had reason to become
17 citizens have said, "What the hell for? I'll just go
18 work, do my thing and let the rest of it aside. We
19 can't deal with politics. We can't deal with the
20 politicians. They're in power and they're going to be
21 in power and you know, nothing's going to change no
22 matter what".

23 MR. BELTRAN: The perception being that there
24 is not going to be a sharing of that power by the
25 politicians.

1 MR. ABEYTIA: That is correct, yes.

2 MR. BELTRAN: And that they cannot have an
3 impact on that.

4 MR. ABEYTIA: They felt that they were too few
5 and too -- to have any impact on that, so why bother.

6 MR. BELTRAN: All right. Is that the
7 sentiment -- I assume there had been discussions
8 regarding the possibility of councilmanic districts. Is
9 the sentiment that they would -- even in that context
10 would not be able to elect their own representatives?

11 MR. ABEYTIA: Oh, no, no. The councilmanic
12 district concept has been discussed many times among the
13 clients and gatherings and so on and so forth and it's a
14 very -- to them, it's the most positive thing that could
15 happen to the Hispanic community, to have representation
16 on the City Council and other -- or any other body,
17 governing body in the City of Santa Maria.

18 MR. BELTRAN: There is consensus that by that
19 means representation would be obtained in the city
20 government?

21 MR. ABEYTIA: Yes, not necessarily electing a
22 Hispanic to that position, okay, but electing someone
23 who would be directly accountable to that councilmanic
24 district or to that district. As it stands now, you
25 know, you go to any of the city councilmen and they'll

1 say, "Well, I'll look into it. I'll look into it".

2 One of the remarks I think that Mr. Abaske
3 made about the Mayor's comments, "Well, he doesn't work
4 for me. If he worked for me, I'd fire him". But yet
5 there was not censor of the remarks of Mr. Hobbs. And
6 these are the kind of things that we -- you know, that
7 we look at. We can see this happening, that you can't
8 sleep in the same bed and not share the same blanket,
9 you know.

10 MR. BELTRAN: Thank you, sir.

11 CHAIRMAN CARNEY: Mr. Cooper?

12 MR. COOPER: Then you feel the Mayor's remarks
13 do reflect the policy of the City of Santa Maria?

14 MR. ABEYTIA: Yes, I do, yes.

15 CHAIRMAN CARNEY: Mr. Abeytia, has there been
16 any efforts to your knowledge in the past few years to
17 change the situation to make the representation one of a
18 councilmanic district?

19 MR. ABEYTIA: We talked about it at one time.
20 This was some years back. And, no, there was no --
21 there was no concerted effort. I will have to say that
22 there was no concerted effort on the part of the
23 Hispanic community to do that.

24 CHAIRMAN CARNEY: Well, was there an effort on
25 any community's part or any members of the community?

1 MR. ABEYTIA: No.

2 DR. ERLER: By the same token, do you believe
3 that the present system is being maintained for
4 explicitly discriminatory purposes?

5 MR. ABEYTIA: Yes.

6 CHAIRMAN CARNEY: Mr. Abeytia, you commented
7 at the beginning of your remarks by saying it's a
8 community problem and not a Mexican problem. You
9 distinguished that.

10 MR. ABEYTIA: That's correct.

11 CHAIRMAN CARNEY: In your experience in living
12 this community, have you noted whether or not there has
13 been a -- was that always in existence, that idea that
14 it's a Mexican problem or is that something that's
15 developed over recent years?

16 MR. ABEYTIA: No, I think it has developed
17 over the past couple, three years, two or three years.
18 Let me explain why. Mayor Hobbs stated that the amnesty
19 was one of the worst pieces of legislation that ever
20 came about and blah, blah, blah. Well, he had the same
21 opportunity that I had to address the congressional
22 committee on immigration in Los Angeles opposing it and
23 he chose not to do that for political expediency.

24 Now I was opposed to the amnesty in its
25 original form without the sanctions to the employer,

1 because otherwise I felt there was no -- it had no teeth
2 in it. You couldn't -- you couldn't do anything with
3 that piece of legislation. All we were doing is handing
4 our green cards and -- which would eventually turn into
5 passports. Now, this sounds kind of like I'm turning it
6 around.

7 I want to show you people that, look at both
8 sides of the picture. Perhaps we are wrong in this
9 amnesty. Well, let's take a look at it. Let's see what
10 it's doing. Now, when we needed all these people here
11 that was one of the biggest -- I should say, to get all
12 these people. Well, we need fifteen thousand workers in
13 this valley to harvest the strawberries which is an
14 eighty-five million dollar a year income, industry, and
15 they said, "My God if we don't have all this stoop
16 labor, what the hell are we going to do"?

17 CHAIRMAN CARNEY: Mr. Abeytia, were you living
18 in the community when the Bazero Program was in
19 existence?

20 MR. ABEYTIA: No, it had just gone out. It
21 was just on its way out. I'm aware of though. I'm
22 familiar with it.

23 CHAIRMAN CARNEY: Mr. -- in interest of time,
24 Mr. Castillo, in your experience and also you, Mr.
25 Andrade, were there any voter registration drives

1 initiated by any minority group or any group at all in
2 the community?

3 MR. CASTILLO: Yes, there were.

4 CHAIRMAN CARNEY: And was there any -- was it
5 a minority initiated drive or was it a political
6 initiated drive?

7 MR. CASTILLO: That I know of, there were
8 several, some by the Republican, some by the Democratic
9 club in the area, the Republican club in the area. Just
10 about every organization in Santa Maria at one time or
11 another, I heard had a drive for registration for
12 voting.

13 CHAIRMAN CARNEY: Are you aware of any
14 instances where people were discouraged from registering
15 to vote?

16 MR. CASTILLO: That I know of that I can
17 document, no, I don't.

18 CHAIRMAN CARNEY: Mr. Andrade?

19 MR. ANDRADE: No, but there was a southwest
20 voter registration early on to focus on certain areas of
21 the community and that effort, for a number of reasons,
22 lost its steam and did not -- was not completed
23 principally because of all of resources that were needed
24 to bring to bear to get that thing going. And so there
25 were a number of efforts and that one in particular was

1 brought about in order to deal with the Hispanic
2 registration numbers, not to get out to vote focus in
3 the community. That, I don't believe, was done.

4 CHAIRMAN CARNEY: Gentlemen, I want to thank
5 you very much. On behalf of the Committee here, I want
6 to thank you very much for your participation.

7 MR. ANDRADE: In response to Commissioner
8 Sillas question, whether or not there were -- any other
9 information I had, and the one thing I did recall later
10 on was that I was told by another candidate running for
11 the high school district that I had to be very concerned
12 because I was considered the -- this candidate told me,
13 as the Hispanic candidate and I had to be able to deal
14 with that particular issue.

15 And so that was highlighted and I think when
16 one looks at the figures that that is going to bear out
17 that there are certain areas, the fact that I was the
18 Hispanic candidate affected the turn-out and the way the
19 voting went. Thank you very much.

20 CHAIRMAN CARNEY: Gentlemen, again, thank you
21 very much for time and your input. We'll next hear from
22 Joe Talaugon and Margie Talaugon. Excuse me, we would
23 ask for about a two-minute break. You may sit down if
24 you wish.

25 (Whereupon, a short recess was taken.)

1 CHAIRMAN CARNEY: On the record. We're back
2 into session here. Can we have it quiet, please? Can
3 we come to order now, please? Would you kindly state
4 your name for the record, please, each of you before you
5 begin your remarks? Thank you.

6 MR. TALAUGON: My name is Joe Talaugon. I
7 grew up here in Santa Maria Valley. I grew up actually
8 at the S. H and R. Ranch Number three on the road
9 between here and Guadalupe. My father was a farm worker
10 all of his life and I also worked in the fields.

11 Fifty-two years -- I have a prepared
12 statement, by the way. Fifty-two years ago in Santa
13 Maria, if you were of brown skin you were not allowed in
14 the Santa Maria movie theater. Discrimination existed
15 in Santa Maria. There was another theater in another
16 part of town where we were allowed to go, but we were
17 ushered to sit in a certain section in the front of the
18 theater. I remember because I was there.

19 As a young boy of about eight or nine years
20 old, I remember going to the J.C. Penny store with my
21 parents to buy some clothes. They had to wait to be
22 served at the counter until the white people were served
23 first. There were many other incidents of
24 discrimination towards brown people that I remember.
25 Discrimination, racism was very common by the Anglo

1 community in those days and it continued on through the
2 years.

3 CHAIRMAN CARNEY: Excuse me, Mr. Talaugon, I
4 happened to see the prepared statement you have and we
5 do have a time --

6 MR. TALAUGON: It's only eight minutes.

7 CHAIRMAN CARNEY: Okay. Excuse me.

8 MR. TALAUGON: World War II came along and
9 many Mexicans and Filipinos, Japanese and other
10 minorities served in the armed services only to die and
11 those that came home faced discrimination. Santa Maria
12 Valley is made up of many agriculture farms. The
13 Mexicans and the Filipinos were the main source of labor
14 in producing those crops, as it still is today.

15 In those days the farmers had labor camps
16 which housed the farm workers. These labor camps
17 existed until about the 1970's. The camps were below
18 standard living conditions with no indoor sanitation
19 system, water or heat. But they kept the farm workers
20 living in the camps and paid them low wages.

21 This type of living condition was very common
22 until the camps were finally torn down because of
23 unsanitary and dangerous conditions. The people, the
24 farm workers, are now displaced and have to find some
25 other housing. There is none available in the city so

1 this created an over-crowding living condition for many
2 of the farm workers.

3 Still the farmers need the workers to work in
4 the fields. Most of the workers come from Mexico
5 because they have to work and provide for their
6 families. Here we are fifty-two years later,
7 discrimination, racism, still exists. How do I justify
8 such a statement? I will give testimony to that effect.

9 On August 4th, 1990 the aftermath of Mayor
10 Hobbs' racial statements in public about his so-called
11 Mexican problem, the Committee for the Betterment of
12 Santa Maria Valley was formed. We presented a
13 resolution to the City Council, asking for the
14 denouncement of the Mayor and asking for his apology to
15 the Mexican people. Their response was negative to our
16 resolution. The only vivid recollection I have of that
17 night was the Mayor's rudeness to the audience mostly
18 Mexican and him continuing to shuffle papers and calling
19 us a bunch of jackals. I ask is that a good image of a
20 supposedly responsible city official?

21 There was a demonstration on the outside of
22 the chambers by local citizens asking for the Mayor's
23 apology. After the meeting we were leaving the parking
24 lot. A carload of Anglo young men sped by yelling,
25 "Goddamn Mexicans, go back to Mexico". I also remember

1 someone saying that a Mexican woman and her child nearly
2 got hit by a carload of angry young Anglo men.

3 Because of Mayor Hobbs' statements in the
4 press, much anti-Mexican sentiments were generated in
5 the community and it still exists today. I also have
6 with me photos of swastikas and white supremacy slogans
7 painted on the wall in the back of the J.C. Penny store
8 on or about August 17th, 1990.

9 On August 14th I was appointed by the
10 committee to present a resolution to the Board of
11 Supervisors, again asking for them to denounce the Mayor
12 and ask for his apology. Unfortunately, only three
13 Board members were present that day, Supervisor Wallace,
14 Holmes, and Mioshi. Mr. Mioshi had already pre-arranged
15 a resolution on behalf of the Board which was called a
16 racial harmony resolution. They did not take any
17 position on their part to denounce the Mayor who has
18 caused so much grieve and unrest in this community. The
19 Board had the patience to let us make our presentation
20 even though they had already agreed on a watered down
21 resolution.

22 I find that very insulting and insensitive on
23 their part as leaders of our county. After my
24 presentation, they proceeded to vote on their
25 resolution. I had to call for a point of order before

1 they voted to request they make an addendum to include
2 the treaty of Guadalupe Hildago to their resolution.

3 It reads, "Whereas, pursuant to a treaty
4 between the United States and Mexico known as the Treaty
5 of Guadalupe Hildago, signed February 2nd, 1848, whereby
6 California was divided and transferred from Mexico to
7 the United States, guaranteed preservation of the
8 Mexican conditions, culture and language". It is the
9 responsibility of the Board of Supervisors to take
10 leadership and try to calm the waters after such
11 blatant racial remarks by our Mayor.

12 The Board felt that it was a city government
13 problem and not theirs. Since it was out of the
14 Council's hands, the Board of Supervisors did not have
15 the power -- did have the power to act accordingly but
16 the Board chose not to. In this election on November
17 6th there were seven Spanish surnames on the ballot.
18 These individuals were well-qualified and each made an
19 honest attempt to run a clean campaign, but a show of
20 votes accumulated by these candidates is a clear
21 indication that this was a racist election which was
22 caused by the Mayor's racist statements.

23 He created a diversion by stating, "We have a
24 Mexican problem". It saved him campaign monies and also
25 redirected the attention against the Mexican people.

1 Another unusual event took place during the election.
2 During the campaign, Rod Rondenberger, a retired law
3 enforcement officer filed, on the closing date, to run
4 for Mayor, stating that he was a man of peace.

5 He dropped out of the race a few days later
6 claiming that it was a dirty campaign and he did not
7 want to expose his family and himself to it. About ten
8 days before the election, he publicly made a statement
9 that he would serve if elected. His name was still on
10 the ballot. My opinion is that he jumped in at the last
11 minute in order to get the undecided vote that might
12 have gone to either one of the two opponents of Hobbs.

13 In the end, Rondenberger drew seventeen
14 percent of the vote without participating in a public
15 forum, no platform expressing his concerns for the
16 community and also no campaign funds. It appears
17 obvious that the seventeen percent were individuals who
18 had no intentions of voting for Hobbs or a Mexican
19 candidate. Rondenberger's seventeen percent was higher
20 than either of the Mexican candidates.

21 Based on this last racist election, I firmly
22 believe that the only solution to this situation is to
23 request a single member sectorial electoral system
24 which requires redistricting in order to get legal
25 representation leveled to reflect the minority

1 population of Santa Maria. In closing, it is time that
2 this city government assumes its responsibility to the
3 residents of Santa Maria by working in a positive manner
4 effectively to deal with the issues before us. Thank
5 you for allowing me this opportunity to give my
6 testimony. I'm open for any kind of questions.

7 CHAIRMAN CARNEY: Mr. Chang, do you wish to
8 address a question to Mr. Talaugon? Doctor Erler?

9 DR. ERLER: Nothing right now.

10 CHAIRMAN CARNEY: Mr. Sillas?

11 MR. SILLAS: The photos that have been shown
12 us indicate that swastikas spray painted on walls. Are
13 all of those in the same location?

14 MR. TALAUGON: Yes, they're in the same
15 location.

16 MR. SILLAS: And do you have -- and when were
17 the photos taken?

18 MR. TALAUGON: On about August 17th, about the
19 middle of August. I'd have to get the date from the
20 person who did the --

21 MR. SILLAS: Do you know how long -- are they
22 still there?

23 MR. TALAUGON: No, the city every so often
24 goes around and cleans up any graffiti.

25 MR. SILLAS: Do you know how long that they

1 remained there?

2 MR. TALAUGON: No, I don't.

3 MR. SILLAS: Was it the city's effort that
4 removed them or was it the propriety owner?

5 MR. TALAUGON: I don't know that.

6 MR. SILLAS: Do you know whether or not the
7 city has any kind of a hate policy document or a hate
8 crime policy?

9 MR. TALAUGON: I don't quite --

10 MR. SILLAS: Some cities' law enforcement have
11 a hate crime policy wherein this type of activity, they
12 have a special unit that goes out and attempts to find
13 the culprits and prosecute them on a racial hate crime
14 theory.

15 MR. TALAUGON: I don't have no recollection of
16 that. I've never heard of one.

17 MR. SILLAS: I have no other questions.

18 CHAIRMAN CARNEY: Ms. Patterson.

19 MS. PATTERSON: I have no questions.

20 CHAIRMAN CARNEY: Mr. Beltran?

21 MR. BELTRAN: Do you know if there are any
22 other locations where similar depictions like the one in
23 the picture have appeared?

24 MR. TALAUGON: I don't know of any other ones,
25 but there was an individual, an Anglo person, who

1 commented over the radio that there was a lot of
2 graffiti and stuff that's written on walls and he
3 commented that the Mexican people, that's all they do is
4 put graffiti on the walls in the city.

5 MR. BELTRAN: Are you aware of any group that
6 espouses white power statements that's shown in those
7 photographs?

8 MR. TALAUGON: I don't know of no specific one
9 but I have heard that there -- a group does exist in
10 Santa Maria. I don't know who they were.

11 MR. BELTRAN: And to your knowledge has anyone
12 made a request of the police department to inquire or
13 investigate about the existence of that group?

14 MR. TALAUGON: Not to my knowledge.

15 CHAIRMAN CARNEY: Mr. Cooper?

16 MR. COOPER: Nothing, thank you.

17 MR. TALAUGON: If I may, I would like to make
18 a comment in regards to the earlier question about
19 registration of Mexican citizens. I think this point is
20 very important that I make it, so if you would allow me.
21 The Committee for the Betterment of Santa Maria during
22 the election campaign times, we did go out and we
23 assigned committees to do out and do the registration of
24 the Mexican community.

25 And we had Spanish speaking people go out and

1 register Spanish speaking people. The one lady, in
2 attempting to register this one Mexican family, they
3 didn't want to register and they were afraid to vote
4 because they didn't speak English and they felt, because
5 of Mayor Hobbs' statements about deportation and this
6 type of thing, that they were afraid to go and vote
7 because if they didn't speak English they would be
8 afraid to be deported.

9 So I think, you know, that type of reaction
10 from a lot of our citizens, Mexican citizens, that's
11 probably why -- one of the reasons why they don't
12 register, because they're afraid, and more so with Mayor
13 Hobbs' statements.

14 CHAIRMAN CARNEY: Mrs. Talaugon, do you have
15 any comments you wish to address to us?

16 MS. TALAUGON: Yes, I do. I have testimony
17 here and I put a copy up there.

18 CHAIRMAN CARNEY: All right, I'm going to ask
19 you at this you're going to have to try and summarize it
20 because we are running overtime and --

21 MS. TALAUGON: Okay. Well, we took a ten
22 minute break, right?

23 CHAIRMAN CARNEY: I understand.

24 MS. TALAUGON: My name is Margie Talaugon and
25 I have volunteered my time as an advocate to serve as

1 the ear and voice of the Committee for the Betterment of
2 the Santa Maria Valley. I'm here to present a series of
3 events that will shed some light on the racism that has
4 transpired since July 16th, 1990. Much of the
5 information was concealed from the public until recently
6 when it was publicized that an OCR hearing was
7 scheduled.

8 When the Committee for the Betterment voted to
9 distribute green ribbons to express our strong
10 resentment against bigotry and racism, a large number of
11 individuals made a choice to wear them, employees of
12 department stores, hospitals and service agencies. This
13 took place in the first week of August. Employees of
14 the Social Service Department displayed their ribbons
15 proudly. In one week the ribbons were not longer
16 available. I was informed by one of the employees that
17 all Mexicans cannot wear the ribbons because they are
18 too political.

19 The following event was the red ribbon week,
20 which is the anti-drug campaign. Everyone wore the
21 ribbons with no objections from the administration.
22 This is a clear violation of the civil rights of the
23 Mexican employees' freedom of speech and choice. My
24 question is, if the administration is against drugs and
25 they do not allow their employees to be against racism

1 and bigotry, then the answer would be that they support
2 racism and bigotry.

3 The action by the administration is
4 discriminatory and unconstitutional. I was told that
5 there was also a large turnover of Spanish surname
6 employees in the Social Service Department. This is due
7 to the harassment and stress, pressure placed upon them.
8 Many have taken other jobs with lesser pay. I believe
9 at this point in time we will pursue the question to the
10 Social Service Department, if they do have an
11 affirmative action program and they do have a public
12 relations officer, because I understand they don't, they
13 have neither one.

14 Number two, Santa Maria High School has a
15 counselor -- oh, I would like to turn these ribbons
16 over. As you can see there's nothing political about
17 either ribbon and both are in English and in Spanish.
18 Santa Maria High School has a counselor who is assigned
19 all the Mexican students that are deemed potential hard
20 core or hard core, not like the regular students who are
21 alphabetically assigned to counselors.

22 A distraught mother visited this counselor
23 when she was informed that her son was being considered
24 for suspension. As she attempted to communicate her
25 concerns to this counselor, he abruptly told her, "Don't

1 worry about him; he won't finish school and he'll
2 probably end up in the streets". This student is
3 fifteen years of age.

4 Another student was ill from Friday to Monday.
5 On a Tuesday, he returned to school and entered his
6 counselor's office. He was told to sit down, take off
7 his hat and shut up. The student obeyed. The student
8 had a slight runny nose. As he attempted to inhale, he
9 rubbed his nose. The counselor immediately said, "I'll
10 bet ninety-nine percent you are on cocaine. I'm going
11 to refer you to a drug program". The student challenged
12 the counselor and said he was willing to go to the
13 probation department and take a drug test.

14 The probation department is located a block
15 behind the high school. The counselor ignored the
16 student and on Thursday of the same week he was called
17 into the drug class. Anyway the student was too
18 embarrassed to tell his parents and he participated for
19 two or three weeks one day a week.

20 Another incident is where this counselor has a
21 hit list posted on his wall that states, "Watch out for
22 these students" and the names of all the students are
23 exposed to anyone and everyone who walks into that
24 office. All of the names are of Spanish surname.

25 I would like to note that Santa Maria High

1 School singles out the poor students who qualify for the
2 free lunch program also. This is done by separation of
3 students' ticket line for the free lunch and four or
4 five pay lines. The ticket line is predominantly
5 Mexican and I was informed by a student that some of the
6 Mexican students would rather starve than be humiliated
7 in such a manner.

8 I asked the student, "What do you want and how
9 do you want to be treated?" His response was, "I don't
10 want anything. I just want to be treated like a normal
11 person. That's all I ask. I'm human". We will also be
12 requesting clarification on input and plans of the new
13 committee that was formed by Santa Maria that was formed
14 to develop a program for latch key kids. A question was
15 raised by a fire department Hispanic fire fighter. Of
16 the twenty-six full time fire fighters, four are
17 Hispanic, one is Puerto Rican. And why is there no
18 Hispanic in a supervisory positions?

19 The two supervisors are one black, the other a
20 woman. They question the process and how the
21 determination is made for promotion. I recently walked
22 the precincts. One elderly gentleman told me, "Yes, we
23 must get rid of the Mexicans, send them all to Mexico.
24 We must also build a wall strong enough with armed
25 guards, pistols and rifles and large dogs. Mexicans

1 come here, they do not contribute to society. The
2 breed, have large families so they can all go on welfare
3 with all the false documents they can buy. These
4 illegals have no regard for sanitation, education,
5 learning English or becoming good Americans like the
6 rest of us".

7 He also asked if I knew the activist from
8 Nipomo. He said, "This individual and the Betterment
9 Committee is a very dangerous group, that what they tell
10 the Mexican people is to arm themselves with rifles and
11 pistols. And on a given signal, they will all shoot
12 Anglos on sight". I told him that this was a very
13 dangerous charge and it was unfounded. And he said -- I
14 asked his source. He said, "It's common knowledge. The
15 Mayor knows. He's a very good friend of mine. It's in
16 the papers". He said, "Don't you read"?

17 I told him if the wall was built across the
18 Mexican border, it's only fair that a wall be built on
19 the Canadian border. He says, "No, no". He says,
20 "Europeans come there and they're all legal. There is
21 no illegal Europeans". I asked if he was interested in
22 walking precincts since he was so well-versed. He said,
23 "No". He said, "No way". He said, "I'd get knifed in a
24 public district".

25 He stated that he was very comfortable

1 speaking to me because I was a female. He said, if I
2 was a male, he would be fearful of being stabbed to
3 death. In each predominantly Anglo precinct I walked,
4 the response was positive and my opinion is, that in the
5 end, they never voted for the Hispanics. The
6 individuals who answered the doors appeared to be as
7 congenial and cooperative as possible because they saw a
8 convergence of brown people in their district and was
9 fearful of reprisal and retaliation if they gave their
10 honest opinion.

11 It is absurd that people think brown
12 represents violence. Mayor Hobbs stated he's not
13 worried about the Mexican because the Mexican does not
14 vote. He is aware that this valley or the powers that
15 be program the people of color to be subordinate, "Learn
16 as much as we want you to learn, be loyal, work hard,
17 don't rock the boat. If you are discriminated against
18 or not promoted or if you are the brunt of an ethnic
19 joke, feel honored that you are employed. Do not ask
20 for more".

21 Those who are pained by racism and
22 discrimination suffer in silence or are subjected to
23 humiliation by co-workers or terminated by the employer.
24 In the past, a subtle racism existed. After Mayor
25 Hobbs' statement it became blatant. Now we are being

1 charged with being racists and practicing reverse
2 discrimination. Reverse discrimination, then what are
3 they saying? We are the chosen ones. The Constitution
4 is only for the Anglo community. People of color are
5 not allowed to practice or benefit from the
6 Constitution. This is for whites only. We say, "No".

7 Each issue presented today will be addressed
8 by the community. With the help of the many concerned
9 citizens we hope to ameliorate the situation in time.
10 There is one vexatious item that concerns me, the
11 statement, statistics made by Mayor Hobbs have largely
12 been drawn from a mail flyer printed in Virginia. It is
13 called the Immigration Control Foundation. The solicit
14 funds to continue their efforts in monitoring border
15 activities and to mail out hate and fear propaganda.

16 The information printed is incorrect and
17 perpetuates hate against those south of the border or
18 coming from south of the border. The Immigration
19 Control Foundation is not affiliated with the United
20 States Immigration and Naturalization Services. As a
21 matter of fact, INS has no knowledge of this group. I
22 ask this Commission to seek the truth regarding this
23 hate group.

24 In closing, we will no longer allow the
25 community to suffer at the hands of insensitive

1 individuals or groups. In the future, we hope that you
2 will be available to the community if you are faced with
3 insurmountable obstacles. Thank you for your support
4 and consideration. Do you have any type of questions?

5 CHAIRMAN CARNEY: Well, we're going to see.
6 Mr. Sillas, do you have a question?

7 MR. SILLAS: Yeah, pertaining to the ribbons,
8 did I understand you correctly when you stated that the
9 ribbons were worn by some employees of the city?

10 MS. TALAUGON: Social Service Department.

11 MR. SILLAS: And the ribbons that says, "I am
12 against bigotry and racism", they were requested to
13 remove that?

14 MS. TALAUGON: Yes, or be terminated because
15 it was too political.

16 MR. SILLAS: And how many persons, do you
17 know, wore the ribbons that said, "I'm against bigotry
18 and racism", that worked at the Social Services?

19 MS. TALAUGON: The majority of them did and it
20 was in English.

21 MR. SILLAS: And when you say "majority" are
22 we talking about five? Are we talking about ten,
23 fifteen?

24 MS. TALAUGON: I haven't the slightest idea
25 but there is a large number of Hispanic employees who

1 work in the department.

2 MR. SILLAS: You don't know. You can't give
3 me a --

4 MS. TALAUGON: No, but I can get the
5 information to you if you need it.

6 MR. SILLAS: And is it your statement that the
7 request to remove these ribbons was at the request of
8 the supervisors?

9 MS. TALAUGON: The administration, yes.

10 MR. SILLAS: And it was your -- is it your
11 understanding that this was the policy of the city, they
12 were being requested to remove --

13 MS. TALAUGON: Social Service is a county
14 office.

15 MR. SILLAS: County office, I understand.
16 Okay, so it's not the city.

17 MS. TALAUGON: No.

18 MR. SILLAS: To your knowledge, was there any
19 person who was employed by the city who wore these green
20 ribbons stating "I'm against bigotry and racism", and
21 were asked to remove those during their course of
22 employment?

23 MS. TALAUGON: Well, I do know that in the
24 Probation Department some of the Anglos told some of the
25 minority employees to remove them but they were not from

1 the administration.

2 MR. SILLAS: Okay, but Probation Department,
3 is that county also, not the city?

4 MS. TALAUGON: I'm not sure what Probation is,
5 probably county.

6 MR. SILLAS: So other than the Probation
7 Department and the Social Services Department, you know
8 of no other incidents were persons wearing these were
9 asked to remove them during the course of their
10 employment.

11 MS. TALAUGON: I have a relative and he works
12 at the clerk of the court for traffic, in the Traffic
13 Division. All the court clerks were told to remove
14 them. And I believe that's city.

15 MR. SILLAS: Mr. Chairman, rather than take up
16 more time with this at this point, I would ask that we
17 ask the staff to inquire of this witness to provide us
18 with names or more specific information as to the
19 particular incidents that pertain to the ribbon rather
20 than take up the time here this morning.

21 CHAIRMAN CARNEY: Fine, Mr. --

22 MS. TALAUGON: Excuse me. I also have the
23 number of individuals who are still employed with the
24 Social Service Department or have been terminated or
25 have moved on who are willing to give testimony in

1 writing.

2 CHAIRMAN CARNEY: Ms. Talaugon, what Mr.
3 Sillas is suggesting is that we are going to have the
4 staff of the Commission to contact you at another time
5 so that we can move on with our agendas. Are these --
6 the photographs and the ribbons, are they being provided
7 for the record?

8 MS. TALAUGON: Yes.

9 MR. TALAUGON: Yes.

10 CHAIRMAN CARNEY: Included in the record, all
11 right. Thank you very much for your time and for your
12 information. Our next speaker is Mr. Esteban Lizardo.
13 would you step forward, sir. Good morning, Mr. Lizardo,
14 and I'd ask that you first keep your voice up. Second,
15 that you announce your name and the organization that
16 you are a representative of for the record. And then
17 also you brought out a lot of papers there.

18 MR. LIZARDO: I'm going to read a rather
19 lengthy statement which I've prepared. No, it's a very
20 brief statement that I've prepared.

21 CHAIRMAN CARNEY: All right, that's what I was
22 concerned about. Now my heart can stop fluttering.

23 MR. LIZARDO: I'll try to get us out in time
24 for lunch. My name is Esteban Lizardo. I'm an attorney
25 with the Mexican American Legal Defense and Education

1 Fund in Los Angeles. I've prepared a brief testimony,
2 discussing the electoral process here in Santa Maria.

3 On behalf of the Mexican American Legal
4 Defense and Education Fund, I would like to thank the
5 Western Civil Rights Commission and its Director, Mr.
6 Montez, for this opportunity to comment on the at large
7 versus single member district election system and its
8 impact on the Latino community and communities such as
9 Santa Maria.

10 MALDEF has long held the view that single
11 member district election systems are important for
12 communities like Santa Maria. Single member districts
13 foster better representation for all segments of the
14 community, although single member districts have
15 specific benefits for the Hispanic community.

16 In addition, where all segments of the
17 community are represented in the decision making process
18 in a city like Santa Maria, there is a reduced
19 likelihood of the divisiveness and polarization evident
20 in this community in recent months and I'll explain a
21 little bit about that.

22 I'd like to divide my presentation into three
23 sections. First, MALDEF has concluded that district
24 elections are a better form of government than at large
25 elections systems now used in California communities.

1 Second, when at large election systems violate federal
2 law, in particular the Voting Rights Act as amended in
3 1982. And finally, how these issues affect a community
4 like Santa Maria.

5 First, why district elections are important.
6 MALDEF supports the use of these single district
7 elections and not the at large elections such as the one
8 used in Santa Maria. Single member districts provide
9 better representation for all segments of the community,
10 more responsive elected officials and greater
11 participation in the elections by all members of the
12 electorate.

13 The at large system allows a community at
14 large, that is the entire electorate, to decide the
15 council -- who the council representatives will be. The
16 disadvantage is that a dominant section of the community
17 can select the representative for the entire city. If
18 voting patterns of the community are polarized along
19 racial lines, then that majority white community can
20 prevent the choices of the voters of the minority often
21 Hispanic community.

22 As a result interest and issues of importance
23 to the Hispanic community are subverted or suppressed in
24 order to address the interest and issues of concern to
25 the white community. In a single member district

1 election system the city is divided into districts.
2 Persons in each different district elect their own
3 representative. A Board or Council, therefore, has
4 representatives from all sectors of the community.

5 Two arguments are often heard in support of at
6 large elected -- at large elective systems; one, that
7 representatives elected at large represent the entire
8 community and not simply sectors or factions of the
9 community. Two, single member districts breed Chicago
10 style ward politics. The response to both arguments is
11 to note that in most at large elections systems, there
12 already exists a ward system. Unfortunately, only one
13 ward is represented.

14 We have noticed that in communities with at
15 large election systems, representatives are usually
16 elected from one geographic section of town. Usually
17 that section is a white and affluent area. Here in
18 Santa Maria the City Council members all reside within
19 several blocks of each other. How then can a council
20 represent the interests of all segments of the community
21 when all segments of the community are not present to
22 show their perspective?

23 Do district elections as we support, solve
24 these problems? Well, I don't think so. District
25 elections provide better representation for both

1 minority communities and other communities. District
2 elections require elected officials to be elected from
3 different districts. All districts are present in the
4 decision making process.

5 This provides better government in two ways.
6 Because delivery tends to be done on a district by
7 district basis, representatives can be more responsive
8 to a particular need of a district. Secondly, even
9 though a minority community does not have a majority of
10 votes within the entire electorate, they can raise
11 important issues and participate in the give and take of
12 the political system.

13 In south Texas, for example, where Hispanic
14 communities were not in the majority of a city but
15 obtained representation on the council or board, elected
16 Hispanic officials were able to raise issues that could
17 not be ignored the way that boards and councils have
18 done in the past. In addition, because Latino elected
19 officials had a vote, they had a bit of power in the
20 sense that in the horse trading of the political process
21 you could not fully ignore any segment of the community
22 without having a problem later on.

23 As a consequence, issues that were important
24 to the minority communities were many and dealt with for
25 the first time, those minority members were made a part

1 of the boards and city council. We also know that
2 delivery of services and crews were singled out of
3 districts that aren't instituted. For example, in the
4 City of Los Angeles the 1986 redistricting plan
5 corrected gerrymandering of the Hispanic community.

6 The Hispanic representative, Laura Molina,
7 found her district was made up of pieces of other
8 districts in the former plan. Many of these areas had
9 irregular service delivery and had been ignored by the
10 former representative. Since Ms. Molina represented all
11 the different communities, she made service delivery a
12 top priority and improved the level of service in those
13 areas.

14 Please note that these advantages, increased
15 representation for the minority community and improved
16 services, are not advantages limited to the Hispanic
17 community. These advantages benefit all members of the
18 community.

19 A third advantage of the single member
20 district is that it encourages and increases voter
21 registration and participation. Many cities have argued
22 that Hispanics don't have adequate representation
23 because they do not register to vote. In fact, the
24 Mayor here at Santa Maria has argued that Hispanics are
25 not interested in representation. These statements

1 simply are not true. Moreover, each of these arguments
2 have been specifically rejected by Federal Courts.

3 In a case in which we participated Gomez
4 versus the City of Watsonville, the court specifically
5 noted that it was not because Hispanics were not
6 interested in the political process that they did not
7 participate, but the lack of Hispanic participation was
8 the result of discriminatory election practices including
9 at large election schemes which discouraged Hispanics
10 from registering and participating in the political
11 process.

12 If Hispanics, for example, are a minority of
13 the community, even if every Hispanic voted, they would
14 not be able to win an election. As a result, people
15 begin to get discouraged with the lack of opportunity to
16 elect candidates of their own choice. They tend to drop
17 out of the political process.

18 On the other hand, once district elections
19 create districts in which Hispanics have a meaningful
20 opportunity to elect candidates of their choice, the
21 level of political participation has increased. In the
22 City of Chicago, we saw the level of participation
23 increase when Hispanic seats were created. More
24 Hispanics ran for office, registered to vote and turned
25 out to vote. In addition, the number of political

1 forums as did the number of people attending those
2 forums.

3 I'll move briefly to the legal requirements
4 for district elections. The Voter Rights Act prohibits
5 any practice or procedure which would result in the
6 denial of a person of the right to vote due to race,
7 color or membership in a protected class including
8 Hispanics. Practices and procedures which have been
9 prohibited include at large elections systems, although
10 it is not per se illegal to have an at large election
11 system.

12 What follows is a preliminary analysis of how
13 Federal Courts undertake to analyze election systems
14 under the Voting Rights Act. The first thing that's
15 important to note is that the Voting Rights Act does not
16 require proof that an election system was established or
17 maintained with the intent to discriminate against
18 minority voters. The Voting Rights Act prohibits any
19 election procedure or practice which has the
20 discriminatory effect of denying Hispanic voters an
21 equal opportunity to elect candidates of their choice.
22 This was handed down in a Supreme Court decision in
23 Thornberg versus --

24 Thornberg also established a three-part test
25 to determine whether or not an election procedure was

1 discriminatory. The first part is whether the Hispanic
2 or other minority community is geographically compact.
3 That is, is it possible to create a district in which
4 Hispanics constitute a majority? Our initial analysis
5 in the City of Santa Maria indicates that there is a
6 geographically compact Hispanic community and it is
7 possible to create Hispanic districts with a Hispanic
8 majority.

9 And I also want to note that in Garthus versus
10 Los Angeles County, a case that we're currently in the
11 process of working on held that where an election system
12 was maintained with the intent to deny Hispanics the
13 right to vote or participate, this majority requirement
14 does not apply. So you don't have to have the ability
15 to create a majority Hispanic district if there is
16 intentional discrimination.

17 If we can prove that the community leaders see
18 the Hispanic community as a potential threat and then
19 maintain an at large election system with the specific
20 intent to prevent Hispanics from getting elected to the
21 City Council, it would be enough given an identifiable
22 Hispanic community to show a violation.

23 The second and third requirements under
24 Thornberg are summarized in phrase racially polarized
25 voting, that is Hispanics tend to vote for Hispanics and

1 whites tend to vote for whites. Specifically, the
2 second part of the three-part test is whether the
3 Hispanic community is politically cohesive. For
4 example, in Gomez versus Watsonville the Hispanic
5 community tended to vote ninety percent in favor of
6 certain candidates.

7 The third part of the test is whether the
8 white community also votes as a block in such a way as
9 to defeat the choice of the Hispanic or the minority
10 community. Again using Watsonville as an example, the
11 white community never supported a candidate that was
12 supported by the Hispanic community even if that
13 candidate was white. In such case, the polarized voting
14 patterns of the community present the choices of the
15 Hispanic community from coming in the program. In such
16 a way the at large election system frustrates the
17 choices of the Hispanic community.

18 When the three tests are met, the courts have
19 declared the at large election system to be in violation
20 of the Voting Rights Act and have established single
21 member districts with a Hispanic district similar to the
22 situation we saw in Los Angeles County. MALDEF is
23 continuing its investigation of the election system in
24 Santa Maria. As I mentioned before, the compactness
25 test for Santa Maria is clearly met. So the only

1 question is whether voting in Santa Maria is polarized.
2 We are continuing that portion of our investigation.

3 In the November 1990 elections MALDEF
4 conducted exit polls in Santa Maria and we are still
5 conducting an analysis of the election results. Whether
6 we file an action to challenge the Santa Maria election
7 system will depend on the outcome of our polarization
8 analysis.

9 CHAIRMAN CARNEY: Mr. Chang, do you have a
10 question for Mr. Lizardo?

11 MR. CHANG: No.

12 CHAIRMAN CARNEY: Doctor Erler?

13 DR. ERLER: Is it your contention that the
14 electoral system in Santa Maria is being maintained for
15 discriminatory purposes?

16 MR. LIZARDO: We're still in the process of
17 conducting our polarization analysis which may give us
18 more of an indication.

19 DR. ERLER: Is there any indication that this
20 is -- discriminatory intent or purposes manifest in
21 delivery of services?

22 MR. LIZARDO: A good number of that would
23 depend upon -- or a good amount of that will depend on
24 analysis that we'll have our people do in terms of how
25 the districts are run and how the service is delivered.

1 At this point, I couldn't give you a specific to that
2 question.

3 I have to point out though, the considerable
4 numbers of comments that have been raised at this point
5 in terms of antidotal testimony. It seems as if that
6 antidotal testimony bears true, that that would be the
7 case.

8 CHAIRMAN CARNEY: Mr. Sillas?

9 MR. SILLAS: Mr. Lizardo, let me just ask you
10 to project for a moment a district-type council and
11 let's assume that there was a district that represented
12 -- or a majority of the persons in that district were
13 Mexican. Could you project for us or -- and maybe it is
14 speculative, but could you indicate what you think would
15 happen if one of the council members or the Mayor in
16 such a body were to indicate that he had a Mexican
17 problem? How would that -- what would take place in
18 that kind of setting that would be different than the
19 present setting?

20 MR. LIZARDO: The important thing to
21 understand is there would be a response from within the
22 council, most likely. Whether that response would be a
23 response which indicates approval of the or disapproval
24 of those statements is completely up to the
25 representatives that are in place, but at the present

1 time, without a Hispanic representative, and I don't
2 mean without a Hispanic on the Board, but without a
3 representative of the Hispanic community, there is no
4 response from within the council.

5 This is what I mean by the horse trading
6 element of politics. That issue would be raised within
7 the council as well as more effectively through the
8 representation process because members of the community
9 would feel that there was somebody that they elected or
10 they had a hand in electing which they elect to
11 represent their views. So there would be a certain
12 amount of jockeying that would take place within the
13 council, an exchange of ideas.

14 At this point, I think it's clear again, based
15 upon what I hear in the antidotal testimony if it bears
16 true, that there is no such representation within the
17 City Council and neither is that representation within
18 the general electoral process because it seems as though
19 the Hispanics don't have an adequate voice for raising
20 their concern, other than in the general context of
21 antidotal testimony.

22 So the answer to the question would be I think
23 you'd see a jockeying of positions and a candidate who
24 wishes or a council member or Mayor who wishes to make
25 these statements has to suffer the consequences of a

1 loss of quid pro quo down the line a certain issue which
2 may be of importance to them. The honest answer is it's
3 not going change people's views in the way they look at
4 the quote, unquote, "Mexican problem", but what it does
5 do is it forces that person to address the concerns
6 about who's affected by this comment in a practical
7 manner that isn't present in the current system.

8 MR. SILLAS: Thank you.

9 CHAIRMAN CARNEY: Ms. Patterson.

10 MS. PATTERSON: Yes, Mr. Lizardo, when will
11 the polarization analysis be done and will that be made
12 available to the Committee?

13 MR. LIZARDO: We will definitely make it
14 available to the Committee. It depends on the number of
15 factors, one of which is the fact that the County of Los
16 Angeles has recently, as of yesterday, submitted a
17 petition for search to the Supreme Court on our Los
18 Angeles County case.

19 We felt that that case would be settled or at
20 least out the back door a lot sooner than it is,
21 although we did anticipate that the county would
22 probably take it as far as they could. At this point it
23 depends on how that goes. Because right now, at least
24 on side of the country, we have Richard Vajorlo in the
25 Los Angeles who's doing most of our voting rights work.

1 But this is an issue of top concern for the
2 office. And so as soon as possible given the time
3 constraints of other things, we're going to move on
4 that. In fact, at this point I guess, our experts are
5 working on the information in the absence of Mr.
6 Vajorlo.

7 CHAIRMAN CARNEY: Mr. Beltran?

8 MR. BELTRAN: Just one question, Mr. Lizardo,
9 do you have any information regarding the position of
10 the political structure of the city concerning district
11 elections?

12 MR. LIZARDO: I'm not sure if I understand
13 your question.

14 MR. BELTRAN: Has anyone, to your knowledge,
15 at the City Council stated whether they are in favor or
16 against the formation of districts?

17 MR. LIZARDO: To my knowledge, I don't have
18 any of that information. I get the feeling from a
19 number of comments that have been made here and a number
20 of comments that have reached our office that there is a
21 group -- there is some portion of the Hispanic community
22 within Santa Maria that would like to see some change,
23 an avenue being a single member district but some change
24 in which their views can be adequately represented
25 within the exchange of ideas and specifically most

1 recently in an effort to have a voice within the context
2 of what Mr. Sillas brought up, specifically the sort of
3 comments that people don't find productive within the
4 political atmosphere.

5 MR. BELTRAN: Mr. Abeytia already testified to
6 that. I was just curious if there was any record on the
7 part of the present political structure of the City
8 Council members. I think we know what the sentiments of
9 the Hispanic community are regarding the district
10 elections.

11 MR. LIZARDO: I've just been advised that
12 possibly Councilman Dan Fert (phonetic) is against a
13 single member district. In all honesty, in fact, one
14 thing that I'll mention, in terms of our county case
15 against Los Angeles, sometimes there is racial animus
16 involved. Often times it's simply incumbency, the need
17 to protect what you have, defeat them, or whatever, of
18 your position. And as is evident at both the District
19 Court level and the Appeals Court level within the Ninth
20 Circuit, this is sufficient intentional discrimination
21 against the Hispanic community to warrant a change in
22 the electoral process and also this is sufficient to do
23 away with the requirement that you have a majority
24 Hispanic single member district available.

25 So if there is something that amounts to

1 simply "I'd like to protect my own incumbency", that
2 would be more than sufficient to bring the kind of
3 record, for instance, that we have in our Los Angeles
4 County Board of Supervisors.

5 DR. ERLER: You're not saying then that
6 somebody supported an at large system that is, in and of
7 itself, an indication of discriminatory intent.

8 MR. LIZARDO: No, not racial animus, but
9 somebody who was supportive simply of their incumbency
10 at the expense of a politically cohesive and compact
11 community such as the Hispanic community here in Santa
12 Maria would be guilty intentional discrimination as far
13 as Ninth Circuit is concerned.

14 CHAIRMAN CARNEY: Mr. Lizardo, thank you very
15 much.

16 MR. LIZARDO: I appreciate the Board's
17 willingness to hear our testimony.

18 CHAIRMAN CARNEY: We're grateful that you were
19 able to be here. Ladies and gentlemen, I'm going to
20 declare noon recess at this time. We will resume again
21 at 1:00 p.m. And I also encourage you to return. And
22 those who cannot return, we thank you very much for your
23 attendance. And those who participated, we again thank
24 you very much.

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1 (Whereupon, at 12:00 p.m. the above-entitled
2 matter recessed to resume at 1:00 p.m. the same day.)
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AFTERNOON SESSION

(1:14 p.m.)

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3 CHAIRMAN CARNEY: The forum of the California
4 State Advisory Committee of the United States Commission
5 of Civil Rights is back in session for the afternoon
6 session. I apologize for the tardiness, but we ran a
7 little bit late this morning.

8 We'll begin this session with Mr. Gilbert
9 Guevara.

10 MR. GUEVARA: Yes, sir.

11 CHAIRMAN CARNEY: Would you kindly have a seat
12 there, sir, and state your name any group that you may
13 be representing for the record?

14 MR. GUEVARA: My name is Gil Guevara. I'm the
15 Chairman of the Santa Maria City Planning Commission,
16 also the past state Chairman of the American GI Forum, a
17 long time civil rights organization and currently a
18 Board of Directors of Latino Issues Forum, a Hispanic
19 think tank in San Francisco.

20 CHAIRMAN CARNEY: Mr. Guevara, you may make a
21 statement if you have one prepared or any other remarks
22 that you care to make.

23 MR. GUEVARA: Yes, sir.

24 CHAIRMAN CARNEY: Excuse me. I do want to ask
25 everyone before I allow you to make your remarks,

1 everyone here that's present, would you please sign in
2 on sign-in sheet which is over there by the front door
3 and additionally I want to remind you that this is not
4 an adversary proceeding. It's just a fact-finding
5 procedure that we're going through. There is no
6 audience participation.

7 If you do wish to be heard, I would invite you
8 to address yourself to a staff member. We have two,
9 there's Mr. Dulles and Mr. Pila, who's around. And we
10 will allow you to address the Committee with pertinent
11 remarks from the period of 5:00 to 6:00 p.m. But feel
12 free to do that. Because of the time constraints, we do
13 not allow the question and answer situation to extend
14 into the audience participation. But thank you, very
15 much.

16 And Mr. Guevara, I ask you -- I don't think
17 you're going to have a problem but if you keep your
18 voice up so that people there in the back of the room
19 can hear you.

20 MR. GUEVARA: I've never been known to have --
21 anyway, I'd like to just say as Chairman of the Planning
22 Commission, I assume you want me to make some
23 presentation about housing and the housing problem in
24 Santa Maria. If my assumption is correct, then let me
25 continue by stating that two areas that I'd like to

1 present in my presentation relate to the housing
2 policies or the jobs to housing balance and the housing
3 element of the general plan.

4 Jobs to housing balance definition is efforts,
5 any efforts aimed to creating and/or balancing jobs and
6 housing in approximately the same quantity, quality and
7 proximity. How it works is that when an industry comes
8 into Santa Maria, the city usually sits down with that
9 industry to figure out how many housing the new
10 employees that they're going to bring in, how much
11 housing is needed. And then the city will look at what
12 is in the existing inventory and find out if they have
13 sufficient inventory or find out what kind of plans they
14 need to make in order to meet those housing needs.

15 When we're out of balance several things that
16 happen is that we usually need two income earners in
17 each family and they usually require a large percent of
18 other income in order to make -- sustain their housing
19 payments, either rental or a purchase. The other
20 element of when we're out of balance is that there's a
21 lack of low income housing for low income wage earners.

22 Goal H-2 of our housing element of our general
23 plan states that "The city will strive to" and I quote,
24 "the conservation and the expansion of the community's
25 housing stock in order to provide a decent home and a

1 suitable living environment for all persons, but
2 principally those of low and moderate incomes".

3 In relation to the jobs to housing balance, I
4 feel we're out of balance. One of the reasons that
5 we're out of balance that if you look at the increase in
6 non-productive agricultural lands in the last ten years,
7 we have never ascertained in terms of what impacts that
8 increase in agriculture which tends to be high
9 intensity, labor intensive agriculture activity, we've
10 never ascertained what impact it would have on housing.
11 Thus we have crowded conditions. We have very poor, a
12 low inventory of housing for low or moderate income
13 peoples.

14 In terms the general plan, the policy seems to
15 be that we should let the market determine the need
16 which means let the developers dictate the housing that
17 we need. There is no other clear directive by the city,
18 twenty-five percent of our housing to the low and
19 moderate income buyers which is a boiler-plate condition
20 in most housing projects but there is no in place
21 mechanism to monitor whether that twenty-five percent is
22 being met by the current housing project that are being
23 built.

24 The staff will admit that there is no
25 mechanism to insure or audit that that twenty-five

1 percent is being met. We don't know what is affordable
2 in Santa Maria. We just adjusted HUD figures for Santa
3 Barbara County which is usually at the high end. Thus,
4 it really doesn't reflect the true need for housing in
5 this area. That is my statement.

6 CHAIRMAN CARNEY: Okay, beginning at this end
7 again, Mr. Chang, do you have any questions to direct to
8 Mr. Guevara?

9 MR. CHANG: No.

10 CHAIRMAN CARNEY: Doctor Erler?

11 DR. ERLER: Mr. Guevara, how long have you
12 been on the Planning Commissions?

13 MR. GUEVARA: Three years.

14 DR. ERLER: You've been on there for three
15 years. And this is a position, I take it, of some
16 importance in the City of Santa Maria?

17 MR. GUEVARA: Not generally.

18 DR. ERLER: Not generally? I see. But you
19 do have some responsibility for planning and
20 implementing various policies.

21 MR. GUEVARA: We're an advisory committee to
22 the City Council.

23 DR. ERLER: And what have you done in terms of
24 advising the City Council to redress these balances that
25 you have perceived or do the rest of the Planning

1 Commission share your views on this matter?

2 MR. GUEVARA: I think we have -- there's five
3 of us on the Planning Commission and we're five very
4 opinionated individuals. I think we have a Planning
5 Commission that's very hard working, very dedicated to
6 the work we're doing. We have attempted the past year
7 to formulate some advice to City Council which was met
8 unfavorably in terms of what we should be doing to help
9 the market put in place, low and moderate income housing
10 which wasn't met very favorably with City Council.

11 We are currently in the process of developing
12 hopefully another plan that we can go back to City
13 Council that will hopefully impact that need, the
14 tremendous need at the low end of the economic --

15 DR. ERLER: Generally speaking, in your
16 opinion, what has been the attitude of the City Council
17 with respect to your recommendations to increase
18 moderate and low income --

19 MR. GUEVARA: Like I said, I think the general
20 appearance is that there is no real policy in place and
21 their feeling is we should let the market dictate what
22 kind of housing we build.

23 DR. ERLER: And what kind of a policy is it
24 that the Commission has recommended to the City Council?

25 MR. GUEVARA: Well, we have language in the

1 general plan that says we will provide housing for all
2 segments of the community. We let the market do that.
3 We haven't been able to do. It's apparently we've
4 failed to do that. If we look at the job to housing
5 ration balance, again, we haven't done a good job there.
6 Everyone else -- the city is counting on the county to
7 do something about the housing problem.

8 The county is counting on the city to do it.
9 In the meantime, we're out of balance.

10 DR. ERLER: Is it just merely a bureaucratic
11 mix-up or bureaucratic inefficiency or inability to move
12 or do you trace this as some racial or ethnic animosity?

13 MR. GUEVARA: I think there's been a
14 prevailing attitude that somebody else should take care
15 of the problem and up till now, no one has taken care of
16 the problem.

17 DR. ERLER: So you don't think that it's
18 primarily motivated the racial or ethnic animosities?

19 MR. GUEVARA: There is some feeling that it
20 may be, yes.

21 DR. ERLER: Okay, thank you.

22 MR. BELTRAN: Mr. Chairman, before we go on
23 let me ask as a matter of clarification, because I'm
24 confused. The position that you hold, Mr. Guevara, is
25 Chairman of the Planning -- the city's Planning

1 Commission?

2 MR. GUEVARA: Commission.

3 MR. BELTRAN: Do when you refer to the
4 Commission, we're not talking about a volunteer group.
5 These are paid staff members.

6 MR. GUEVARA: We're generally volunteer. We
7 get paid for expenses, yes.

8 MR. BELTRAN: Does the city have somebody
9 other than this Planning Commission?

10 MR. GUEVARA: Yes, sir. There's a Planning --
11 there's a Planning staff. The director of the Planning
12 Department is Heron Valles (phonetic).

13 CHAIRMAN CARNEY: Mr. Sillas.

14 MR. SILLAS: Yes, Mr. Guevara, does your
15 Commission have the authority to issue licenses or
16 permits for the establishment of certain types of
17 businesses, variances, ordinances, et cetera?

18 MR. GUEVARA: We look at plan development
19 permits and we make recommendations to City Council.

20 MR. SILLAS: In that process is there a
21 mechanism for open hearings and the taking of testimony
22 and the taking of comments from people impacted by
23 whatever permit is going to be issued?

24 MR. GUEVARA: Yes, sir. We generally have a
25 study session with the applicants and staff and then we

1 have a public hearing with the applicant and staff again
2 and receive public input at that time. And then our
3 recommendations are forwarded on to City Council for
4 their final approval.

5 MR. SILLAS: And in the process of the
6 mechanism that you've just described, do you get
7 recommendations from staff to the Commission in terms of
8 what action the Commission ought to take?

9 MR. GUEVARA: A lot of times that -- what
10 happens is the Commission relies on staff, on their
11 recommendation.

12 MR. SILLAS: And is it your statement that the
13 recommendations that you are getting from staff does not
14 seem to set any particular policy as it pertains to low
15 and medium income housing?

16 MR. GUEVARA: There is a policy, I think it's
17 a vague policy. I think it's a policy that has no real
18 bite to it. We -- staff will make -- agree that
19 sometimes we on the Commission ask a little too much,
20 ask for more work than they can handle at times, but I
21 think it's a need that needs to be taken care of. I
22 think it's very apparent. So sometimes staff doesn't
23 greet it with open arms, but that is a job that we see
24 as a Commission and that's a job that they see for
25 themselves.

1 MR. SILLAS: No, as a Commission then make a
2 recommendation to the City Council.

3 MR. GUEVARA: Yes, sir.

4 MR. SILLAS: And then the City Council has the
5 authority to either accept or reject that
6 recommendation.

7 MR. GUEVARA: Exactly.

8 MR. SILLAS: You referred earlier to the
9 situation where an industry or developer would come in
10 and staff, I presume then, would meet with the developer
11 to determine what the need, what the desire of the
12 developer is and what the needs of housing would be if
13 that development is --

14 MR. GUEVARA: A developer is somebody that
15 would build the homes. An industry is somebody that
16 needs the homes. And what I was referring to was
17 industry when they come into town.

18 MR. SILLAS: All right. So that an industry
19 that comes in would then meet with staff to indicate the
20 need for housing.

21 MR. GUEVARA: Right.

22 MR. SILLAS: In what way does your Commission
23 get involved in the decision making in terms of the
24 amount of housing that is needed?

25 MR. GUEVARA: We generally are not involved in

1 those discussions. We are generally involved at the
2 permit level. Once the developer has ascertained that
3 there's a need, there's a market demand, then they
4 formulate their -- the plans and they submit it to
5 staff. And at that point, we are involved.

6 MR. SILLAS: All right, but if the decision is
7 made by staff and the industry that there was not a need
8 for additional housing, then this matter does not cross
9 the Commission's desk.

10 MR. GUEVARA: Not in the permit process, no.

11 MR. SILLAS: In the reference to the acreage,
12 additional acreage of land that is now used and
13 cultivated and thereby the increase of the farm workers,
14 was there any process that caused anything to go past
15 the Commission's desk in terms of permission?

16 MR. GUEVARA: We recently had an ag element
17 that came before us as information only. In the ag
18 element which is a county element, there was no language
19 in regard to housing. In that regard, we asked staff to
20 contact the county and have them stop any process until
21 we had a chance to input into that agriculture element
22 because we felt that somebody somewhere needed to take a
23 stand and demand that there be a housing component to
24 that element.

25 If agriculture is impacting the housing

1 problem, then I think we, as a city, should take the
2 leadership to make sure that that type of housing is
3 provided and that we make all necessary studies right
4 now before the ag element is approved by the county so
5 we can insure that we have proper and adequate housing
6 which is something that we're supposed to be doing under
7 the general plan, which is a state mandated document.

8 MR. SILLAS: And what was the response to your
9 request?

10 MR. GUEVARA: We have not had any response
11 back from the County of Santa Barbara.

12 MR. SILLAS: But aside from what you've just
13 described, the development of land for use for
14 agriculture, unless there were the specific request for
15 the building of houses, would not cross your
16 Commission's desk.

17 MR. GUEVARA: It would not. We've asked staff
18 and we have a committee that we need to be able to look
19 at this criteria and we need to include agriculture as
20 part of -- like any other industry. When there is an
21 increase in agriculture acreage, we need to look at that
22 as a municipality, because it is impacting our housing
23 situation. We need to look at that and figure out what
24 kind of impacts it's going to have on our housing
25 situation and what kind of modifications, adjustments

1 and planning we need to do to be able to meet that
2 housing demand.

3 MR. SILLAS: And who would be the person that
4 this Commission would look to as the person that would
5 implement such a policy?

6 MR. GUEVARA: City Council.

7 MR. SILLAS: And to implement the policy who
8 would be the person that this Commission should direct
9 its questions to?

10 MR. GUEVARA: Probably City Council and the
11 Planning Department.

12 MR. SILLAS: Does the City Administrator -- is
13 the City Administrator involved in that process?

14 MR. GUEVARA: The City Administrator would
15 also get involved.

16 MR. SILLAS: The farm workers that work in
17 this increased acreage, do they reside in Santa Maria?

18 MR. GUEVARA: According to the statements that
19 have been made in the media, there seems to be an over-
20 crowded condition. I contribute that over-crowding
21 condition to farm workers coming into this area. They
22 live out in river beds and under trees and under bridges
23 until they have enough money to come into co-habitation
24 situations. And they usually get into homes where
25 there's already another family living there. And that's

1 the only way they can afford and live because there's a
2 lack of housing and it is expensive to live in Santa
3 Maria.

4 MR. SILLAS: Other than the issuance of a
5 permit, is there any other mechanism wherein your
6 Commission conducts an open hearing and providing an
7 opportunity for persons to input?

8 MR. GUEVARA: If we call for public hearings
9 on that problem. If we call for public hearings on the
10 ERR process or a planning process, yes.

11 MR. SILLAS: Would the development of an
12 acreage or land for land use for agriculture, to your
13 knowledge, does that require an environmental impact
14 report?

15 MR. GUEVARA: If it's controversial or if
16 staff deems that it must, yes.

17 MR. SILLAS: And does your staff -- when I say
18 yours, the Commission staff make that determination?

19 MR. GUEVARA: Our Planning Director would,
20 yes.

21 MR. SILLAS: Do you know whether or not as a
22 matter of policy environmental impact reports have been
23 required when there has been this increase of acreage?

24 MR. GUEVARA: To my knowledge, there had not.
25 It's been something that just has been -- it's a problem

1 that has not been observed or deemed a problem up till
2 now.

3 MR. SILLAS: You heard earlier this morning,
4 or maybe you didn't, but the Mayor referred to the
5 environmental impact reports as a waste of money. Do
6 you get a sense that that is a policy statement of the
7 city or would that be fully the Mayor's opinion?

8 MR. GUEVARA: I think sometimes the Planning
9 Commission would agree with him, because EIR's
10 historically have been used as obstacles and -- to block
11 projects and used as a strategy to prevent growth and
12 development. So in that regard, I think EIR's sometimes
13 are looked at as something that's evil. I think
14 sometimes EIR's are necessary especially the project or
15 the development will have a great impact on the city
16 resources and on the city.

17 MR. SILLAS: Thank you.

18 CHAIRMAN CARNEY: Ms. Patterson?

19 MS. PATTERSON: No questions.

20 CHAIRMAN CARNEY: Mr. Beltran?

21 MR. BELTRAN: Mr. Guevara, I think you've
22 testified quite clearly on the impact of some of the
23 increase in acreage, the consequences that is has for
24 the city. I'm wondering -- was it three years that you
25 served on the Planning Commission?

1 MR. GUEVARA: Yes, sir.

2 MR. BELTRAN: Has there ever been a time when
3 public hearings on the matter of affordable housing or
4 housing for the farm workers have been called for by
5 your Commission?

6 MR. GUEVARA: I don't recall any for farm
7 worker housing, no.

8 MR. BELTRAN: For any other type of housing?

9 MR. GUEVARA: Yes, there has. I think that
10 earlier process of public hearings resulted in language
11 that the city undertook as a policy that so many
12 percent -- so much percent of certain residential
13 projects would be for low and moderate income housing.
14 That's been a policy that has never had any real bite.

15 Like I stated earlier, there's been no
16 mechanism set up to make sure the developer is adhering
17 to that policy. There's been no implementation for
18 monitoring of that policy by the city.

19 MR. BELTRAN: So you go through that process
20 of granting and, in fact, vesting certain rights on a
21 developer in return for which you have extracted certain
22 concessions that comply with the requirements of your
23 plan and you're saying there is no monitoring, there is
24 no fine or penalty process that can be called into play
25 a developer makes those commitment on the front end but

1 then does not perform.

2 MR. GUEVARA: I would call it window dressing.

3 MR. BELTRAN: Well, it appears to me that it's
4 more than that. It appears to me that there's a tacit
5 understanding that state law and the city zone plan may
6 be violated without any fear of retribution by the
7 authorities.

8 MR. GUEVARA: That may be the case. I'm not
9 sure that --

10 MR. BELTRAN: Well, I'm asking you. If you're
11 telling me that the law mandates certain things, that in
12 fact you extract those commitment on the front end and
13 that further, if you are in fact aware that those
14 commitments are not being lived up to and you choose to
15 ignore the fact that those commitments are not being
16 complied with. I'm asking a question.

17 MR. GUEVARA: Okay. I didn't get the gist of
18 the question.

19 MR. BELTRAN: The gist of the question is that
20 are you choosing to ignore the breach, if you will, of
21 the agreements made by the developers who are supposed
22 to built that affordable housing.

23 MR. GUEVARA: As an individual, as the
24 Chairman of the Planning Commission, I have appointed
25 two members of the Planning Commission to formulate a

1 second policy to be directed to City Council so they in
2 turn can implement a policy that will hopefully give
3 teeth to those policies that already have been enacted.

4 So when you say "you" I don't know if you mean
5 me as an individual, me as the Planning Commission or me
6 as the City of Santa Maria.

7 MR. BELTRAN: I'm talking about the Planning
8 Commission.

9 MR. GUEVARA: As the Planning Commission I
10 think that there's a majority among the Planning
11 Commission that there is a need, there's definitely a
12 problem and we need to do something about it.

13 MR. BELTRAN: You make reference to the fact
14 that there aren't any teeth in the provisions. Would
15 you tell me whether you think that a second request by
16 the same developer gives you the right, in effect,
17 develop some teeth by denying a request from that
18 developer?

19 MR. GUEVARA: We have.

20 MR. BELTRAN: You have?

21 MR. GUEVARA: But in an advisory capacity.

22 MR. BELTRAN: And what happens in those
23 instances where you done that?

24 MR. GUEVARA: It still goes to City Council.
25 Sometimes our decisions are upheld. Sometimes they are

1 overturned.

2 MR. BELTRAN: I'm not certain I'm
3 understanding. You're saying that in some instances a
4 violator, somebody who has not complied with those
5 commitments for affordable --

6 MR. GUEVARA: Well, we don't know that they're
7 in violation until after the homes have been built. And
8 for example the twenty-five percent, if a project is
9 built, we don't know till after those homes are sold if
10 twenty-five percent are, indeed, have gone to low and
11 moderate income housing.

12 MR. BELTRAN: You have no monitoring process.

13 MR. GUEVARA: No, that's what I'm saying.

14 MR. BELTRAN: Have you then established that
15 in some instances that has not been the case?

16 MR. GUEVARA: We have stated that there needs
17 to be a monitoring process, yes.

18 MR. BELTRAN: No, no, let me restate it again,
19 Mr. Guevara. You have determined in some instances that
20 in fact, twenty-five percent of the housing was not
21 affordable housing?

22 MR. GUEVARA: We don't know that. We don't
23 have a mechanism in place to ascertain that that is
24 indeed happening. There is a policy of the state that
25 it must be, but to go back without a monitoring

1 mechanism, to go back and check to make sure that
2 developer A that built a hundred homes that twenty-five
3 percent or twenty-five of those homes are indeed, have
4 been sold to low and moderate income families.

5 MR. BELTRAN: As a condition of permit process
6 you do not require a report from the developer?

7 MR. GUEVARA: Yes.

8 MR. BELTRAN: Are those reports filed by the
9 developer?

10 MR. GUEVARA: Sometimes, sometimes they are
11 not. There is no -- we can't get an answer from staff
12 to make sure that that is done. The response we get
13 from staff is, "Well, we don't have the staff to do it".

14 MR. BELTRAN: No, I'm asking whether the
15 permit process itself calls for --

16 MR. GUEVARA: Yes, the permit process would
17 call for it.

18 MR. BELTRAN: -- the filing of a report by the
19 developer that says so many units --

20 MR. GUEVARA: It can be, it can be, yes.

21 MR. BELTRAN: I don't understand. You're
22 saying it can be. I'm saying does it call for it? It's
23 a yes or no answer.

24 MR. GUEVARA: Yes.

25 MR. BELTRAN: It does call for it?

1 MR. GUEVARA: Uh-huh.

2 MR. BELTRAN: But then nobody, whether it's
3 staff or anybody else within City Hall --

4 MR. GUEVARA: You can have all the conditions
5 in the world, but if they're not enforced --

6 MR. BELTRAN: Thank you, sir.

7 CHAIRMAN CARNEY: Mr. Cooper.

8 MR. COOPER: I just wanted to go back again to
9 the housing element in the plan, who prepares that?

10 MR. GUEVARA: The housing element? The
11 housing element was done in July of '87 I believe. And
12 it's a process between the Planning Commission staff and
13 City Council to approve the modification and upbringing
14 of the general plan.

15 MR. COOPER: Okay. I was concerned. You were
16 talking about using adjusted HUD figures that don't
17 reflect the true need for housing. And I'm just
18 wondering if you're getting all the assistance you ought
19 to be getting from HUD or if the city is requesting the
20 assistance they ought to be getting especially in
21 technical areas.

22 MR. GUEVARA: I think that's a question you
23 probably ask staff.

24 MR. COOPER: Okay. The recipients of assisted
25 low income housing would you say reflect the community

1 at large, since they're over forty percent Hispanics in
2 the city, that that assistance gets to Hispanics and
3 other minorities as it -- as it should or has there been
4 a problem in that area? Do you know?

5 MR. GUEVARA: Assistance in subsidy --

6 MR. COOPER: Federally assisted, yeah.

7 MR. GUEVARA: I don't think so. I know of
8 very few subsidy programs within the City of Santa
9 Maria.

10 MR. COOPER: Thanks.

11 CHAIRMAN CARNEY: Mr. Guevara, your statement
12 that you know of very few of these subsidized programs
13 in the City of Santa Maria, does that mean that the city
14 does not avail itself of these facilities such as HUD
15 and any state assistance?

16 MR. GUEVARA: I think that's a question maybe
17 you should direct to staff. I don't know of any
18 programs that the city has taken on other than for
19 senior projects. I don't see any programs other than
20 maybe one or two loan programs that have been done in
21 the past.

22 There's been a housing project that has been
23 built, I think, ten, fifteen years ago, but to what
24 extent that has met the housing need, I don't believe it
25 is significant.

1 CHAIRMAN CARNEY: Now you've indicated that
2 you don't have any mechanism to monitor this twenty-
3 five percent of low income housing situation that's in
4 the overall plan. Is it your Commission that issues a
5 permit to the developers?

6 MR. GUEVARA: Our Commission recommends to
7 City Council, yes.

8 CHAIRMAN CARNEY: And am I safe in assuming
9 that your Commission is not an enforcement or does not
10 direct enforcement.

11 MR. GUEVARA: We're strictly an advisory to
12 City Council.

13 CHAIRMAN CARNEY: Okay. Do you know if there
14 is an enforcement arm of the Planning Department?

15 MR. GUEVARA: There's an enforcement arm of
16 the codes, code violators but we, as a Commission, can
17 review permits issued, but that we've done very little
18 of that.

19 CHAIRMAN CARNEY: So there's a Planning
20 Department with the city; is that correct?

21 MR. GUEVARA: Yes.

22 CHAIRMAN CARNEY: Is there like a Building and
23 Safety Department as well or is that combined in the
24 Planning Department?

25 MR. GUEVARA: That's I believe, combined in

1 the Planning Department. You would have to ask staff
2 that.

3 CHAIRMAN CARNEY: Okay, and they have their
4 own enforcement area; is that correct?

5 MR. GUEVARA: Yes, code enforcements.

6 CHAIRMAN CARNEY: Any further questions for
7 Mr. Guevara?

8 MR. MONTEZ: I have one, Mr. Chairman. Under
9 the housing element that you mentioned, under the
10 government code of the State of California, it is
11 required under the element to have an analysis of any
12 special housing needs such as those of the handicapped,
13 elderly, large families, farm workers, families with
14 female heads of households and families and persons in
15 need of emergency shelter. Is that included in the
16 element that you spoke about?

17 MR. GUEVARA: I don't recall seeing that in --
18 the element. I know there is some reference to meet --
19 it calls for an assessment on housing market and demand
20 recognizing employment characteristics and income
21 levels. There is reference to providing decent housing
22 and satisfying the environment of all persons regardless
23 of age, sex -- there's all these mentions but you can
24 have all these mentions, all these great goals and
25 objectives in your housing element, but there's no

1 CHAIRMAN CARNEY: Moving along, ladies and
2 gentlemen, again I ask you all to make sure you sign the
3 sign-in sheet and those of you in the rear, we do have
4 seats. I see some up here by these attractive young
5 ladies. For your own comfort, we invite you to have a
6 seat. I'd ask Ms. Barrett and Ms. Pruneda to step
7 forward. I would ask you ladies also to speak up so
8 that everybody in the back of the room can hear you and
9 if you would introduce yourselves and your organization
10 for the record, as you begin your statements.

11 MS. BARRETT: Thank you, Mr. Chairman and
12 members of the Commission. My name is Jeannie Barrett.
13 I'm an attorney with California Rural Legal Assistance.
14 Also with me today is Ilda Pruneda, who is also an
15 attorney with CRLA.

16 I primarily intend to address my remarks
17 toward housing issues and Ms. Pruneda toward education
18 areas so that if it's acceptable to you, since we just
19 discussed housing, I'll begin and take about half our
20 time and then Ms. Pruneda will discuss education issues.

21 CHAIRMAN CARNEY: If you do so, I'd ask you to
22 speak up.

23 MS. BARRETT: Okay, I'm just getting over a
24 cold so that may or may not be possible. Yeah, I
25 brought with me a copy of the Santa Maria housing

1 element so that if this Commission has not gotten one so
2 far I'm willing to let you have my copy.

3 The housing element, as Mr. Guevara stated,
4 was developed in 1987. Many of the statistics that are
5 in the housing element were taken from the 1980 census,
6 so that I think some of the statistics are somewhat
7 outdated. However, I'm sure everyone would agree that
8 the problems identified in the housing element have
9 maintained the statistical balance or, in fact, gotten
10 worse.

11 The housing element, to answer your question,
12 does discuss the needs of these various special needs
13 groups and it does quantify some of those needs. The
14 housing element statistics do make it clear that there
15 is a shortage of low income housing, a severe shortage
16 of low income housing, in the Santa Maria area. That
17 there are over-crowded conditions which impact heavily
18 on Hispanics because demographics also show that the
19 Hispanic family tends to be somewhat larger.

20 And also that there are a large number of very
21 low income and low income members of the community who
22 are spending more of their income than they can afford
23 for shelter cost. All of these problems are identified.
24 In addition, the housing element estimates that there
25 are around twenty-five hundred migrant farm workers at

1 the peak of the migrant season and acknowledges that
2 there is nothing in the way of migrant farm housing
3 available in the area, indicates that there's a need to
4 study that, says that probably the county should meet
5 that need and does very little further beyond that.

6 So I think going through the housing element
7 does, indeed, indicate to you what the needs are and
8 where the problems are. The next question is what the
9 city can do or has done to help with those problems?
10 There have been some housing projects that have gone in,
11 in the last few years, for low income housing. However,
12 that -- what has happened has been very inadequate.

13 One of the issues identified in the housing
14 element, and of course, we all know it's true, is that
15 housing costs money to build, and that state and federal
16 money for housing has been going down in recent years.
17 However, I would like to point out that that's not
18 necessarily the major problem. I know of one project
19 that was funded by HUD to the Santa Barbara County
20 Housing Authority. They received approval for a grant
21 to build some new units in the Santa Maria area and to
22 concentrate on larger size units, units for a larger
23 family, which in this area are primarily needed by farm
24 worker families.

25 The County Housing Authority tried for

1 sometime to find a site in the area on which they could
2 build the housing, identified one site in the Orca
3 region which the County Board of Supervisors turned down
4 because the Orca neighbors started yelling "nimbi"
5 (phonetic) at the top of their lungs, and because they
6 were not able to find a site anywhere in the northern
7 part of the county, had to give the money back to HUD
8 unused.

9 Currently, another low income housing
10 developer for the last two years has had a grant that
11 has been approved by the Farmers Home Administration to
12 build specifically farm worker housing the Santa Maria
13 area and to date, a site has not been nailed down for
14 that housing.

15 What is necessary is not just the money. You
16 need to have the local government assertive and
17 committed to finding a site, making the zoning and the
18 building permits available to the developer to build the
19 housing. The money, although it's scarce, is there. It
20 can be found. What can't be found is a site with the
21 zoning and the building permits to actually put up the
22 housing.

23 Another thing that the City of Santa Maria has
24 in the way of a funding resource, there is according to
25 California state law, redevelopment money or tax

1 increments that come to the city as a result of
2 redevelopment. Twenty percent of that is supposed to be
3 spent on low and moderate income housing. The City of
4 Santa Maria has got a sizeable redevelopment project,
5 the Town Center Mall which is down here a short ways and
6 which just added the May Company and I think about
7 twenty other stores as part of a redevelopment plan.

8 There's a substantial tax increment that is
9 coming to the city as a result of the Town Center Mall
10 property which is being redeveloped. To date, not a
11 penny of that money has gone to low and moderate income
12 housing. Each year the city is required to make a
13 finding that that money either isn't needed or that
14 there are other uses for it which they are authorized to
15 use it for which are more pressing.

16 And each year since -- I believe the
17 redevelopment -- the agency started in 1972, each year
18 since they've been required to make that finding, that's
19 the finding they've made, "We have other uses for the
20 money that is more important than low and moderate
21 income housing". I'm not alleging that they are in
22 anyway in violation of the law, because they have, in
23 fact, made the required finding. What I am saying is
24 that that shows that housing is not a priority.

25 That's all I have in the way of a prepared

1 statement.

2 CHAIRMAN CARNEY: Ms. Pruneda.

3 MS. PRUNEDA: Yes, basically, my name is Ilda
4 Pruneda, like Ms. Barrett said. I'm also an attorney
5 with CRLA. And basically the issues that I would like
6 to raise at this point the education -- how education is
7 affecting minorities or basically Hispanics that are in
8 the Santa Maria area.

9 And we have a lot of parents that have a large
10 concern with the so-called independent study program,
11 that it's being used in the Santa Maria Joint Union High
12 School District. And basically what that is -- we
13 approximately have about six hundred students in this
14 program right now. It's an alternative program and that
15 basically means that out of those six hundred students
16 that are in the independent study program about two
17 hundred of those students go to what is called a --
18 continuation school and the other four hundred are in
19 the independent study program.

20 Basically, the continuation school is a school
21 where the students go for -- in the morning or in the
22 afternoon session, five times a week, basically half
23 time -- they're basically half time students. The
24 reason they go to those programs -- to this program --
25 it's basically Delta -- it's Delta High School is the

1 official continuation school. And students are placed
2 in Delta as a result of not having enough credits to
3 attend so-called mainstream schools. In this case it
4 would be Righitti High School and the Santa Maria High
5 School.

6 And they don't have enough credits for several
7 reasons. When the student gets advanced from the eighth
8 grade and then he's passed on to high school, they
9 are -- students go into enroll at the high school. They
10 are told, "You don't have enough credits. Therefore,
11 you have to go on an independent study program".

12 The other situation is where the student is
13 enrolled at the high school, falls behind in their
14 credits. They are again placed in an independent study
15 program. And independent study program is much -- when
16 they are placed in an independent study program at
17 Delta, they are basically -- it's a program that allows
18 them to make up credits so that supposedly they will
19 return back to the mainstream school.

20 There is only one official continuation school
21 and that is Delta. And that is basically at a
22 predominantly Anglo location. It's predominantly --
23 it's about sixty percent Anglo, forty percent Hispanic
24 or minorities. The problem with the continuation school
25 is that Delta can only accommodate approximately two

1 hundred students. The other students are placed on the
2 truly independent study program which requires that
3 students take their work, do their work at home and then
4 report to a teacher once a week.

5 Well, what invariably is happening is that
6 these students are getting an inferior education in the
7 sense that they only have access to a teacher for one
8 hour a week. Parents are complaining that as a matter
9 of fact, the students only see a teacher for five
10 minutes to ten minutes once a week. The six hundred
11 students that are presently on an independent study
12 program are basically for the most part Hispanics. So
13 that we have a disproportionate amount of minority
14 students that are being placed in independent study
15 programs.

16 The biggest problem with having that many
17 students, the reason that there's many students in an
18 independent study program is that the school has a
19 mandatory attendance program, whereby, if a student is
20 late or if a student does not attend a class regardless,
21 that student is going to be -- is an A student or a B
22 student, nevertheless, that student does not get credit
23 for that particular course. Therefore, the student
24 starts to fall behind in the grades and does not have
25 enough credits to where that student is going to be up

1 to the grade level that he or she is supposed to be and
2 is therefore, placed at Delta.

3 The problem is that Delta again, it's only one
4 continuation school. There is another location that is
5 called the Learning Center. And the Learning Center is
6 basically a watered down version of the Delta School
7 which is the official continuation school or it could be
8 called a beefed up independent study program location.

9 You have a disproportionate amount of white
10 students attending Delta, the only official school,
11 continuation school, whereas you have the Learning
12 Center which is predominantly made up of Hispanics. The
13 students -- the facilities are totally different. It's
14 a -- excuse me. There is -- the Delta campus is not
15 accessible to minority students for various reasons.

16 It's a lack of adequate transportation. There
17 is -- it also happens to be away from the northern part
18 of the city which is where most of the Hispanic students
19 reside. There is a disproportionate amount -- there a
20 disproportionate amount of Hispanics and Anglo students
21 in the different schools. Delta is a better -- it's got
22 better facilities. It has a better student/teacher
23 ratio. The -- they have computer classes. They have
24 regular classroom where at the Learning Center, the
25 students literally have to pull out long tables, lift

1 their chairs everyday as they're carried out into
2 basically as basketball court.

3 The -- I don't think there's any
4 transportation. Parents can't identify that there's any
5 transportation provided to the Learning Center. So, in
6 essence, what you have is a learning center where all
7 the Hispanics are placed. It's basically a place that
8 is much more inferior in terms of resources and in terms
9 of teachers, books and what have you.

10 And the concern is basically not that. It's
11 Santa Maria is the only place that is implementing such
12 a program. The concern is that the independent study
13 programs which were initially supposed to be for the
14 bright and board students are being used as a dumping
15 ground and as a dumping ground for minority student and
16 especially those students that need more of the -- more
17 assistance and not less assistance and resources that
18 the district provides to the regular mainstream schools.

19 And the concern is that Santa Maria is
20 basically joining a lot of other districts in the state
21 that are using the same technique, and that's basically
22 using the independent study programs as the dumping
23 grounds for minority students.

24 CHAIRMAN CARNEY: Doctor Erler, do you have
25 any questions for either of these ladies?

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DR. ERLER: No, I have no questions.

CHAIRMAN CARNEY: Mr. Sillas?

MR. SILLAS: Ms. Barrett, you had used the term of -- or the numbers of twenty-five hundred migrant farm workers in this area.

MS. BARRETT: Yes.

MR. SILLAS: We had heard earlier this morning the number ten thousand new farm workers. Could you help me figure out which figure we're to use?

MS. BARRETT: Okay, basically the figure that I was using was in the city's housing element. And they indicated that that was an estimate of migrant farm workers at the height of the season. There's always the split, of course, between migrant farm workers and settled out farm workers. Actually, in the Santa Maria area, I think, one of the things that's been happening over the last ten years is that there are more farm workers who are staying here year round.

Part of that is that there is now more labor intensive field crops which are, in fact, grown year round. For example, the strawberry crop now many growers are using a winter harvest-type of berry so that they, in fact, have a crop going pretty much all year round. So that when you look at the number of acres of land that have gone from, for instance, grazing land

1 very low labor requirements up to strawberries which is
2 very high, the ten thousand figure would not surprise me
3 at all.

4 MR. SILLAS: Now, you described two instances
5 where HUD had provided the money but for lack of site
6 these projects were never built.

7 MS. BARRETT: Right.

8 MR. SILLAS: Do you have any recommendations
9 to this Commission as to how to address that issue as it
10 pertains to the establishment of a site or the location
11 of a site?

12 MS. BARRETT: I think that a governmental
13 entity which, in fact, is interested in building low
14 income or having -- not building themselves but
15 encouraging the building of low income housing for its
16 constituents needs to do an affirmative and aggressive
17 cooperation with those agencies to develop that type of
18 housing, to find the sites, you know, sites with
19 appropriate locations, appropriate zoning and make those
20 permits available, too.

21 MR. SILLAS: Was the unavailability of the
22 sites a result of neighboring owners of parcels that
23 were being viewed as possible sites and their objections
24 to the low income units?

25 MS. BARRETT: The HUD project that fell

1 through, the Orca site was turned down because of
2 neighborhood pressures, I understand. Of course, that
3 was not within the City of Santa Maria. The -- that
4 housing project would have been buildable in the City of
5 Santa Maria had a site been found for it, however.

6 MR. SILLAS: All right, now switching over for
7 a moment to the redevelopment monies, and you stated
8 that, if I understood your statement, that twenty
9 percent of redevelopment money is to be allocated for
10 low or moderate income housing.

11 MS. BARRETT: That's correct. It's twenty
12 percent of the tax increment which comes into the
13 redevelopment agency as a result of the redevelopment.

14 MR. SILLAS: All right, and that since 1972,
15 however, this has not occurred.

16 MS. BARRETT: That's correct.

17 MR. SILLAS: And this has not occurred because
18 the city has been able to determine or make a finding
19 that there was not a need for the housing; is that
20 correct?

21 MS. BARRETT: I think the finding, according
22 to my information from the Department of Community --
23 Housing and Community Development, the finding that the
24 city has made is that they need to use that money to pay
25 the debt service on the bonds that they took out in

1 order to build the Town Center.

2 MR. SILLAS: I see. So they have made a
3 determination based on the weight of the equities from
4 their perception and in each instance, something else
5 has been at a higher priority than development of the
6 housing.

7 MS. BARRETT: That's correct.

8 MR. SILLAS: Ms. Pruneda, if I may switch over
9 for a moment to the education, your comment about the
10 independent study program was that other districts or
11 that the program itself was set up for the benefit of
12 students who were doing well and who found school
13 boring.

14 MR. PRUNEDA: If you look at the legislative
15 intent of the independent study program, that's what
16 originally the independent study program was designed
17 for, the bright and bored or the type of students that
18 are kids that are movie stars that have to go on
19 location, the student that wants to take a trip to
20 Europe and what had you, and is able to do the work
21 pretty much without the assistance of a teacher.

22 MR. SILLAS: Now, is the attendance at an
23 independent study program, does the student ultimately
24 receive a graduate degree?

25 MS. PRUNEDA: If they have enough credits. I

1 don't know how -- I've read the Santa Maria independent
2 study program brochure. And that basically says that if
3 you have been enrolled -- if you have been enrolled in
4 the Santa Maria High School, the mainstream school and
5 if you get enough credits that you will be able to
6 graduate. It doesn't say anything about the student
7 that never gets to be enrolled at the Santa Maria -- at
8 the mainstream school.

9 So that basically we have just started to look
10 into the matter and we, at this point, don't know what
11 happens to the six hundred students. In independent
12 study, they have a continuation school and an
13 independent study program. They're sort of different.
14 One's a continuation school. The other one's an
15 independent study program. They can be placed in an
16 independent study program from the -- once their in the
17 mainstream school, they can be placed either in
18 continuation track or the independent study program.

19 And they're sort of different. Continuation
20 school, the student goes supposedly five times a week
21 for the morning session or the afternoon session.
22 Independent study program is different in the sense that
23 they do all their work at home.

24 MR. SILLAS: All right. You stated that the
25 intent of the legislature was on the independent study

1 program that those would be for the brightest folks and
2 for those that found school boring. You've also stated
3 that a vast majority of those in the independent program
4 here in Santa Maria are Hispanic.

5 MS. PRUNEDA: Yes, that's correct.

6 MR. SILLAS: But you're not connecting up that
7 the reason that those persons, Hispanics are in the
8 program is because they're so bright and bored.

9 MS. PRUNEDA: No, basically what I'm saying is
10 that the school district has turned it on its head, that
11 the program was not intended for those students that are
12 falling behind. The program was intended for another
13 type of student.

14 MR. SILLAS: And where are the bright, bored
15 students in Santa Maria? What school do they attend?

16 MS. PRUNEDA: We don't know.

17 MR. SILLAS: How long has the independent
18 study program been in existence?

19 MS. PRUNEDA: It has been in existence for a
20 long time, basically since 19 -- I know it was in Santa
21 Maria since 1985.

22 MR. SILLAS: Since '85. So we're talking
23 about a three-year high school, generally, a three-year
24 term in high school?

25 MS. PRUNEDA: It would be four years.

1 MR. SILLAS: Four years. So that there
2 should have then a graduating class at least by now if a
3 person had started in 1985 with the independent study
4 program.

5 MS. PRUNEDA: There should be, yes.

6 MR. SILLAS: Okay. But what you're telling us
7 is at this point in time, you have no information to
8 give us as to whether or not those persons have
9 graduated or not graduated that may have started out in
10 1985.

11 MS. PRUNEDA: I don't know that. That's
12 probably a question that OCR can answer. They have
13 conducted investigations of the district and they
14 probably do have the statistics.

15 MR. SILLAS: Does the school receive the same
16 amount of money for the students whether they're in
17 either program or any of these programs?

18 MS. PRUNEDA: It is my understanding that they
19 receive the full ADA regardless if they provide a
20 student with instruction five days a week or five
21 minutes a week per student.

22 MR. SILLAS: Is it a fair statement to say
23 that the cost for the student in the independent study
24 program is considerably less than the student that was
25 enrolled full time in the school?

1 MS. PRUNEDA: Yes.

2 MR. SILLAS: Are any of the students in the
3 independent study program, to your knowledge, limited
4 English speaking?

5 MS. PRUNEDA: Yes, they are. In fact, I have
6 attached to the written statement that I have provided a
7 finding by the OCR. They conducted an investigation in
8 1986 and they did find that the district had, in fact,
9 been discriminating against the limited English students
10 in 1986, because it was placing the limited English
11 proficient students in an independent study program
12 when, by definition, the LEP students are not
13 sufficiently proficient in English to succeed in the
14 regular programs, much less in the independent study
15 programs where they do not have an access to a teacher
16 or any other type of instruction.

17 MR. SILLAS: Do you know whether or not the
18 materials that are used by these limited English
19 speaking students are bilingual materials?

20 MS. PRUNEDA: I do not, I do not know.

21 MR. SILLAS: Do you know whether or not the
22 teachers that they report to on their weekly report are
23 bilingual teachers?

24 MS. PRUNEDA: It is my understanding from
25 talking to parents that in the Righitti High School out

1 of a total of seventy teachers they have three bilingual
2 teachers. Righitti High School is a high school where
3 the students from Guadalupe are transported to Righitti.
4 That's where the Guadalupe students go to school.

5 It's basically -- on top of all of that it's a
6 culture shock for the students coming from Guadalupe.

7 CHAIRMAN CARNEY: Thank you. Mr. Beltran?

8 MR. BELTRAN: Just a couple brief questions
9 with regard to education. Assuming that the way the
10 program implemented it constitutes an abuse of the
11 intent of the program, to your knowledge has anyone
12 reported this to the State Department of Education?

13 MS. PRUNEDA: I don't know if they reported it
14 to the Department of Education. I know that OCR is
15 presently looking into the matter. I, through the
16 Freedom of Information Act, was able to obtain that
17 information and that's attached to the report that I've
18 submitted to you.

19 MR. BELTRAN: And one more question; what do
20 you know about the independent study program as far as
21 its placement of the students in college programs? Is
22 there an assumption that these folks go on to college or
23 is the premise that this is a safe dumping ground since
24 they won't be going on to college?

25 MS. PRUNEDA: Well, I believe that that's sort

1 of addressed by the letter of findings by OCR, which
2 basically -- it's page 3 of the letter of findings. And
3 it basically says that OCR did generally review the
4 various programs the district has established for
5 students who are potential drop-outs.

6 One of these programs is the independent study
7 program which is designed to allow students to earn
8 credit for independent work outside the classroom
9 setting, but under the supervision of a teacher. So
10 that, in fact, tells me that the district is using the
11 independent study programs as -- basically saying, "This
12 is what we use for potential dropouts". So that it's
13 almost -- that it would not be used for potential
14 college students.

15 MR. BELTRAN: It's a twilight zone for the
16 students. They disappear into --

17 MS. PRUNEDA: They disappear. We don't know
18 what the drop-out rate is of the so-called independent
19 study students. I don't know how that's reported, at
20 what time they become a drop-out statistic.

21 MR. BELTRAN: But at some point along the
22 process, they must be certified as continuing to
23 participate in the independent study program.

24 MS. PRUNEDA: Yes, and while they're on the
25 independent study program the district is receiving the

1 full ADA from the state.

2 CHAIRMAN CARNEY: Thank you, ladies.

3 MR. COOPER: Mr. Carney, just for
4 clarification, carried to the extreme -- and I don't
5 mean to be facetious, but carried to the extreme,
6 everybody could become bright and bored and you wouldn't
7 have any students in school. Am I correct in that
8 assumption?

9 MS. PRUNEDA: If the district were using the
10 independent study program for the bright and bored, I
11 supposed.

12 MR. COOPER: Yeah, but I mean, that's a legal
13 classification written into the legislation, but what
14 I'm asking is carried to the extreme I guess they could
15 eventually eliminate everybody out of the schools and
16 still be getting the same amount of money from the state
17 for educating students.

18 MS. PRUNEDA: Sure, but they can eliminate the
19 so-called potential drop-outs which is what they're
20 doing in this case, eliminating the potential drop-outs
21 and receiving their full ADA.

22 CHAIRMAN CARNEY: Thank you, ladies. I'd ask
23 our next speaker, Mr. Candelaria to step forward. David
24 Candelaria? Good afternoon, Mr. Candelaria.

25 MR. CANDELARIA: Good afternoon.

1 CHAIRMAN CARNEY: I'd like you to be seated
2 and to state your name for the record and any group that
3 you represent and do so with volume, please, so that the
4 people in the back of the room there can hear you.

5 MR. CANDELARIA: Very good. My name is David
6 Candelaria. I come here on behalf of the Association of
7 Mexican American Educators. I am employed with the
8 Santa Maria School District as a resource teacher with a
9 migrant education program.

10 CHAIRMAN CARNEY: If you have a statement,
11 sir, or any remarks you'd like to make, feel free to do
12 so now.

13 MR. CANDELARIA: All right. I have some
14 prepared notes if that's all right.

15 CHAIRMAN CARNEY: Certainly.

16 MR. CANDELARIA: I want to talk about our area
17 here and what it involves. We know that here in the
18 central coast of California we have -- millions and
19 millions of dollars are provided from agriculture
20 products and these products are exported throughout the
21 United States and the world. And the Mexican people
22 that work in the fields provide this cheap available
23 labor that is required for this type of business, the
24 agri business.

25 These Mexican people, who freely cross the

1 border to work in the fields maybe a hundred years ago,
2 are now considered a problem here in Santa Maria.

3 Because of the large number of Mexican population that
4 is living here in the central coast, they bring with it
5 sociological demands of any society of any people. And
6 of course, some of these are being addressed today to
7 include education, employment, medical needs and others.

8 This area has a few Hispanics who are
9 California born and have lost their ties with Mexico.
10 What we do have here, we have a large sharecropping
11 group of Mexican farm workers who use Santa Maria as a
12 home base and return frequently to Mexico and then
13 possibly the ancestors of these people who work here
14 presently, they might have been here generations ago
15 working in the fields as in the case of my family.

16 And we say that "aqui estabamos". That means,
17 we were here, "aqui estamos" we are here, "aqui
18 estaremos" we will continue to be here. These Mexican
19 families have their children that populate our schools
20 and these children certainly have special needs that
21 include not only the need for Spanish instruction, but
22 also bilingual education and medical and dental needs,
23 and, of course, housing and all that comes with it.

24 The program that I'm affiliated with is the
25 migrant education program which provides supplemental

1 help to these children with special needs, while the
2 district provides the base program in the form of
3 providing the school and the classroom and the teacher
4 for them. We continue to have an increasing migrant
5 student population in our area because we have people
6 that are coming to this area. It's a desirable area to
7 be and there are jobs, there are jobs working in
8 agriculture.

9 And some of the problems that we have, we have
10 an increasing student population and we have decreasing
11 funds. Every year our migrant program is cut funds and
12 we're given less money to do more with. And that sort
13 of is a problem. If we can take care of that someday,
14 that would be great.

15 But that's not only true for the migrant
16 education program. That is true for funding across the
17 board. So we continue to have the battle for the buck,
18 the scramble for the dollar intensifies. Through the
19 efforts of many our area has made some progress in
20 providing bilingual education and other programs to
21 address the needs of these children but we really need
22 to look closely at the status of affirmative action, I
23 believe in the public funded agencies.

24 It still continues that the people that are in
25 power do not really acknowledge the present day needs of

1 the community. I think there needs to be a better
2 concerted effort to locate and hire qualified Hispanics
3 for all levels in education. We certainly are well
4 represented in the fields and in the blue collar area,
5 but we need to make an extra effort to look for
6 qualified Hispanics for all areas of education.

7 And we also need to make the people that have
8 the power realize that Hispanics are now a majority and
9 we're looking for parity that reflects the population of
10 our own community. Not only in the public sector but in
11 the private sector do we need to foster and promote
12 Hispanics to enter professional areas because they are
13 needed so badly. And they're out there, people are out
14 there. And we need to keep on pressing and looking for
15 these people.

16 We will continue to aspire because we are
17 looking for a rightful place in our society here and we
18 will continue, aqui estabamos, aqui estamos, aqui
19 estaremos. That is the statement I needed to make.

20 CHAIRMAN CARNEY: Mr. Candelaria, can I ask
21 you first, what is your particular position with his
22 migrant education?

23 MR. CANDELARIA: I work with the migrant ed
24 program which is a federally funded program, as you
25 know. And I work as a resource teacher for the program

1 here in the Santa Maria School District. Out of an ADA
2 school population of about nine thousand children in our
3 district, we have more than twenty-five children qualify
4 for the migrant education program, the qualification
5 being that their parents work in some kind of
6 agricultural activity.

7 CHAIRMAN CARNEY: Mr. Sillas, questions?

8 MR. SILLAS: I have no questions.

9 CHAIRMAN CARNEY: Ms. Patterson?

10 MS. PATTERSON: No questions.

11 CHAIRMAN CARNEY: Mr. Beltran?

12 MR. BELTRAN: I have no questions.

13 CHAIRMAN CARNEY: And Mr. Cooper?

14 MR. COOPER: No questions.

15 CHAIRMAN CARNEY: Mr. Candelaria, thank you
16 very much for your attendance and you input.

17 MR. CANDELARIA: Very good.

18 CHAIRMAN CARNEY: We have next Doctor Artiaga.

19 DR. ARTIAGA: Ladies and gentlemen, I'm
20 Porfirio Artiaga. I am a Santa Maria chiropractor and
21 I'm a sportsman for the Santa Maria Valley Soccer
22 League.

23 First of all, I want to thank you for the
24 invitation to participate in this forum sponsored by the
25 United States Commission on Civil Rights. As we know,

1 men and women needs a space, I feel, to practice his or
2 her favorite exercise or sport, to maintain his physical
3 fitness and remain competitive. Here in Santa Maria the
4 most prominent sport for the Latin American young person
5 is soccer, which activity is practiced through the year
6 by young adults and followed with a good number of
7 persons.

8 In the most recent years I have observed a
9 constant decline of soccer facilities provided by the
10 City of Santa Maria which has caused a series of
11 problems to keep practicing or playing the games in a
12 decent manner. Our neighboring cities like Oxnard,
13 Santa Barbara, Lompoc, Los Alamos, Arroyo Grande, Casa
14 Robles, have more than adequate soccer fields for any
15 level of competition. However, in Santa Maria we have
16 been experiencing a lack of interest by the authorities
17 to our needs.

18 Specifically, there are three fields for
19 soccer in Santa Maria which we do not use them through
20 the year. the Adams Field or a storm drain is called
21 posa (phonetic) by the Hispanics is used in the rainy
22 months only. When there is a lot of rain, it becomes
23 impossible to play, causing delays and postponing games.

24 The Prisker (phonetic) Park Field is used only
25 in the summer months. The programming of events have to

1 be cut short to allow the grass to grow or be resodded.
2 The Fesler School Field is available all year but is not
3 in condition to play soccer because of worn out areas
4 and gopher holes, that has caused in many instances
5 serious injuries to the players.

6 We used to have goal posts in the Adams Park
7 Field, now are removed for obvious reasons. Now to play
8 games we have to provide portable goal posts and be
9 removed from the fields, beyond the sight of anybody and
10 be stored or kept in a safe place. We came up with a
11 set of goal posts that had to be placed on the other
12 side of the railroad tracks. Every time we have games,
13 it is difficult and dangerous task every Sunday to bring
14 it back and forth because it can hurt anybody trying to
15 lift such heavy posts.

16 Another requirement that the city has
17 improvised upon us is that we provide heavy security for
18 Sunday games which is ridiculous at times when there are
19 two of four fans on each team. The cost to keep
20 security is beyond our economical means. Also we have
21 to provide liability insurance for any damage to the
22 materials inside and outside the fields.

23 At the end of each day of games, we have to
24 leave the fields completely -- we have to leave the
25 fields completely clean. Three or four years ago, the

1 Oakley Field used to be available for soccer games, but
2 the city renovated it to a neat baseball field.
3 Personally I recall that it was going to be renovated to
4 a soccer field but it wasn't so.

5 Due to increasing number of teams in recent
6 years, we had to program games outside Santa Maria like
7 Oceano, Nipomo, Los Alamos, which turned out to be very
8 expensive. We have to cover expenses for the
9 maintenance of portable johns, security, insurance and
10 cleaning up the fields. Most of the teams or clubs are
11 scarcely scratching their pockets to come up with money
12 to cover the above-mentioned expenses.

13 So our city authorities are neglecting the
14 needs of a good percentage of the population to practice
15 and follow its favorite sport. The lack of support and
16 cooperation from the authorities is creating a
17 polarization of feelings among its citizens. Once again
18 I'll say that the skepticism of some authorities to what
19 a sector of the population does for recreations is
20 relevant for them. The apathy of others that know of
21 the needs but do not take charge of saying or executing
22 demands of our growing population that needs recreation
23 and of others, the total ignorance of other leaders that
24 we have needs like other sectors of the population.
25 They maintain neat fields for baseball, softball and

1 football.

2 In conclusion, the city has the responsibility
3 to provide similar or more than adequate fields of
4 recreation for its citizens without any favoritism and
5 prejudice. Thank you.

6 CHAIRMAN CARNEY: Thank you, Doctor. Doctor
7 Erler.

8 DR. ERLER: Is it your contention that the
9 city is spending more resources on facilities for other
10 groups then? Is there some disproportion in your mind?
11 Is this happening or is it just that the city's not
12 going as far as and as fast you would like to see?

13 DR. ARTIAGA: I would say more sources get to
14 other services, for other sports, like baseball,
15 softball, football.

16 DR. ERLER: So you believe that this is
17 traceable to what, some racial animosity on the part of
18 the --

19 DR. ARTIAGA: I won't say that but I noticed
20 that in the last eight years since I've been here in
21 Santa Maria.

22 DR. ERLER: What do you attribute the cause of
23 this then?

24 DR. ARTIAGA: Lack of interest, as I said
25 before, or just to heck with Hispanics, just forget

1 about them.

2 DR. ERLER: Some ethnic animosity then.

3 DR. ARTIAGA: Definitely.

4 DR. ERLER: Okay, thank you.

5 CHAIRMAN CARNEY: Mr. Sillas.

6 MR. SILLAS: Did I understand you correctly
7 that for every game you need two security persons?

8 DR. ARTIAGA: Yes, sir.

9 MR. SILLAS: Have there been any incidents
10 that you know of where security persons were needed to
11 squill any type of fights or --

12 DR. ARTIAGA: As I say, some teams barely
13 complete the number of players to make a game. And to
14 me, security is completely unnecessary. Other teams
15 carry a good number of fans or followers. There were
16 times that there were some break-outs and, of course, we
17 needed security then.

18 MR. SILLAS: How recent was that?

19 DR. ARTIAGA: I cannot recall, probably three
20 months ago we needed security. There was one fight.

21 MR. SILLAS: Was the security requested prior
22 to that or subsequent to that event?

23 DR. ARTIAGA: Since we begun the season, the
24 events, we had security every Sunday and every game.

25 MR. SILLAS: For how long a period of time?

1 DR. ARTIAGA: They are there from 11:00
2 o'clock until 6:00 o'clock.

3 MR. SILLAS: How long a period of time have
4 you been required to have the security?

5 DR. ARTIAGA: For each game, two hours.
6 Security's been there all the time, as I say from 11:00
7 o'clock until 6:00 o'clock.

8 MR. SILLAS: I understand, but when was it
9 first required that you begin to have the security
10 people?

11 DR. ARTIAGA: I believe since two years
12 ago.

13 MR. SILLAS: Two years ago.

14 DR. ARTIAGA: Yes.

15 MR. SILLAS: That was before there was any
16 incident of --

17 DR. ARTIAGA: We had incidents after that,
18 too. They weren't controlled by the security.

19 MR. SILLAS: Are there baseball leagues in the
20 city?

21 DR. ARTIAGA: There is one prominent league
22 here, yes.

23 MR. SILLAS: And do you know whether or not
24 they're required to have security persons?

25 DR. ARTIAGA: I'm not aware of that, that

1 they have security.

2 MR. SILLAS: Do you know of any other
3 organized games or team sports that the city requires to
4 have security persons present?

5 DR. ARTIAGA: I'm not aware that they have
6 security or request security.

7 MR. SILLAS: But it's your statement that in
8 soccer that security is required by the city.

9 DR. ARTIAGA: It was required, yes.

10 MR. SILLAS: And how many soccer leagues are
11 there here in the City of Santa Maria?

12 DR. ARTIAGA: We have only one with forty-
13 three teams.

14 MR. SILLAS: And are all forty-three teams
15 Mexican teams?

16 DR. ARTIAGA: I would say ninety-nine point
17 eight percent, yes.

18 MR. SILLAS: I don't have any other
19 questions.

20 CHAIRMAN CARNEY: Thank you, Ms. Patterson?

21 MS. PATTERSON: Yes, Mr. Artiaga, you
22 mentioned that you're required to provide liability
23 insurance --

24 DR. ARTIAGA: Liability insurance.

25 MS. PATTERSON: -- and security. Are there

1 other groups that are also required to provide liability
2 insurance or is this your --

3 DR. ARTIAGA: I'm aware that the baseball
4 teams are required to have liability insurance,
5 yes.

6 MS. PATTERSON: Okay, so all groups are.

7 DR. ARTIAGA: We'll buy that, yes.

8 MS. PATTERSON: Thank you.

9 CHAIRMAN CARNEY: Mr. Beltran?

10 MR. BELTRAN: I have no questions.

11 CHAIRMAN CARNEY: Mr. Cooper?

12 MR. COOPER: No, thank you.

13 CHAIRMAN CARNEY: All right, Doctor, we thank
14 you for your presentation and your input.

15 Ladies and gentlemen, we do have a reporter
16 here that, like everybody else who needs a break and
17 stretch my legs and I want to stretch my legs.

18 So we're going to take a short recess and
19 we'll go off the record at this time. It will be about
20 ten minutes.

21 (Whereupon, a short recess was taken.)

22 CHAIRMAN CARNEY: We're going to reconvene the
23 forum and we begin with Doctor Tissier. And I don't
24 have -- oh, I see, the superintendent, that's you,
25 right?

1 DR. TISSIER: This is Art Valadio, and he is
2 our coordinator of pupil services.

3 CHAIRMAN CARNEY: All right, if you'd do me
4 the favor or announcing your name and your position or
5 organization as you begin your address, your remarks and
6 I also ask you to keep your voice up so that -- assuming
7 you used to be a teacher, you can do that, can't
8 you?

9 DR. TISSIER: Absolutely.

10 CHAIRMAN CARNEY: So that everybody in the
11 back of the room can hear you and you're free to make
12 your remarks and hopefully, they're not going to be --
13 we're running on a tight agenda here so if they're too
14 long, I'd ask you to summarize, if you can and then
15 we'll have our question and answers for you, or question
16 period for you to give the answers. And if you would be
17 kind enough to give your name and position.

18 DR. TISSIER: My name is Doctor Gail Tissier
19 and I am superintendent with the Santa Maria Bonita
20 School District and with me is Art Valadio and he is our
21 coordinator of pupil services. I do have prepared
22 remarks and as any educator, you know that they're going
23 to be lengthy because we did our homework on this. And
24 I'm honored to be with you today because I really do
25 think that this is a positive forum or it can be a

1 positive forum.

2 In our school district we've had attendance of
3 our Hispanic parents on our district advisory council
4 and our bilingual council of over a hundred parents
5 attending those. And we really believe that we have a
6 large turn-out at times at that attendance because we
7 have two coordinators who work in that program and it's
8 Bob Verba and Roy Bird.

9 And the reason the parents come out, I firmly
10 believe this, is that those people providing a caring
11 atmosphere, one that they share and one that they ask
12 for trust building. And I firmly believe that that's
13 what this forum is all about. If we care about one
14 another, we begin to build trust relationships, then the
15 forum will have a positive outcome.

16 The Santa Maria Valley Chamber of Commerce
17 advertises Santa Maria as the center of the best. We
18 must utilize this forum in a positive way to do our best
19 to be the best. As superintendent of the Santa Maria
20 Bonita School District, and therefore, I'm the largest
21 manager of the largest budget and the largest number of
22 employees in this area. I asked to be a part of this
23 forum today. I was not asked. I asked to be a part of
24 this forum.

25 I was in San Diego this morning. I flew in

1 and I will be flying back tonight. I have a meeting at
2 7:30. Now, some of you thing, "Oh, gee, it's party
3 time". That's not the case I'm flying back at 7:30
4 tonight to work on facilities for the school district
5 because of growth. I would prefer being in my own bed,
6 not in San Diego. And so, I'm here because I want to
7 be.

8 I'm here because my commitment is pride in
9 working together for student excellence. My parameter
10 in addressing this Commission is a simple parameter, to
11 be positive about working together for our children and
12 our community. I will not involve myself in anything
13 that's negative nor will I involve my school district in
14 that. Now let me say that again. I will not involve
15 myself in anything that's negative nor will I involve my
16 school district.

17 I'm excited about sharing with you information
18 regarding our school district. While the city
19 population is about forty-two percent Hispanic, children
20 with Hispanic surnames make up sixty-four percent of the
21 district population. Of the eight thousand nine hundred
22 students in the district, twenty-five percent are in
23 bilingual programs. Our bilingual programs include
24 working with students on acquiring English language
25 skills, acquisition of academic skills in whatever

1 language the child speaks, and developing a strong self-
2 concept using the cultural resources of the child and
3 the community.

4 About twenty-three hundred of our students are
5 migrant students. Our migrant program use the whole
6 child and includes health needs of the child. Special
7 classroom aids are provided and there's money to hire
8 district-wide resource personnel to work with teachers.
9 There's money to buy extra classroom materials. In all,
10 we receive about seven hundred thousand dollars in the
11 district in migrant education programs.

12 And I am right now having a running battle
13 with the state department because I want our district to
14 be a direct funded district. There's a neighboring
15 district that has fewer migrant ed children than we
16 that's receiving over a million dollars. And because of
17 our state bureaucracy there are all kinds of loopholes
18 that we cannot become a direct funded district. So
19 we're fighting with the state department right now in
20 becoming a direct funded district because we think it
21 will bring in more migrant money.

22 The biggest problem facing our district has
23 been keeping up with the growth. It has meant that have
24 had to be in the forefront of some unpopular ideas. And
25 this community knows of those ideas. We were one of the

1 first districts in the state to implement a year round
2 education schedule, so we could have adequate
3 playgrounds, bathrooms and classrooms. That action,
4 however, was very unpleasant in this community but the
5 district did take the leadership and as a result two new
6 schools were built in this community. One of those was
7 on the southeast of town and the other one in the
8 northwest.

9 Rapid growth, sometimes as high as twelve
10 percent in one year, has meant other problems. Right
11 now we're eligible to build additional classrooms at two
12 of our schools and the applications have been submitted,
13 and three new schools, one junior high and two
14 elementary.

15 How do we continue to meet the needs of a
16 growing Hispanic population? Well, in 1976 there were
17 eight bilingual teachers while the student population
18 was thirty-two percent Hispanic surname. In 1990 there
19 are a hundred and one bilingual teachers while the
20 student population is sixty-four percent Hispanic
21 surnames. The number has doubled in Hispanic surname
22 children. The number of bilingual teachers increased
23 one thousand two hundred and sixty-two percent. We have
24 actively recruited bilingual teachers to address the
25 increasing student population needs and we will continue

1 to actively recruit.

2 In a situation of extremes such as extreme
3 growth, sometimes an organization needs to take risks to
4 cope with its problems. And this district, the
5 elementary district, does take risks. With the new
6 English as a second language framework when it was
7 recently adopted we didn't need -- we made no changes in
8 our curriculum because we had made the changes years in
9 advance and modified our program. Our beginning oral
10 language program was recognized by the state and won
11 curriculum development awards.

12 It was so far thinking that our teachers use
13 it now in English only students as well as bilingual
14 students. Risk sometimes pays off. We saw a tremendous
15 need to give our migrant students the ability to go on
16 learning while they were traveling. We prepared
17 learning packets to align with classroom assignments for
18 the students. When they returned to school they would
19 not be so far behind.

20 Now the title of this program is independent
21 study program and it's very different than what was
22 stated up here before in terms of an independent study
23 program. When our children leave the district we don't
24 want them to leave or go on vacation or go back to
25 Mexico empty-handed if we know they're going to come

1 back to our district. We want to align their leave time
2 with what the classroom teacher is preparing for the
3 students during that time when they're absent.

4 So we go back, we ask the classroom teacher,
5 "What are you going to be working with within the next
6 ten days or fifteen days when the students are leaving",
7 help them develop packets, send the children off to
8 Mexico or wherever they're going, and most of the
9 children go back to Mexico for about fifteen or twenty
10 days. Then they come back with their assignments.
11 We're very, very careful. If the assignments are
12 completed, they're checked in and they get credit for
13 that. But if they're not completed, they do not get
14 credit and it's very, very well organized and a thought-
15 out program. And it was not like the program that was
16 described here earlier.

17 Now the independent study program, our
18 independent study program has also received awards from
19 the state and is a state pilot program. We still have
20 problems of children leaving the district for twenty to
21 thirty days, mostly to travel back to Mexico. When a
22 child leave school for any reason for a long period of
23 time, valuable learning time is lost and cannot be
24 completely recovered by independent study program or any
25 other program.

1 The research on school effectiveness is time
2 on task is important. We believe in our school district
3 children need to be in school not on independent study.
4 They need to be in school. So we have and we have
5 sought out from the state through migrant education, and
6 it was through a competitive grant, to work with parents
7 so that we can help them to understand it's extremely
8 important to keep your children in school.

9 Now, I know that it is extremely meaningful to
10 our Hispanic parents to visit Mexico and we really see a
11 great deal of time over the holidays, the Christmas
12 holidays, when children are leaving. But if we can get
13 parent involvement, more parent involvement, working
14 together so that everybody understands when a child
15 leaves for an extended period of time, he loses
16 valuable -- or she loses valuable teaching time and
17 learning time. ---

18 Recently I met with all our school PTA and PTC
19 presidents. The single most important area of concern,
20 boy, I thought it would be budget and curriculum, single
21 most important concern of the PTA presidents was getting
22 more Hispanic parents involved with the school, helping
23 our Hispanic parents feel like they are wanted and
24 needed in the school. I was surprised. I thought it
25 would be budget. I thought it would be curriculum. It

1 was, "We want parent participation" and so do we.

2 While we are seeing broad-based involvement at
3 the district, we must make a concerted effort to
4 increase parent involvement at every school site. It's
5 extremely important, that partnership between school and
6 home.

7 This district while short on space, provided
8 room for one of eight migrant education program
9 improvement centers in the state. Ours is so active
10 that the people from the state department came down and
11 again recognized the state. And both our bilingual and
12 monolingual teachers are using. In a climate of ever
13 diminishing funds this district is living up to its
14 published philosophy, the first of which says, "Identify
15 student and community needs and take into account the
16 needs of a pluralistic society".

17 In our schools there are mirror sets of
18 textbooks used in the district. No teacher can complain
19 that there is not a textbook for a Spanish speaking
20 student in any kindergarten through sixth grade. No
21 teacher or parent can complain that there is not a
22 textbook for a Spanish speaking student in any
23 kindergarten through sixth grade class.

24 There is a problem, however, that we're seeing
25 with state colleges. While we needed more bilingual

1 teachers, they were cutting out classes needed to
2 qualify our people for bilingual credentials. Cal Poly
3 has eliminated two programs which help provide bilingual
4 teachers and they have no outreach program to attract
5 parents or bilingual aids to further their education and
6 get a degree.

7 We have many, many bilingual aids in our
8 classrooms. It's a tragedy that the colleges are not
9 reaching out, providing programs for these people at no
10 or low cost to get back to school and to get back into
11 those classrooms as teachers.

12 Though money was getting scarce in our
13 district, the district began offering its own college
14 classes and we went so far to offer Spanish classes to
15 all employees, certificated and classified at no cost.
16 Special arrangements have been made with Cal Poly.
17 Tutors come to junior high school to work with high risk
18 students. And not all, but many high risk students are
19 Hispanic. A similar program was established with Allan
20 Hancock College.

21 With other districts in this part of the
22 county a north county alliance was formed to provide
23 other classes needed to acquire language developed
24 specialist certificates for our teachers. So we said,
25 "If the college is not doing it, we'll get an alliance

1 started and we'll do it ourselves".

2 Are there some difficulties in the schools?
3 You bet there are. The public seems to think that we
4 get Spanish speaking children only in the kindergarten
5 and that within a few years everybody should be speaking
6 English. That's not the case. What they seem to forget
7 is that we get students who are junior high school age,
8 who have little or no experience with school.

9 Many of these students come to us with very
10 diverse cultural backgrounds. And the community and our
11 own teachers believe that we get more federal money if
12 we hire bilingual teachers. We do not. It costs us
13 more to go out and recruit and we do not get any
14 additional compensation for that. Any bilingual
15 teachers are paid with regular district funds. They are
16 not a separate entity.

17 Is there discrimination in the schools? Of
18 fourteen schools, there are two Hispanic principals, two
19 black principals and two schools run by women, and the
20 superintendent happens to be a woman which I think is
21 great. I had to throw that in. It's not in my script.
22 There are six women assistant principals. And the women
23 are coming up fast, guys, because we do have six women
24 assistant principals.

25 One of those assistant principals was a part

1 time bilingual aid in the district just nine years ago.
2 Now she is an administrator.

3 These educational leaders and all other
4 administrators do not allow discrimination on their
5 campus and I, for one, would never tolerate it. We have
6 an affirmative action policy in the district, Policy
7 Number 4111. Our attention to concerns of
8 discrimination led us to modify that policy in 1989 to
9 include a statement forbidding discrimination against
10 authorized aliens.

11 Further the policy states, "Recruitment,
12 selection and employment practices of the district shall
13 provide a concerted effort to hire and promote qualified
14 individuals of minority ethnic background so that the
15 total district staff is representative of the student
16 and community populations in the district". The
17 interesting thing is, of course, that there are only so
18 many qualified candidates and many school districts
19 trying to hire them. Our students need the best
20 teachers we can hire.

21 Last year we hired fifty teachers and twenty
22 of them were bilingual credentialed or wavered teachers.
23 Our total employees, twenty-eight percent are Hispanic
24 and another four percent are other minority groups. Our
25 teachers are fifteen percent Hispanic and five percent

1 other minorities, while in classified jobs forty percent
2 are Hispanic, three percent are other minorities.

3 But when you compare this district to the
4 county and state totals something becomes very clear.
5 When you compare our district, the Santa Maria Bonita
6 District, with the county and the state something
7 becomes very clear.

8 I have numbers for last year's certificated
9 staff in this district was fourteen percent. County-
10 wide only eight percent of the teachers were Hispanic
11 and state-wide only eight percent were Hispanic. And in
12 our district fourteen percent are Hispanic.

13 We may not be able to match exactly our ethnic
14 enrollment with ethnic teachers, but we are doing a damn
15 sight better than the county and the state and we are
16 trying much harder in my opinion.

17 I told you I saw this as an opportunity and it
18 is an opportunity and I will not let it pass without
19 telling your some of the problems we are having,
20 problems that I believe are affecting the Hispanic
21 population and this community more than any other group.
22 There are problems which affect our ability to educate
23 children and give children a chance to reach their
24 living potential. There are many homes in the community
25 housing more than one family. There are many homes in

1 this community housing more than one family.

2 Sometimes as many as five families share one
3 house. How does that affect education? Children need a
4 quiet place to study. In fact, this district, rather
5 than disposing of old desks, gave them to families if
6 they agreed to set up study sessions, study centers in
7 their home. But with five families in a single family
8 dwelling there is little quiet time.

9 We are also seeing an alarming increases in
10 cases of hepatitis and head lice. Sanitary facilities
11 are not adequate for these families in this community.
12 We cannot educate sick children. We need to work
13 together to help our families find homes they can
14 afford, homes they can take pride in and homes where
15 children have a place to study.

16 Our aid to dependent children count has
17 decreased in this community. Our aid to dependent
18 children count has decreased in this community, giving
19 an indication that our Hispanic families are staying
20 together as a unit. That's something to be very proud
21 of. Our people in this community, our Hispanic families
22 are not on aid. That's something to be very proud of.
23 And they are staying together as a family unit.

24 This community must address this housing
25 issue, address it in a positive way. I want to work

1 with the Commission and other agencies in the city and
2 the county and the state to improve this situation which
3 will allow students to become everything that they have
4 the potential to be. Education is the starting point
5 for everyone. Our schools are a place of stability and
6 calm and many, many children's home that are turbulent
7 at this time.

8 They are a place where we stress the value of
9 each child. We are so committed to these principals
10 that one of our most recent hires was a person to solely
11 follow up on attendance of migrant students. It is so
12 important that children are in school. Time on task is
13 extremely important to learning. In the past we
14 reconfigured our pre-school to address the needs of
15 bilingual students here. It was one of the first of two
16 state-funded pre-schools which are bilingual.

17 We have instituted a breakfast program at four
18 of our schools serving approximately a hundred and
19 twenty-five students per day. We have established a
20 head start program on Ariaona (phonetic) School for
21 four-year olds and are working to establish another one
22 at Oakley School. We are working with the YMCA to
23 implement an extended day care program at one of our
24 schools and we know that that extended day care program
25 will expand to other schools.

1 Each of our schools have counselors. Most of
2 the schools have community aids to visit homes and help
3 parents. We have four school nurses to assist with
4 health care. They are assigned to three schools and a
5 health aid has been hired for each of our schools. Our
6 heath staff has been growing while other districts have
7 cut or remained stagnant. We have implement skills for
8 growing and skills for adolescent programs at all of our
9 schools to help children enhance their self-esteem and
10 make wise choices and decisions.

11 We have a strong anti-drug program and work
12 with the police department to implement the DARE
13 program. Most of our school have been renovated within
14 the last four to five years and those that have not,
15 applications for state renovation funds have been
16 established. Our motto, pride in working together for
17 student excellence is not limited to only academics.
18 Our focus is on the whole child, building self-esteem,
19 providing the skills to make wise choices, establishing
20 safe, orderly environments, and setting high academic
21 expectations for all children.

22 Do we have problems? Yes. Wherever there is
23 growth population problems will exist, but for every
24 problem there is a solution. What we must do is take
25 pride in working together for quality opportunities for

1 all Santa Marians. Are we our brother's keeper? Are we
2 our brother's keeper? You bet we are, you bet.

3 I am hoping that what comes from this forum
4 today are positive suggestions to improve the
5 opportunities for everyone who lives in Santa Maria. I
6 want to be a part of a positive action. I will not be a
7 part of anything negative.

8 I believe in what Chamber of Commerce says
9 about Santa Maria. Santa Maria is the center of the
10 best. I believe our school motto, pride in working
11 together for student excellence. I believe in that
12 motto, pride in working together for student excellence
13 and I believe that motto can be extended and expanded to
14 become a city motto, pride in working together for
15 quality opportunities for all Santa Marians.

16 And again, I'm proud to be here and I'm proud
17 to be a part of this Commission hearing. I'll be glad
18 to answer any questions.

19 CHAIRMAN CARNEY: Thank you, Doctor. Doctor
20 Erler?

21 DR. ERLER: I'll reserve my questions if you
22 don't mind.

23 CHAIRMAN CARNEY: Mr. Sillas.

24 MR. SILLAS: Doctor Tissier, the district that
25 you are a superintendent to, Santa Maria Bonita School

1 District, is that the only school district in Santa
2 Maria?

3 DR. TISSIER: No, it is not. We have two
4 separate school districts. Santa Maria Bonita School
5 District is a K-8 district. And then we have a high
6 school district, 9 through 12.

7 MR. SILLAS: Okay, all right. You heard the
8 prior statements from the prior witnesses pertaining to
9 the independent program as it was described. I was
10 wondering, would you care to comment in terms --
11 assuming that those statements were correct, as to how
12 that program was being conducted as to whether or not in
13 your opinion that would be a productive program.

14 DR. TISSIER: I would only like to comment on
15 the programs at Santa Maria Bonita Elementary
16 District.

17 MR. SILLAS: Okay, you don't wish to comment
18 on that program.

19 DR. TISSIER: No.

20 MR. SILLAS: Let me ask you as it pertains to
21 your program as you have described it, during the period
22 of time that the students are away with their
23 independent program, study program, their packets, is
24 the school receiving money for those students while
25 they're gone?

1 DR. TISSIER: Yes, sir.

2 MR. SILLAS: So that for a period of one week,
3 two weeks they're out of the country; is that correct?

4 DR. TISSIER: Yes, sir.

5 MR. SILLAS: You've given them a package.

6 DR. TISSIER: Yes, sir.

7 MR. SILLAS: And while they're gone, you're
8 getting money; is that correct?

9 DR. TISSIER: We get ADA for the students if
10 they bring the materials back corrected. In other
11 words, if they work on their homework assignments, we
12 have to check to make sure that they're done according
13 to our standards of high expectations. If they are
14 completed, we receive funds. If they are not, we do not
15 receive the funds.

16 MR. SILLAS: When do you get the funds?

17 MR. VALADIO: My name is Art Valadio and I
18 handle the pupil personnel services in our district.
19 Independent study happens to be one of the components
20 for which I am responsible. As Doctor Tissier stated
21 earlier, youngsters are provided packets. We allow
22 packets for up to thirty school days. And there's a
23 contract developed between the independent study teacher
24 and the parent involved and the youngster.

25 That contract has a beginning date and an

1 ending date and it has specific assignments. If that
2 contract is followed, in other words, if the work is
3 done and if it's supervised and turned in in accordance
4 with the contract, then the district can claim -- can
5 put in a claim for a portion, in other words, monies.

6 If the contract is not done, then the kid --
7 the youngster brings it back, the district will be out
8 those days that the youngster was gone.

9 MR. SILLAS: Who determines then whether the
10 contract is completed?

11 MR. VALADIO: That is determined by the
12 independent study teacher or the teacher at the campus
13 upon the youngsters return.

14 MR. SILLAS: And what percentage of contracts
15 are not completed?

16 MR. VALADIO: If I'd have know that, I'd have
17 brought the information. I have it school by school
18 last year's results.

19 MR. SILLAS: Approximately.

20 MR. VALADIO: The lowest to me, the low -- as
21 low as sixty-two percent and as high as ninety-four
22 percent completion.

23 MR. SILLAS: And it would -- if the contract
24 is not completed then the school doesn't get any money.

25 MR. VALADIO: No, and the state has a

1 formula -- there are certain periods within the fiscal
2 year that the state requires reports and it's called --
3 the period of time is called P-2. Since you're the
4 superintendent, you know when that begins and when that
5 ends, but P-2 is the period of time within the fiscal
6 year that the state -- excuse me, the district submits
7 its attendance figures and that is what the state will
8 fund us for.

9 MR. SILLAS: So, if for example, at a closing
10 time of a reporting period a student is out, hasn't
11 returned with his contract, what happens for that period
12 or do you report the student as being in attendance or
13 do you report the student not in attendance?

14 MR. VALADIO: If the work was not turned in --
15 we have separate registers to handle the independent
16 study. The state requires that for accounting purposes.
17 If the student returns without the packet completed,
18 well, number one, of course there is apportionment, but
19 secondly, there would be no academic credit which is the
20 most important aspect. The youngster is re-enrolled
21 back into his or her regular classroom if they return to
22 the original school.

23 MR. SILLAS: Please help me try to understand.
24 January 1st, January 15th a student leaves. When do you
25 make your report to the school about attendance?

1 MR. VALADIO: Okay, are we talking about the
2 P-2?

3 MR. SILLAS: Whatever you want to call it. I
4 don't know what you call it.

5 MR. BUCHMAN: My name is Mark Buchman and I
6 work for the district as well. We do not file that
7 attendance for the independent study until after we've
8 gotten a completed packet. So if we miss the P-2 in
9 March then we would not bill that attendance and the
10 daily attendance money for that student until that
11 packet is accepted.

12 MR. SILLAS: Okay, and --

13 MR. BUCHMAN: So it could be as much as six
14 months trail.

15 MR. SILLAS: Okay, and so that if the packet
16 comes back not completed then no request for funds.

17 MR. BUCHMAN: Hopefully, even if he's done
18 some work or the child's done some work, they've gotten
19 something out of it. So while we may not get something
20 out of it, hopefully the student's gotten something out
21 of it.

22 MR. SILLAS: Do you see a potential conflict,
23 superintendent, of the -- conflict of interest perhaps
24 in terms of determining whether the child has completed
25 his program since the determination that it has --

1 MS. TISSIER: No I don't because the people
2 who look at those reports are teachers. And teachers
3 are very ethical. They have no alignment with dollars
4 and cents whatsoever. What they are looking at is the
5 academics of the child. So I think it's an ethical type
6 of question. And I would not see that a teacher would
7 not have a conflict of interest there.

8 MR. SILLAS: A teacher who has a return of
9 sixty-four per cent of the students not completing their
10 contract, as opposed to ninety-four per cent, is there
11 some evaluation made of that teacher in her inability to
12 motivate the students to conclude the program at school?

13 ART V: The figures are kept by school. They
14 are not kept by teacher. As a matter of fact, because
15 of the teacher's concerns that some of the packets were
16 not in the youngster's best interest, we are up-grading
17 our packets. Especially the junior high level in
18 relationship to graduation requirements in preparation
19 for the high school.

20 The teachers themselves have said that we need
21 to upgrade these packets if we're going to make them
22 meaningful for youngsters and if they're going to profit
23 from them. So it's not just a money question, it's a
24 student academic achievement question.

25 MR. SILLAS: Is there an affect on the

1 evaluation of the school, to that school, if the return
2 of the contracts is lesser than another school?

3 ART V: Yes. That is my responsibility.

4 MR. SILLAS: What happens?

5 MS. TISSIER: Let me just say this. I don't
6 think it's an evaluation. But we look critically at the
7 children who are leaving the schools and going out with
8 packets that we're giving and they're not having a high
9 completion return. What are we doing wrong. Because
10 the end result should not be the money. The end result
11 is the lack of learning for the child at that time.

12 So we're not concerned, I would hope we would
13 not be concerned because of a money problem, we're
14 concerned because the child did not complete an
15 opportunity for a learning environment.

16 MR. SILLAS: But the motivation. I understand
17 what you're saying about the motivation. But a student
18 who's in class, whether he or she learns anything, the
19 school is still receiving money. Is that correct?

20 MS. TISSIER: Right.

21 MR. SILLAS: And an assignment of a contract
22 to a student that does not complete the contract means
23 that the school does not get the money.

24 MS. TISSIER: But that's not the motivation
25 for the contract. And I think that --

1 MR. SILLAS: Would it be a fair statement to
2 say that the motivation to have the child complete the
3 contract also provides the school with money that it
4 would not have if the student did not receive the
5 contract?

6 MS. TISSIER: Absolutely.

7 MR. SILLAS: And my question is, do you have
8 anything set within your system to assure the system
9 that the children are not being given credit for the
10 contracts merely to provide the funds for the schools?

11 ART V: I myself, I make numerous home visits
12 to youngsters in their homes to encourage them. These
13 packets have been made up, that the contract is binding
14 upon you and it's binding upon us. And that in order
15 for the youngster to benefit educationally, it's
16 imperative that the work be done and that it be
17 monitored by a parent. And that upon their return, that
18 it be turned in timely. Otherwise we all lose.

19 MR. BUCHMAN: I think another point, if we
20 were to follow the thinking that we were doing this for
21 money, then I think we'd have a hundred per cent at
22 every school. And I didn't know that it was sixty-four
23 per cent at some schools. And I know Art's jumping on
24 some people if it is. But if we were just doing it for
25 the money it would be a hundred per cent. If we have

1 sixty-four per cent at some schools, that's not a great
2 percentage.

3 MS. TISSIER: I think the question, while
4 schools are certainly in dire need of money, our
5 motivation in terms of children is learning. That's the
6 focus, learning. And the focus also is getting the
7 children to stay in school and not leave.

8 So the whole tone of the way this is going is
9 something that I really take exception to. As an
10 educational leader. I have to say that to you. Because
11 professionally my focus is on getting the kids to stay
12 in school and learning. I would hope that we wouldn't
13 have anybody on our independent study program. That
14 every child was in a seat every day of the year. We're
15 not motivated because of money.

16 MR. SILLAS: You've made reference to the
17 parent's programs, and you indicated that you had met
18 with the PTA's at the districts. What percentage of the
19 Mexican families, or parents, belong to the PTA's, do
20 you know?

21 MS. TISSIER: No, I don't know.

22 MR. SILLAS: Do you know whether or not at the
23 PTA meetings they provide interpreters for non-English
24 speaking parents at the PTA meetings?

25 MS. TISSIER: I think they try to do that in

1 most of our PTA meetings. Sometimes it's very difficult
2 to do that. But I think that they make a concerted
3 effort to try in most cases. I know at the district
4 level we do. At our district council meetings and our
5 bi-lingual meetings.

6 MR. SILLAS: You indicated that the single
7 most important issue raised with you at the time you met
8 with your PTA's was the involvement of Hispanic parents
9 in the schools. What steps do you view would make that
10 possible?

11 MS. TISSIER: I think we have to do more
12 reaching out. I think Art is a good first step and link
13 to the community. First they have to feel like they're
14 wanted and there's a trust relationship. I also think
15 that sometimes people coming from a foreign country are
16 not secure with public agencies. They feel threatened
17 by public agencies. And we have to do more by extending
18 a friendly hand to all of our community members, and
19 saying we really want you. You're an integral part of
20 this community.

21 MR. SILLAS: Are your communications from the
22 school district to the parents in other languages, other
23 than English?

24 MS. TISSIER: Yes.

25 MR. SILLAS: And as it pertains to the PTA

1 meetings, however you think there's an attempt, but
2 you're not certain that there's a policy that the
3 meetings can be conducted in languages other than
4 English to assist the non-English speaking --

5 MS. TISSIER: PTA's are a separate entity.
6 They're not district operated. I don't know about the
7 PTA fliers going home, if they're in another language or
8 not. Because that's up to the PTA's how they do that.
9 But when then get there, I know that various schools try
10 to have an interpreter there to work with our parents.

11 MR. SILLAS: Would you view the sending of
12 notices by the PTA in languages other than English as a
13 step in the right direction?

14 MS. TISSIER: Absolutely.

15 MR. SILLAS: You made mention also of the
16 number of new hires as teachers, I think you said there
17 were twenty credited or waived bi-lingual teachers.
18 What number or percentage of those twenty were waived?

19 MS. TISSIER: I don't know. I'd have to go
20 back --

21 MR. SILLAS: Anybody know? Am I correct in
22 assuming that a waiver means that the teacher is not bi-
23 lingual but that state department has waived that
24 requirement if certain other things are done?

25 MS. TISSIER: What we try to do is, normally

1 they're not as fluent in Spanish speaking language. And
2 they have given a desire to take classes and also to
3 become credentialed bi-lingually. Normally, I think,
4 and I'd have to go back to Bob Gerba (phonetic), who
5 works with that quite extensively, is that we try to
6 have the teachers to have some language capabilities.
7 It might be minimal, but some. And I'm not so sure also
8 it's a hundred per cent of the time.

9 MR. SILLAS: Could you provide for the
10 committee the number of the twenty which are bi-lingual
11 certified. Let me ask also, you commented about the
12 difficulty that the school is facing, problems it's
13 facing with the six students and the lack of study
14 vocation at the home, because of the five families in a
15 home. Does the district have any land itself which it
16 has available for joint venturing with developers for
17 construction of homes? Or is all of your land presently
18 being occupied by school facilities and the use of it?

19 MS. TISSIER: All of it's being occupied. In
20 fact, we're asking developers to donate some land if
21 they'd like. We trying to build schools. We're tight
22 for space.

23 MR. SILLAS: You're aware, of course, of the
24 opportunity that school districts have to joint venture
25 now with private developers for schools.

1 MS. TISSIER: Right now we're in the process
2 of looking at becoming a meler roost (phonetic) district
3 and that's one of the reasons I'm flying back, meeting
4 with some of the consultants tonight.

5 MR. SILLAS: One final question, doctor, you
6 mentioned about the nurse's being on your staff for the
7 students, are those bi-lingual nurses?

8 ART V: Our most recently hired nurse is bi-
9 lingual. And she worked in the peace corp in most of
10 Latin America. And we do have a number of health aides.

11 MR. SILLAS: What about teacher's aides, do
12 you know how many teacher's aides you have in a school?

13 MS. TISSIER: Large numbers.

14 MR. SILLAS: And these are bi-lingual
15 teacher's aides?

16 MS. TISSIER: Some of them are.

17 CHAIRMAN CARNEY: Ms. Patterson?

18 MS. PATTERSON: I have no questions.

19 CHAIRMAN CARNEY: Mr. Beltran?

20 MR. BELTRAN: Just one question, doctor. Have
21 you done an assessment of the performance of your pupils
22 who participated in the independent study program when
23 compared with the rest of the peoples, the ones who
24 don't?

25 MS. TISSIER: No we have not. Not necessarily

1 and independent evaluation. We could go back and look
2 at the records of those children and see if they're
3 doing poorly or --

4 MR. BELTRAN: Is there a standard test that
5 the eighth graders must take before going on to
6 admissions in high school?

7 MS. TISSIER: There are requirements in terms
8 of graduation requirements that we have. But not a
9 standardized test.

10 MR. BELTRAN: There's not a state-wide, sort
11 of an ACT or SAT type test?

12 MS. TISSIER: No.

13 ART V: We do have a new board policy on
14 graduation standards which requires a C average and also
15 outlines required attendance eighty per cent of the
16 school year plus one day.

17 MR. BELTRAN: But you have not measured the
18 performance of the pupils who have participated in the
19 independent study program?

20 ART V: Not formally.

21 MR. BELTRAN: Do you have a sense of whether
22 they do as well, worse, or better than those who are not
23 independent studies?

24 MS. TISSIER: I'm getting the feeling like
25 there's almost a mind-set that we have children that are

1 gone long periods of time. We might have one child that
2 leaves for Mexico and is gone thirty days. And then
3 he's back to school. And we might have another child
4 that's gone for two weeks, and then he's back in school.
5 But they're not gone for months, or not in this program
6 for months on end.

7 MR. BELTRAN: Doctor, let me just call upon my
8 own experience as a farm worker, where I attended
9 schools in King City, Morgan Hill, Salinas. And when we
10 were gone, we were gone. I assume that you have some of
11 those folks like I was, that are here and then they're
12 gone. Period. They don't come back. Do you have any
13 pupils in that category?

14 MS. TISSIER: Yes we do.

15 MR. BELTRAN: How do you measure, or test, or
16 assess the performance of your district with regard to
17 those pupils?

18 MS. TISSIER: We don't know, they don't come
19 back. I mean they leave the district. If they leave
20 the district we would not be assessing them.

21 MR. BELTRAN: But during the time that they
22 are there --

23 MR. BUCHMAN: We have two standardized tests
24 that are given. We use the SAT test. And we're
25 participating in the CAP test while the stated funded

1 it. We're hoping that it gets re-funded. Anything you
2 can do to help, we'd appreciate it.

3 On those tests, each child's scores come back
4 with independent scores and are analyzed by the
5 classroom teacher and the principal at the site. There
6 is an assessment process for each child in the district.
7 So if the child seems to be doing poorly, there are
8 committees that are set up to work with those children
9 specifically.

10 MS. TISSIER: I think, Mark, you're a little
11 bit off target here in terms of CAP test scores. But we
12 do have a district Stanford Achievement Test that we
13 give children. But I don't think it's addressing the
14 question that you're asking. Do we track these children
15 that are on independent study. And I'd have to honestly
16 say, to my knowledge, no.

17 MR. BELTRAN: You don't know whether
18 transcripts are requested by another school district?

19 MS. TISSIER: Sure.

20 MR. BELTRAN: You do know that?

21 MS. TISSIER: Once a child is enrolled in
22 another school, they request transcripts and we send
23 those.

24 MR. BELTRAN: Do you have any sense of those
25 who go through your district and then disappear, whether

1 at one hundred per cent or at a lesser percentage
2 continue on in school in some other place?

3 MS. TISSIER: I don't. I do know this, that
4 we make a concerted effort in our district to get
5 children in school. And when they don't come in and
6 enroll and people tell us, or Art's out there working
7 and Bob Gerba (phonetic), that we make a concerted
8 effort to get those kids enrolled in our schools.

9 CHAIRMAN CARNEY: Thank you, doctor. Before
10 you leave, I'd ask the gentlemen to your right, would
11 you please state your name again, slowly this time, for
12 the record, so we have your name.

13 MR. BUCHMAN: Mark Buchman, and I work with
14 the district.

15 CHAIRMAN CARNEY: I thank all of you. And
16 thank you, doctor, for bringing everyone. And for the
17 inconvenience you've gone through to be here. We
18 appreciate your participation.

19 And next we have Mr. Schwammel. You've been
20 very patient sir. All day long. We're running a little
21 late now.

22 MR. SCHWAMMEL: My pleasure.

23 CHAIRMAN CARNEY: All right. Mr. Schwammel,
24 you may begin. I would ask that you state your name for
25 the record and your position. And you may make a

1 statement if you wish. If you have a prepared statement
2 you can read it. And if you have any remarks you are
3 free to do so.

4 MR. SCHWAMMEL: I'd like to do that. For the
5 record, by name is Wayne Schwammel. I'm the City
6 Administrator. I live here in Santa Maria, just about
7 three blocks from the City Hall.

8 By way of background, and it may be helpful
9 for you to know a little bit about my background. I've
10 been in the public sector for twenty-five years. I
11 started in 1966 with the Office of Industrial Relations
12 at Treasure Island doing work for the U. S. Navy. I was
13 a position classification specialist.

14 After a year I became a generalist personnel
15 analyst with the City of Oakland, very closely involved
16 with the Affirmative Action Officer in the
17 implementation of the City of Oakland's Affirmative
18 Action Plan. I eventually ended up handling recruitment
19 and testing and classification divisions for the city.

20 I was involved with the Affirmative Action
21 Plans specifically in the police department and fire
22 department. I developed the first content validated
23 entrance level examination for fire fighters that was
24 upheld at the appellate court level as a content valid
25 examination. I also was involved in recruitment and

1 testing for the police department in which minority
2 employment rose from eleven per cent to twenty-six per
3 cent in less than three years.

4 I left the City of Oakland after ten years to
5 take a position with the City of Newport Beach as
6 Assistant City Manager and Director of Employee
7 Relations. I stayed there for three and a half years
8 and came to Santa Maria ten years ago.

9 I was hired as a Deputy City Administrator
10 with responsibility for the line supervision of eight
11 operating departments and also the employee relations
12 function. I was appointed as City Manager a year and a
13 half ago.

14 I submit this written memorandum to you in
15 response to your November 21, 1990 memorandum directed
16 to my personal attention. This letter indicated the
17 California Advisory Committee to the U. S. Commission on
18 Civil Rights would be holding a forum in Santa Maria.

19 The indicated purpose of this forum is to
20 address issues in Santa Maria relating to four areas.
21 Voting rights, housing, municipal services, and
22 employment. Although it is difficult to prepare written
23 remarks relating to the above referenced issues without
24 more specific information I will attempt to address
25 these issues from the stand-point of demonstrating

1 non-discriminatory practices on the part of the City of
2 Santa Maria.

3 First, voting rights. We have been monitoring
4 the evolution of cases which have considered the
5 judicial implementation of city/district elections. To
6 this date we do not believe that the facts warrant the
7 imposition of district elections. It is evident from
8 these cases that statistical evidence is required to
9 judicially implement districts.

10 The upcoming census figures and recent
11 election totals will be reviewed. The statistics and
12 other relevant factors require the consideration of
13 district elections the city will, of course, do so.

14 Additionally, at this point in time, no group
15 or individual has formally approached the city with a
16 request to consider districts. We will review such a
17 request and the relevant information transmitted in
18 support and refer same to the city council for their
19 consideration.

20 As to housing, the City of Santa Maria in our
21 opinion, is unparalleled on the central coast in
22 providing affordable housing. We presently have
23 approximately twenty-one thousand dwelling units in our
24 city. We provide affordable housing for approximately
25 one thousand one hundred Section 8 certificate holders.

1 Which is about sixty per cent of the Section 8
2 certificates allocated to Santa Barbara county. In our
3 population of sixty thousand is approximately sixteen
4 per cent of the total Santa Barbara county population of
5 three hundred and sixty-six thousand.

6 Some of the specific affordable housing
7 projects that have receiving direct assistance are as
8 follows. One hundred and twenty-two dwelling units
9 senior mid-rise in the downtown redevelopment. One
10 hundred and twelve dwelling units family housing,
11 downtown redevelopment. Twenty-two dwelling units,
12 family housing, Pepperwood. Thirty-five dwelling units,
13 handicapped/senior, New Love. Sixty-seven dwelling
14 units, family housing, Oak Valley, Santa Barbara
15 Community Housing Committee.

16 Ninety per cent of these are lower income,
17 eighty per cent of which are Hispanic. Seventy dwelling
18 units, self-help housing, Oak Valley, under
19 construction. And one hundred fourteen dwelling units,
20 rehabilitated units, throughout the city for a total of
21 five hundred and forty-two units.

22 As can be seen by the above, project number
23 five, Oak Valley, developed on property purchased by the
24 city using general fund monies, eighty per cent of the
25 units were purchased by Hispanics. We anticipate a

1 similar ratio on the upcoming project number six, the
2 people self-help development.

3 On this project we utilize four hundred
4 thousand of the community development Block Grant funds
5 for lot improvements and are selling the lots to people
6 self-help at approximately twenty to twenty-five
7 thousand below market. So far thirty-two families are
8 in processing. Of these, ninety per cent are
9 minorities. And nine of the thirty-two are farm
10 workers.

11 In addition to the above, the city maintains a
12 policy to convert excess industrial and commercial land
13 to residential land uses. This policy helps us
14 implement our jobs/housing balance and provides
15 additional affordable housing units. Since 1984 we have
16 created approximately two hundred and twenty acres of
17 residentially zoned property. This would allow
18 approximately three thousand additional residential
19 units to be built, of which approximately four hundred
20 units have already been constructed and many projects
21 are in plan check.

22 We also have a mobile home park, containing a
23 hundred and thirty-five units which was conditioned by
24 our planning commission and city council to not exclude
25 families. This mobile home park was also required to

1 have a day-care facility.

2 The city's supply and demand strategy for
3 affordable housing is working. We presently have
4 single-family dwellings on small zero lot lines that are
5 selling on the open market for a hundred and twenty-
6 nine thousand. We have over two hundred condos on the
7 market that start at eighty-nine thousand. In today's
8 market these prices are phenomenal when you consider
9 lots in Santa Barbara county, south of Santa Maria,
10 start at a hundred and twenty thousand.

11 In reference to farm worker housing, according
12 to the area planning councils August 1989 report, we
13 have approximately five thousand farm workers, including
14 migrant farm workers, residing in the Santa Maria market
15 area at any given time. It is fair to say that most of
16 these workers are presently being housed in safe and
17 decent housing.

18 There is no question that there are landlords
19 who rent out garages and rent their homes to many
20 residents. But as a percentage of the total we feel it
21 is relatively small. When the city receives a complaint
22 concerning people living in an illegal unit, we
23 investigate and seek compliance with applicable zoning,
24 health and safety codes. We do not order immediate
25 abatement. We allow, in many cases, months for the

1 landlord to vacate the illegal unit, which allows
2 sufficient time for the innocent tenant to find
3 appropriate housing.

4 We feel we have an obligation to help solve
5 the housing problem including the farm worker housing.
6 We also realize it is a reasonable issue and warrants
7 creative solutions.

8 Based on the above numbers, the City of Santa
9 Maria is doing it's fair share to solve our problem and
10 will continue to provide maximum efforts in this area.
11 As of this date, the city has two farm worker housing
12 projects in the formative stages. We're working closely
13 with the Peoples Self-Help Housing Corporation of San
14 Luis Obispo to help address the recognized problem of
15 providing housing for all economic segments of our
16 community.

17 Santa Barbara county must be held accountable
18 in the solution as they are allowing substantial new
19 areas of agricultural land each year and are doing
20 nothing to address the affordable housing problem.

21 The City of Santa Maria's Community
22 Development Block Grant Program is designed to benefit
23 primarily low and moderate income persons. In the last
24 twelve month period reported nine hundred and sixteen
25 thousand was expended to benefit low and moderate income

1 persons. This constituted ninety-three per cent of the
2 CDBG funds expended in that time period. The non-
3 expended includes funds from previous year's grants as
4 well as program income.

5 Sixty per cent of the total number of
6 households and persons assisted through the projects and
7 activities funded during the last fiscal year are
8 minorities. Out of the sixty per cent, eighty-eight per
9 cent are Hispanic.

10 Projects and activities funded last year which
11 directly benefit lower income persons include, The
12 Housing Incentives Program, two developments were
13 undertaken, Valentine Court for senior and handicapped
14 individuals; and Oak Valley, a single-family residential
15 development. In both cases, CDBG funds were used to put
16 in the necessary public improvements.

17 Our residential rehabilitation loan program,
18 this program is an on-going program offering low
19 interest and deferred loans to low income senior and
20 handicapped households. Our non-profit facilities
21 program, this is also an on-going program designed to
22 assist public service organizations acquire or
23 rehabilitate an existing that directly serves their
24 clients.

25 Within this period the program assisted the

1 Salvation Army, the Boys and Girls Club, the DaNotti
2 (phonetic) House, a group home for developmentally
3 disabled young adults. Public service, under current
4 CDBG regulations, only fifteen per cent of Block Grant
5 funds can be used to provide assistance to public
6 service organizations for operating expenses. The City
7 of Santa Maria adopted a resolution committing the
8 maximum of fifteen per cent of each year's grant, every
9 year.

10 In this reporting period, the following
11 organizations received funding. Good Samaritan Center,
12 Catholic Charities, Rape Crisis Center, Klein Bottle,
13 Social Advocate's for Youth, The Legal Aid Foundation,
14 The Children's Referral Program, and the Community
15 Action Commission, Salvation Army, Independent Living
16 Sources Center, SMILE, Shelter Services for Women, The
17 Santa Maria Valley Senior Club. These organizations
18 received a total of eighty four thousand nine hundred
19 dollars.

20 This year the City of Santa Maria received an
21 entitlement amount of five hundred sixty-one thousand
22 dollars. Of the total amount of program funds
23 allocated, a hundred per cent is benefiting low and
24 moderate income persons.

25 Specifically, the funds are allocated as

1 follows. Non-profit facilities program, a hundred and
2 eighty-eight thousand. Neighborhood conservation
3 program, a hundred and twenty-nine nine. Public
4 facilities improvements, fifty thousand. Public
5 services, eighty-four thousand nine hundred. And
6 general administration, a hundred and eight thousand two
7 hundred.

8 As evidenced by this review, the Community
9 Development Block Grant Program is vital to the City of
10 Santa Maria. It reaches out to the members of our
11 community who in many cases have no other sources of
12 assistance to turn to. Block Grant Funds provided the
13 first shelter for battered women in Santa Maria. The
14 first emergency shelter for homeless persons. And the
15 first independent living facility for developmentally
16 disabled persons.

17 In the area of municipal services, it is this
18 writer's opinion that the City of Santa Maria is clearly
19 in a non-discriminatory mode in providing of municipal
20 services to the citizens of Santa Maria.

21 In the area of recreational services, the city
22 has striven from its inception to provide a
23 comprehensive well-balanced program covering the needs
24 and interests of all segments of our citizenry. The
25 city's recreation and parks services have been

1 recognized and honored by local organizations on up to
2 and including the federal government.

3 The programs provided cover a wide and varied
4 range of activities which are identified in our city's
5 quarterly publication entitled "In Touch". We have all
6 the standard and traditional programs such as youth and
7 adult sports, playground activities, aquatics,
8 performing, visual arts, senior citizen programs and the
9 developmentally disabled services.

10 In all of these program areas, the Hispanic
11 citizens are significantly represented. For example,
12 from youth to adults, over fifty per cent of the
13 participants are Hispanic. In addition, the department
14 has assisted the predominantly Hispanic semi-pro
15 baseball program with the use of fields at no cost. We
16 have assisted the Sunday softball league comprised of
17 farm workers to use city fields at no cost. The
18 department has worked with the adult soccer league since
19 the late 1970's to provide fields and guidance to ensure
20 continuation of their league in Santa Maria.

21 The senior citizen program includes
22 recreational activities to social service needs. Such
23 special services are nutrition, brown bag, agricultural
24 food distribution, garden plots and workshops regarding
25 taxes, legal, and health matters. Representatives by

1 Hispanics range from forty to seventy-five per cent in
2 these programs.

3 In our aquatics program between swim classes
4 and public swim, there are anywhere from fifty to
5 seventy-five per cent Hispanic citizens taking part in
6 the programs offered.

7 The recreation and parks department has tried
8 to provide activities or events that specifically might
9 interest the Hispanic community. Such as the arts,
10 arrangements were made for professional aztec dance
11 group to come to Santa Maria to perform and to conduct a
12 clinic for children. Antonio Lopez, renowned classical
13 guitarist, was another special arrangement as was the
14 drama group El Teatro de la Esperanza (phonetic).

15 The city's staff was involved with leaders in
16 the Hispanic community in the creation of a program for
17 all, but particularly Hispanic youth and young adults
18 called P.R.I.D.E. The city provided staff and funds to
19 operate a recreation program and boxing program which
20 P.R.I.D.E. represented it.

21 A community-wide event of great importance to
22 the Hispanic population and to the community in general
23 is a very successful, annual, Cinco de Mayo celebration.
24 City staff was an integral part in the creation and
25 development of the Cinco de Mayo program in Santa Maria.

1 The recreation and parks department today continues to
2 assist the annual event by helping to arrange for
3 facilities and other pertinent needs.

4 The Hispanic community is a prominent
5 participant in our recreation and parks services. The
6 staff is sensitive to their desires and interests and
7 makes concerted efforts to ensure all who wish to
8 participate can do so. All the program's offered by the
9 department have recreation grants, no charge, available
10 to any citizen who cannot afford to pay the class or
11 program fee.

12 The department's primary goal is to create
13 opportunities for citizens of all ethnic origins or
14 economic status to enjoy their particular recreational,
15 leisure interest.

16 Another question asked, which in this writer's
17 opinion is best addressed under the minuscule services
18 section of this memorandum relates to the procedures
19 involved in handling of public works contracts.

20 The agreements section of every public works
21 contract issued has two section which apply to the
22 protection of civil rights. Section 36 entitled Labor,
23 Non-Discrimination, states that during the performance
24 of this contract contractor and his sub-contractor shall
25 not unlawfully discriminate against any employee or

1 applicant for employment because of race, religion,
2 color, national origin, ancestry, physical handicap,
3 medical condition, marital status, age over forty, or
4 sex. This section sets forth various sections of the
5 California administrative code which applies.

6 Section 37 entitle Equal Employment
7 Opportunity, stipulates that no contractor shall
8 discriminate against any employee or applicant for
9 employment because of race, color, religion, sex, or
10 national origin. In addition the contractor is required
11 to include a statement of all solicitations or
12 advertisements for employees that all qualified
13 applicants will receive consideration for employment
14 without regard to race, color, religion, sex, or
15 national origin. This section also requires the
16 contractor to comply with various statutes and executive
17 orders. Failure to comply with this section of the
18 agreement is cause for termination of the contract.

19 Under the area of employment, under
20 recruitment, regarding the city's recruitment practices,
21 we follow generally accepted affirmative action
22 practices with respect to providing notice of city
23 vacancies.

24 In addition to developing extensive out-reach
25 mailing lists, the city has taken the extra step of

1 advertising jobs in minority job publications, using
2 minority oriented recruitment agencies and other focused
3 advertisement resources. The city also attends special
4 targeted recruitment efforts as the recent Central
5 California Affirmative Action Career Fair, which
6 approximately two thousand participants attended.

7 In these departments where special needs are
8 evidenced, targeted recruitments are initiated to meet
9 these needs. For example, bi-lingual recruitments have
10 been targeted in the police department for police
11 officers and in the community development department
12 building division for bi-lingual code enforcement
13 officer.

14 In the last week, two bi-lingual Hispanic
15 officers, one male and one female, completed the
16 recruitment process and will start employment in mid-
17 December. In addition, the police department is
18 currently doing background investigations on two bi-
19 lingual Hispanic candidates for possible entrance into
20 the January police academy for eventual employment as
21 police officers upon successful completion of the police
22 academy.

23 In addition to bi-lingual recruitment for
24 lateral experienced police officers closed November 30,
25 1990, and the city expects to make additional hirings

1 from this eligibility list pending successful completion
2 of the entire examination process. All test and
3 selection criteria are validated for job relatedness
4 including written examinations, physical performance
5 tests, practical performance tests, interviewing
6 procedures, application rating forms, and final
7 selection criteria.

8 Written examinations are de-emphasized and
9 when used are only one of several factors in the
10 selection process. Interviews are structured so that
11 only knowledge, skills and abilities relative to the
12 position are evaluated. Other oral board selection
13 techniques are used including assessment centers
14 performance tests, and structured technical oral tests,
15 again based only upon the job requirements.

16 Oral boards are composed of members of the
17 workforce at large and subject matter experts. Oral
18 boards also include a member of a protected group to
19 reflect the composition of the applicants being
20 interviewed. A personnel professional orients the oral
21 board regarding appropriate interviewing and selection
22 techniques emphasizing affirmative action goals and the
23 board's responsibility in employment opportunity.

24 Of special importance is a comprehensive
25 classification and validation study of approximately a

1 hundred and twenty-five city classifications which has
2 been budgeted for this current fiscal budget period,
3 1990 to 1992. On an on-going basis the city reviews and
4 revises job descriptions to reflect current work
5 requirements and reviews and revises job requirements to
6 ensure accuracy of minimum qualifications for job
7 performance and relatedness to job content.

8 Such reviews and revisions are conducted in
9 concert with department subject matter experts and
10 review of actual job performance where necessary. In
11 training, the city actively promotes training programs
12 which will facilitate the upward mobility of protected
13 group members.

14 The city also provides educational incentive
15 depending on the amount of education the employee has
16 received beyond that of which is required by the job.
17 The city also provides funds and support of the local
18 national management association which provides many good
19 training opportunities to all employees.

20 The committee has been provided by it's staff
21 a copy of the city's affirmative action plan with up-
22 dated goals and time tables. The document clearly
23 indicates the city's commitment and success in the area
24 of affirmative action. Utilization has been achieved in
25 almost all job categories.

1 A review of new hires from January 1, 1989 to
2 the present, almost two years, in the departments of
3 police and public works, indicates that of the total new
4 hires thirty-two, fifteen, thirty-eight per cent were
5 minority hires. Of the fifteen, ten were Hispanic, two
6 black and three Asian. The police and public works
7 departments were singled out for special review as these
8 departments constitute approximately ninety per cent of
9 the cities new hires.

10 My final point pursuant to the issue of
11 employment is in response to the allegation that there
12 are only two women minorities in the category of
13 department head and middle management employees.
14 Nothing could be further from the truth. A review of
15 this group indicates instead that of forty-four
16 employees in this category, eight are women, seven are
17 minority, six Hispanic and one Asian.

18 In conclusion, I would like to state that the
19 above information as it relates to the issues of voting
20 rights, housing, municipal services and employment
21 demonstrates clearly in this writer's opinion that the
22 city is not in fact practicing discrimination. I would
23 be more than happy to match the city of Santa Maria's
24 track record in the above referenced areas against a
25 cross-section of municipalities in the state of

1 California.

2 This is not to insinuate, however, that there
3 may not be actions that the city might take to improve
4 services to it's citizenry and more specifically it's
5 minority community. If at the end of these hearings,
6 the advisory committee finds that it can offer
7 recommendations that will allow the city to better serve
8 it's minority community, the city will of course give
9 these recommendations great deference, careful
10 consideration, and where appropriate adopt them. The
11 city of Santa Maria will await the advisory committee's
12 findings pursuant to this forum.

13 Before I throw myself open for questions, I'd
14 like to indicate that I have a number of key staff
15 members here today. In appreciation of your taking your
16 week-end away to come to this community to hold hearings
17 and eventually make recommendations, I think it's only
18 fair to you that I provide you with the most accurate,
19 honest information possible.

20 Within this context I'd like to recognize in
21 the audience my city attorney, Art Montanden (phonetic),
22 my director of community development, Bill Orndorff,
23 which at this moment I would like to come forward and
24 join me at the table because I think there will be some
25 specific questions as it applies to housing and our

1 procedures that I would like him to answer. Also in the
2 audience is Barbara Hutchins, our principal planner, who
3 handles our Block Grant funding, and the administration
4 of that program. Kim Ness, our deputy city
5 administrator and director of employee relations, Vicki
6 Zorkocy (phonetic) our assistant to the city
7 administrator who has done most of our work on
8 affirmative action and acts as our personnel officer.
9 Les Redio (phonetic), our director of public works, who
10 is available to answer questions regarding public works
11 contracts. Lee Guise (phonetic), our transportation
12 engineer, who handles the UMPTA program and can answer
13 questions regarding UMPTA funding and contractual
14 matters. Mike Melamonté, our director of recreation and
15 parks, who can address questions regarding municipal
16 services. And Russ Matthews, who will be appearing
17 after me, our police chief, to answer questions in that
18 arena.

19 So with that, may I apologize for such a long
20 written statement. Sometimes I'd rather watch paint
21 peel than listen to speeches of that duration. But I
22 felt it extremely important both from the standpoint it
23 might answer questions that you were going to have and
24 secondly because so many people in this audience are not
25 aware of the efforts the city takes in the areas of

1 housing, employment and municipal services as it applies
2 to the minority community. So with that I'm open to
3 questions.

4 CHAIRMAN CARNEY: We certainly appreciate
5 their appearance and yours as well. And for purposes of
6 moving the agenda along I'll ask Mr. Sillas, would you
7 care to ask any questions of these individuals?

8 MR. SILLAS: Mr. Schwammel we greatly
9 appreciate the time you've obviously taken to address
10 some of the issues that have been addressed here earlier
11 this morning. I just want to focus in on a couple of
12 them that persons testified to or made statements about
13 earlier this morning and earlier this afternoon. One of
14 them had to do with a green ribbon and a red ribbon.
15 And the comments that were printed on the ribbon had to
16 do with persons against bigotry and prejudice, I
17 believe. Do you know whether or not any city employees
18 wore any of those at the city?

19 MR. SCHWAMMEL: I'm not aware of it, but if
20 they had, I would have absolutely no objection to it.
21 The cases cited to you were county departments.

22 MR. SILLAS: So as far as you were concerned,
23 as a matter of policy of the city, you would not have
24 required anyone to remove those or lose their job.

25 MR. SCHWAMMEL: I'd be happy to pin one on now

1 if you'd like to present me with one.

2 MR. SILLAS: I don't happen to have one. Do
3 you know whether or not the city has a hate crime
4 policy, and do you know what I mean when I ask that
5 question?

6 MR. SCHWAMMEL: I heard your definition
7 earlier, but if you'd mind repeating it for me I'd
8 appreciate it.

9 MR. SILLAS: Some municipalities have
10 implemented a policy that where there is, for example,
11 the spraying of racial epithets or anything dealing with
12 where there's a racial overtone to a crime, they make an
13 all out effort to apprehend the culprit. And proceed
14 with a very aggressive prosecution of the individuals
15 because of the racial overtones and the chilling effect
16 that it can have on minorities within a community. And
17 this is generally now been phrased a hate crime policy.
18 That certain types of activities are viewed as hate
19 crimes and that those types of crimes will be
20 aggressively pursued. My question is, does the city
21 have such a policy, if you are aware of it?

22 MR. SCHWAMMEL: I think the police chief could
23 probably answer that better, who will follow me here.
24 But my understanding is that in crimes of this nature if
25 youth are involved it's specifically referred to our

1 officers who handle gang control. We have a graffiti
2 removal program which we respond within forty-eight
3 hours, to the removal of graffiti within the community
4 if it relates to this type of hate literature or hate
5 activity.

6 My feeling is that we prosecute all of our
7 crimes vigorously. And I am not aware of any particular
8 focus. And the chief may choose to correct me when he
9 makes a presentation after me. But as to this specific
10 type of a policy, no, I don't believe we have that.

11 MR. SILLAS: You indicated at the beginning of
12 your comments about reviewing the statistics from the
13 recent election to make a determination whether or not
14 there should be a recommendation for election of council
15 persons on a district basis as opposed to a city basis.
16 Could you indicate to us what it is you would be looking
17 for to come to that kind of conclusion?

18 MR. SCHWAMMEL: Well I think what we'd be
19 looking for, and at this point we don't have the results
20 yet, but if it was determined that a minority candidate
21 in a specific quadrant or section of the community was
22 the winner by vote over an anglo candidate, and had we
23 had districts that person would be elected in that
24 particular area of the community, but because we do not
25 have district and because we elect on a overall city

1 basis this person was not elected, then based on the
2 Watsonville case a precedent might be set to consider
3 going to district elections. And if we found this we
4 would report this information to the council.

5 MR. SILLAS: We heard earlier this afternoon
6 from the chairman of the planning commission, and I know
7 you were in the audience and you heard his comments as
8 it pertained to the planning and to the impact that
9 industry would have on housing, et cetera. I won't
10 repeat that. He also made comments as it pertained to
11 the agricultural acres becoming productive in terms of
12 being changed from grazing land to producing land. I
13 gather from your comments that you viewed that more of a
14 county issue as it pertained to housing as opposed to a
15 city issue.

16 MR. SCHWAMMEL: That's correct.

17 MR. SILLAS: Is there anything that you
18 believe the city can do within it's own structure to
19 impact, to assure that housing would be provided for
20 farm workers that you're presently not doing?

21 MR. SCHWAMMEL: Really I can only suggest more
22 of the same. In preparing for this forum, and looking
23 at the areas in which you wish to explore, admittedly
24 housing is the achilles tendon, because you can make an
25 argument that no matter how much we're doing, it's not

1 enough.

2 And although I feel that in relation to the
3 central coast and throughout the state we're doing a
4 tremendous job, the argument can be made, and made very
5 well that we should be doing more. But through the one
6 hundred per cent, almost one hundred per cent allocation
7 of Block Grant funding, towards projects that help
8 specific groups within the minority community. Towards
9 buy-downs of development, like the Oak Valley project
10 which constitutes seventy homes.

11 The litany of items that I referred to, areas
12 that we're doing our best within budgetary constraints
13 to address this problem, I can only say more of the
14 same. And Bill, if you want to address it more
15 specifically from the planning process, would you care
16 to piggy-back on that?

17 MR. ORNDORFF: As indicated in the text that
18 Mr. Schwammel read, we have a lot of programs. And as
19 Gil Guevara, the chairman of the planning commission
20 referred to earlier this morning, we have a lot of
21 programs in the housing element which was adopted in
22 1987. All of those programs seek to provide additional
23 housing.

24 And I think as Wayne said, there is a
25 limitation. We use almost every available cent we have

1 from Block Grant federal money. We even used over a
2 million dollars of our own money, of the general fund,
3 to buy forty-five acres. That's a lot. We're going to
4 get paid back over a long period of time. But I can't
5 think of any city that has ever done that.

6 MR. SILLAS: One of the criticisms leveled
7 towards the city earlier this afternoon or from an
8 attorney from the California Rural Legal Assistance and
9 in that she mentioned two projects that had been funded
10 by HUD and that the difficulty was the location of the
11 sites. They were not able to get sites. And she had a
12 general criticism of the city in terms that her feeling
13 that the city had not done enough to assist in location
14 of the sites.

15 I want to give you the opportunity at this
16 time to respond to that or indicate to us what you think
17 a city ought to do and what Santa Maria specifically is
18 doing as it pertains to location of sites or possible
19 low to moderate income housing.

20 MR. ORNDORFF: The county housing authority is
21 the one that had the grant available. And I think as
22 indicated they had two locations, one in Orca
23 (phonetic), which is in the county, which was denied
24 because of neighborhood opposition.

25 I'm not aware of any attempt on the county

1 housing authority to contact myself, council, or
2 administration, to say that we have this money
3 available, do you have any sites. If they had I'm sure
4 we would have looked around. I think that, as stated in
5 our housing element, that the farm worker housing is
6 primarily the county's responsibility, but that we would
7 assist wherever we can. In either locating the site
8 that's appropriately zoned or locating the site that
9 could be re-zoned.

10 MR. SILLAS: Let me ask, there have been
11 statements made earlier this morning and this afternoon
12 about five families living in a home. And those homes,
13 or houses, are in the city of Santa Maria. Now do you
14 view that situation as a situation the city ought to
15 address or that the county ought to address?

16 MR. ORNDORFF: The city should address it, and
17 is addressing it.

18 MR. SILLAS: How is the city addressing that?

19 MR. ORNDORFF: We're addressing it through
20 code enforcement, based on a complaint basis. If there
21 are, in fact, five families living in one home it
22 wouldn't be more than about a week before the city
23 receives a complaint. Or somebody calls a councilman to
24 complain about it. We would then investigate it. If
25 they're illegally occupying the garage, if they're

1 illegally occupying a trailer or mobile home in the
2 backyard, if there's cars parked on the front lawn, or
3 whatever the case might be, we will seek compliance.

4 MR. SILLAS: But the living of the five
5 families in the house can be attributed to a lack of
6 housing. And as to the lack of housing what is the city
7 prepared to do in that regard. Because otherwise what I
8 see can happen is that you basically are going to wind
9 up putting some people out on the street. Which causes
10 it to become a homeless issue.

11 MR. ORNDORFF: The policy of the city has been
12 to provide housing on the open market as much as we can.
13 We cannot force a developer to build a project. All we
14 can do is create the opportunities.

15 So the policy of the city has been to change
16 zoning of land that we have too much of, industrial, to
17 land that we do not have a good supply of, multiple
18 residential. And as indicated in Mr. Schwammel's
19 statement, two hundred and twenty acres has been changed
20 to multiple residential, or residential of some form or
21 another. That then increases the supply.

22 It has been the policy of the planning
23 commission and city council on ownership to not require
24 inclusionary housing. Whereas if you build a hundred
25 units, twenty-five per cent of them must be affordable.

1 That has not been the policy of the planning commission
2 or the city council.

3 It has been the policy for rental of multiple
4 residential apartments. Where we will require ten or
5 fifteen per cent of the units to be affordable. And we
6 have had, in spite of what you heard this morning, we do
7 have an active program to ensure enforcement.

8 We are fortunate in Santa Maria to have a
9 market supply that provides housing at or below eighty
10 per cent of the median income. Our apartments rent at
11 those levels. Now we require as a condition of approval
12 that fifteen, ten per cent, depending on the project, of
13 the apartment projects shall be affordable. And that
14 the developer must submit to us a program showing how he
15 is to comply with that condition.

16 That program must be submitted to us prior to
17 the issuance of the building permit. And I can provide
18 you with copies of the programs that have been
19 submitted. And we do review those. If the program does
20 not comply with the condition, we do not issue the
21 building permit.

22 MR. SILLAS: One of the criticisms that was
23 made this morning was that although that occurs that
24 there does not appear to be, at least the statement was
25 made, that there does not appear to be a mechanism to

1 then follow-up to determine whether or not the developer
2 did in fact provide the affordable apartments, as
3 promised.

4 MR. ORNDORFF: Once the apartment is built we
5 check the amounts that the apartments rent for and that
6 they're within the criteria established by HUD and the
7 county and our own criteria for affordability. We then
8 say that that is in compliance. We do not have a
9 continued program because the planning commission or
10 city council has not adopted a continued, like a re-
11 sale program, every time the apartment turns over or
12 house sells. We do not have those conditions. The
13 condition only applies when the apartment is first built
14 and rented.

15 MR. SILLAS: Is it your belief that such a
16 policy ought to be a part of the city's program?

17 MR. ORNDORFF: In order to effectively
18 implement a housing program comprehensively, yes.

19 MR. SILLAS: As it pertains to the ownership,
20 you stated that the policy of the city and the council
21 is not to require a developer as it pertains to homes,
22 to have any kind of set-aside for low income or moderate
23 housing, if I understood that. Has there ever been a
24 hearing or public debate on that issue, or is that a
25 policy that has just been standing?

1 MR. ORNDORFF: There's been several
2 discussions of that policy by the planning commission,
3 and the planning commission has voted on several
4 occasions, I believe unanimously, to not implement the
5 policy because of it's controversy and because of it's
6 inherent unfairness. The argument is that if you
7 require twenty-five of a hundred units to be affordable
8 the other seventy-five per cent of the home buyers are
9 going to have to pay extra to subsidize the other
10 twenty-five per cent.

11 That's a standard argument, and I'm sure
12 you're aware of it, it's been used everywhere. And the
13 commission and city council has not decided to enter
14 that arena at this point. There is a memorandum
15 circulating from one of the councilmen to open a debate
16 as far as affordable housing and inclusionary zoning.

17 MR. SILLAS: Thank you.

18 CHAIRMAN CARNEY: Ms. Patterson?

19 MS. PATTERSON: Yes, Mr. Schwammel, there was
20 testimony this morning about a large turn-over of ethnic
21 minorities in one of the departments, the department of
22 social services. My question is, what type of retention
23 program do you have in place?

24 MR. SCHWAMMEL: You're aware that social
25 services is a county, and you're asking about our police

1 department instead as it applied to that?

2 MS. PATTERSON: The city department, yes.

3 MR. SCHWAMMEL: What do you mean by retention
4 program?

5 MS. PATTERSON: A program to retain women and
6 minorities.

7 MR. SCHWAMMEL: At the present time we are
8 specifically recruiting to attract qualified women and
9 minorities to the department. It's evidenced by the
10 fact that our most recent hires have reflected much
11 larger than the ethnic make-up of the community in
12 female hires and minority hires.

13 Once they're aboard, to retain them, we have
14 an excellent field training program in which the new
15 officers are assigned to an experienced officer and are
16 monitored pretty carefully in their performance. For
17 from three to six months. After that point, they're
18 encouraged to seek additional education within the
19 community.

20 But there is no further, to my understanding,
21 there's no further effort made to retain those
22 individuals because it's felt that they are performing
23 in a thoroughly satisfactory manner in the position.

24 MS. PATTERSON: Okay. Another question. What
25 type of discrimination complaint program or process do

1 you have in place to allow employees to air their
2 grievances?

3 MR. SCHWAMMEL: The city's affirmative action
4 plan states that if there is any concern on the part of
5 any employee regarding a question of discrimination,
6 then that person should immediately contact the city's
7 designated affirmative action officer, who is the deputy
8 city administrator. And that individual would
9 immediately launch an investigation of the charges.

10 MR. COOPER: I wonder, does that plan include
11 any protection for an employee from any retaliation from
12 supervisors who would know the employee?

13 MR. SCHWAMMEL: I can't say that we have
14 anything in writing that says a supervisor better not
15 retaliate. But through our orientation to supervisors
16 and our orientation to new employees, it's made
17 perfectly clear that an individual who makes a complaint
18 of discrimination will not be treated in any
19 discriminatory way by the supervisor. That that
20 individual is entitled to a fair and honest evaluation
21 of the complaint through an appeal procedure.

22 And I think it's clearly understood by the
23 supervisory personnel through training that they've
24 received that it would not be in their best interest to
25 attempt any type of retaliation.

1 MR. COOPER: Could I follow that up with a
2 question of how supervisors are rated in the city, is
3 there a factor concerning the supervisor's support of
4 the affirmative action program as to how they are rated,
5 or that factored at all?

6 MR. SCHWAMMEL: No. There is not a specific
7 rating factor that indicates affirmative action.

8 CHAIRMAN CARNEY: Mr. Beltran?

9 MR. BELTRAN: Yes, if I may. I would like to
10 have you tell me when the city's affirmative action plan
11 was, the current plan, when it was adopted.

12 MR. SCHWAMMEL: The initial plan was adopted
13 in 1976. The current plan has been revised and will be
14 on the council agenda December 4, with a new goal for
15 time tables.

16 MR. BELTRAN: With regard to the current plan,
17 not the one that's before the city council December 4,
18 do you have a process by which you have an annual review
19 and goals and objectives are set forth by each city
20 department?

21 MR. SCHWAMMEL: Yes, we have an annual review,
22 it was reviewed annually up until two years ago. And
23 they through a glitch in our system, it was not up-
24 graded last year. It is up-graded again this year.

25 MR. BELTRAN: Does this review consist of the

1 department managers presenting their time tables or
2 objectives for their department to the city council for
3 approval?

4 MR. SCHWAMMEL: Yes, it consists of the
5 affirmative action staff person meeting with individual
6 department heads and determining what the goals and time
7 tables should be and getting their concurrence. It's a
8 joint effort for the department heads to recognize what
9 these goals and time tables should be to meet the
10 guidelines. And then they are presented to the council
11 along with the updated affirmative action plan. Now the
12 council does not necessarily see the up-graded goals and
13 time tables every year.

14 MR. BELTRAN: Do you have a process whereby
15 there's an assessment of the performance of the
16 department managers at the end of that year? To see how
17 close they came to meeting their objectives?

18 MR. SCHWAMMEL: Yes. That's done by the
19 affirmative action officer or the technician. And if
20 the goals and time tables are being met, the department
21 head recognizes that fact, if they aren't then they're
22 directed that they will have to be met. And that
23 subsequent recruitments from the personnel department
24 will take that factor into consideration.

25 MR. BELTRAN: Are you aware of any instance of

1 reprimands for city department managers who have failed
2 to meet their objectives? In the context of affirmative
3 action plans?

4 MR. SCHWAMMEL: Yes.

5 MR. BELTRAN: What awaits the city department
6 manager who fails to meet the objectives? What kind of
7 sanctions, what type of commitments do you then seek to
8 obtain from that individual department manager?

9 MR. SCHWAMMEL: In my case it's a case of
10 counselling the department head. And indicating to the
11 department head that if a better effort is not made then
12 progressive discipline will follow. Starting with a
13 written reprimand eventually leading to potential
14 suspension and/or termination.

15 MR. BELTRAN: Are you aware of any written
16 reprimands that have been given to a department manager?

17 MR. SCHWAMMEL: I have not had to.

18 MR. BELTRAN: Have there been any instances
19 for more than one year a department manager has failed
20 to meet his or her affirmative action goals?

21 MR SCHWAMMEL: I think I'm going to have to
22 defer that question to Vicki. Ms. Zorkocy is a
23 personnel officer who handles the EEO and the
24 affirmative action goals and objectives.

25 CHAIRMAN CARNEY: Would you state your name

1 please ma'am, slowly so that the record can pick it up.

2 MS. ZORCOCY: I'm Vicki Zorkocy, I work as the
3 assistant to the manager handling the personnel function
4 for the city of Santa Maria.

5 CHAIRMAN CARNEY: Can you answer the question
6 that Mr. Beltran posed?

7 MS. ZORCOCY: If you could repeat please, Mr.
8 Beltran.

9 MR. BELTRAN: Yes. Have you had any instances
10 in which for more than one year a department manager has
11 failed to meet his or her affirmative action goals?

12 MS. ZORCOCY: Yes we have. And one particular
13 area where we're had a lot of difficulty in recruiting,
14 women in what I'd call the skilled service and service
15 maintenance areas of our affirmative action goals. I've
16 conducted several focused out-reach recruiting efforts
17 trying to get women to come work in the areas of
18 laboring, maintenance, heavy equipment operation. And
19 we've not been as successful as we might hope.

20 MR. BELTRAN: Let me direct that question to
21 the city manager. Do you see any reason why you might
22 withhold a written reprimand for that department manager
23 who has failed more than once in meeting his or her
24 objectives? What does it take, sir, to compel you to
25 give a written reprimand to a department manager?

1 MR. SCHWAMMEL: If I felt in my own mind and I
2 would expect the analyst, in this particular case Ms.
3 Zorkocy, who's handling these goals and time tables, if
4 she reported back to me that in her opinion the
5 department head was not making a good faith effort to
6 meet these guidelines, that in her opinion it wasn't
7 because of the fact that there just wasn't an adequate
8 person pool out there to fill the position, but instead
9 this department head just did not want to make the
10 effort to hire a woman or a minority, then that
11 department head belong to our organization.

12 MR. BELTRAN: So if effect before you may
13 reprimand somebody, you're saying that you will need to
14 see a manifestation of intent not to comply with the
15 objectives that have been set up for that department
16 manager?

17 MR. SCHWAMMEL: That's correct. I would like
18 objective evidence of that.

19 MR. BELTRAN: So simple failure to meet that,
20 however many times, will not be sufficient criteria for
21 you to reprimand that manager?

22 MR. SCHWAMMEL: If it can be demonstrated that
23 the effort has been made, there's nothing systemic in
24 the system, and that the individual in no way, shape, or
25 form is apeding the process, then I would not reprimand

1 that individual. If there's any indication of those
2 factors, I would.

3 MR. BELTRAN: Let me move on to the plan for
4 the consideration for the city council meeting of
5 December 4. What can you tell me about the process or
6 procedure by which you arrived at what the city
7 council's about to consider?

8 MS. ZORCOCY: I began reviewing our
9 affirmative action plan in June of this year, simply
10 recognizing the fact that it hadn't been updated for a
11 period of time. What I did was consulted with other
12 affirmative action experts, if you will, in other cities
13 that I knew of and got copies of plans that had been
14 prepared and had been considered good plans.

15 I did contact the League of California Cities,
16 which is not only a lobbying arm for cities, but
17 conducts a very extensive lending library for cities and
18 asked their recommendation in terms of what were some
19 good plans to look at.

20 I also generally looked at what we were doing
21 right now. Since our plan hadn't been updated for a
22 period of time, our affirmative action program had
23 evolved to a point where a lot of the things we did
24 either weren't generally mentioned in our current plan
25 or the process needed to be expanded upon.

1 In pulling together all of that information, I
2 developed the current plan that we have. Again, I did
3 consult with some experts on some questions that I did
4 have, ran it through our city attorney to make sure it
5 did comply with legal requirements as far as affirmative
6 action were concerned.

7 I do also have to go through a meet and confer
8 process with all the different unions, since it does,
9 the affirmative action plan does contain requirements
10 for promotion, therefore, could be construed as a change
11 in working conditions. So I do go through a meet and
12 confer process with the unions as well.

13 MR. BELTRAN: As an aside, with your decision
14 to review the plan, I take it then that even though this
15 plan had not been looked at in all these years, that
16 there was an annual process by which you were updating
17 goals as they pertained to the objectives of the 1976
18 plan?

19 MS. ZORCOCY: We do go through an annual
20 updating of our goals. In addition, we also do
21 something called an employment recap, which really is a
22 very helpful document for me. I use that with the
23 departments to basically say, here's what we did for the
24 year, look at the relevant markets, you can see where we
25 are and where we should be. And in working with the

1 departments it's really what I would call more of an
2 English document in terms of being able to work with
3 them.

4 Goals and time tables kind of gets everybody a
5 little goosey. I'm talking goals and time tables and
6 they're looking at me like what are you talking about.
7 So I work off of several documents with them.

8 MR. BELTRAN: It's very appropriate you make
9 that comment, because my next question is really
10 directed to the English/non-English aspect of what went
11 on to what the city council is about to consider. You
12 mentioned that you did have the meet and confer with the
13 labor unions. Did you undertake any effort, community
14 efforts, did you hold any hearings, did you obtain any
15 input from the different segments of the community?

16 MS. ZORCOCY: There will be opportunity for
17 that when the item is on the city council agenda for the
18 fourth. It is put on a public agenda, which is
19 published. There is opportunity for public comment at
20 that time.

21 MR. BELTRAN: My question is whether you, in
22 putting together the proposed plan, conducted any
23 community outreach to obtain the input of the different
24 segments of this community, prior to the matter being
25 put before the city council. My understanding is that

1 the city council may very well vote to adopt it. And
2 this will be the only one opportunity for anyone to have
3 a say-so regarding the contents of that plan.

4 Now it seems to me that prior to putting that
5 plan together for consideration by the governing body of
6 the city, that that governing body might have an
7 interest in determining that in fact the plan they have
8 before them has been out there for public scrutiny. And
9 that input from the different segments of the community
10 is embodied in that plan. Did you go through that
11 process?

12 MS. ZORCOCY: I did not go through that
13 process. I might add though that the plan is not cast
14 in concrete. And obviously I take all kinds on input,
15 not just the affirmative action plan but a variety of
16 documents that I work on all through the year. And
17 those documents are fluid in that if I have comments,
18 questions, issues, changes that need to be made from the
19 community, by the employee body, from the management,
20 from anybody, I keep that information and incorporate
21 those into those documents as I update. Now obviously
22 I've not had the plan updated in a period of time, I'm
23 relatively new here with the city. So I'm still
24 establishing my processes.

25 MR. SCHWAMMEL: Mr. Beltran, I would say that

1 your point is well taken, it was an oversight on our
2 part. I think we should have done that.

3 MR. BELTRAN: Would there be any sense in you
4 making that recommendation, sir, to the city council?
5 That they postpone their consideration of the plan so
6 that you may conduct community hearings on the plan and
7 then present them with the final product that in fact
8 has embodied the sentiments of the community as well?

9 MR. SCHWAMMEL: You took the words right out
10 of my mouth.

11 MR. BELTRAN: I take it that means you agree
12 with it?

13 MR. SCHWAMMEL: I agree.

14 MR. BELTRAN: I take it that means you will
15 make such a recommendation to the council then?

16 MR. SCHWAMMEL: You understand correctly.

17 MR. BELTRAN: Thank you sir.

18 CHAIRMAN CARNEY: Mr. Schwammel, hopefully I
19 can be brief here, who is the person who determines or
20 hire the affirmative action officer and the personnel
21 subordinate to that officer?

22 MR. SCHWAMMEL: The city administrator.

23 CHAIRMAN CARNEY: Which would be you.

24 MR. SCHWAMMEL: The designated affirmative
25 action is the deputy city administrator. The person on

1 staff that does the analysis work is Ms. Zorkocy.

2 CHAIRMAN CARNEY: Okay. Who is the person
3 that would be the overseer or the person that would hire
4 and fire the assistant city administrator?

5 MR. SCHWAMMEL: Myself.

6 CHAIRMAN CARNEY: And is there anything that
7 would safeguard that person's position if the person
8 made a recommendation, an evaluation, or whatever you
9 want to term it, that was contrary say to your beliefs
10 of what took place, or what exists?

11 MR. SCHWAMMEL: I'm not sure I understand what
12 you're getting at.

13 CHAIRMAN CARNEY: If you disapproved of a
14 recommendation of the affirmative action officer and/or
15 their personnel, what's to safeguard their position,
16 that you can't fire them just on a whim because you
17 disagreed with them?

18 MR. SCHWAMMEL: Well there's the obvious
19 safeguard of the employee's performance. If the
20 employee, in this case the deputy city administrator, is
21 satisfactorily performing the job, then he would have
22 rights to appeal to the council my action, through a
23 grievance procedure.

24 CHAIRMAN CARNEY: Would the same hold true for
25 yourself, I assume it's the council who can hire and

1 fire the city administrator, you'd have the same rights
2 as your subordinate to a grievance procedure, is that
3 correct?

4 MR. SCHWAMMEL: That's correct.

5 CHAIRMAN CARNEY: Do you have, as the city
6 administrator, are you hired under a contractual basis?

7 MR. SCHWAMMEL: No I'm not. I serve at the
8 pleasure of the council.

9 CHAIRMAN CARNEY: I have nothing further. Any
10 other questions? Okay, Mr. Schwammel and your staff, I
11 want to thank you very much for taking your time today
12 to come here and be a part of this forum. As you can
13 see, there's a great deal of community interest in this
14 and I think you've responded quite well. And I want to
15 personally thank you on behalf of the committee.

16 MR. SCHWAMMEL: We look forward to your
17 recommendations.

18 CHAIRMAN CARNEY: Thank you. Can we have
19 Chief Matthews?

20 MR. MATTHEWS: My name is Russell Matthews and
21 I'm the police chief for the city of Santa Maria. And
22 I'm celebrating my twenty-nine anniversary by appearing
23 before you today. Twenty-ninth anniversary on the
24 department.

25 I appear before you today at the request of

1 Mr. Philip Montez, the regional director of the United
2 States Commission on Civil Rights. Mr. Montez of the
3 Civil Rights Commission and Mr. Angel Aldretti of the
4 Community Relations Branch, met with my staff and I
5 during the week of November 12, 1990.

6 At that time I was informed that some members
7 of this community had questioned the practices of the
8 police department as it relates to it's dealings with
9 the Hispanic community.

10 My participation in this event is for the
11 purpose of describing the police departments policies,
12 practices, to identify our programs and procedures for
13 interacting with the entire community, and to discuss
14 those specific efforts we have made to meet the needs of
15 Santa Maria's Hispanic community.

16 In most instances, I am prohibited by law from
17 publicly divulging specifics on individuals. And I am
18 not here for the purpose of responding to specific
19 complaints. I am, however, here to describe the manner
20 in which specific answers can be obtained should they be
21 requested. And to receive input from you and others in
22 attendance at this meeting concerning the public's
23 perception of the Santa Maria police department service.

24 Members of the Santa Maria police department
25 are well-trained professionals. Their training is in

1 accordance with state standards. Police employee
2 conduct is strictly regulated by federal, state, and
3 local laws. Further, the department has stringent
4 operational guidelines concerning the operation of
5 vehicles, use of force, reporting procedures,
6 investigations, discipline, personal and professional
7 conduct and so forth.

8 We subscribe to the city's mission statement
9 to provide the highest quality service in the most
10 efficient, cost-effective and courteous manner possible.
11 We share the city government's organization values which
12 include, one, service. We are committed to providing
13 excellent service to the public in the most responsive,
14 efficient and effective manner.

15 We strive to treat all people with dignity,
16 respect, and fairness. We are dedicated to high ethical
17 and moral standards and uncompromising honesty in our
18 dealings with the public and each other. We believe in
19 high professional standards and attitudes which dictate
20 an objective analysis of issues free of our personal
21 biases. We strive to be a responsible city department
22 dedicated to maintaining a well-trained and competent
23 work force that is in touch with the needs of the
24 community to enhance the quality of life in our city.

25 Not knowing what issues would be addressed

1 here, I didn't elect to make a further written
2 statement.

3 DR. ERLER: Do you have any perception, we've
4 heard some things from various witnesses today, do you
5 have any perceptions that there are racial or ethnic
6 antagonisms in the community that involve the police
7 department or it's methods of enforcement?

8 MR. MATTHEWS: No sir.

9 DR. ERLER: What about the testimony that
10 we've had here earlier today on the various instances
11 that have happened in town this year involving either
12 racial or ethnic animosities?

13 MR. MATTHEWS: I can only say, if they've
14 happened, people haven't reported them to us. My policy
15 is that of an open door policy. My staff and I have an
16 open door policy for the community and/or within our
17 department. So every place I go I tell people that they
18 can come and see me anytime, or any of my officers. And
19 these things are not reported to us.

20 CHAIRMAN CARNEY: Mr. Sillas?

21 MR. SILLAS: Chief, does your department have
22 a hate crime policy?

23 MR. MATTHEWS: No. We subscribe to and adhere
24 to the state law which governs the hate crimes and the
25 reporting requirements of hate crimes. To my knowledge,

1 we have not had one incident reported to us that would
2 fit that classification since that law was enacted.

3 MR. SILLAS: Do you view a graffiti that would
4 have racist comments or racist symbols, as being a hate
5 crime?

6 MR. MATTHEWS: Yes, that's classified as hate
7 crime.

8 MR. SILLAS: And were you aware that there was
9 such a graffiti at one of the Von's markets nearby?

10 MR. MATTHEWS: No, it was never brought to my
11 attention. I'm not aware of it.

12 MR. SILLAS: What do you view as being brought
13 to your attention? Is that a reporting by a citizen or
14 is that an observation by one of your officers?

15 MR. MATTHEWS: Or a personal observation.

16 MR. SILLAS: Have you read in the newspaper
17 various comments of incidents that have allegedly
18 occurred pertaining to assaults on Mexicans by anglo
19 youth?

20 MR. MATTHEWS: None come to mind. We have
21 assaults all the time in the community. Assaults of
22 Mexican youths assaulting Mexican youths, I would say
23 that's more prevalent than by any others.

24 MR. SILLAS: Of course you understand that the
25 racial and/or hate crime can go both ways. Mexican

1 against anglo and anglo against Mexican.

2 MR. MATTHEWS: But I'm sure not everything is
3 a hate crime though.

4 MR. SILLAS: I understand. Does your
5 department engage in any kind of statistics data that
6 keeps track of any type incidents, in terms of
7 identifying the racial or the ethnic background of the
8 victim and the assaulter?

9 MR. MATTHEWS: Other than arrest statistics,
10 no.

11 MR. SILLAS: How many of your officers are bi-
12 lingual in your department?

13 MR. MATTHEWS: I have twenty-five people who
14 are Hispanic and I think all but three are bi-lingual.

15 MR. SILLAS: And what is the number of your
16 force?

17 MR. MATTHEWS: A hundred and twenty-eight
18 employees that are full-time or permanent part-time
19 employees.

20 MR. SILLAS: And do your officers that are bi-
21 lingual, do they receive incentive pay for that?

22 MR. MATTHEWS: Yes they do.

23 MR. SILLAS: And what's the amount of the
24 incentive pay they receive?

25 MR. MATTHEWS: I believe it's two and a half

1 per cent right now.

2 MR. SILLAS: Do you know whether or not that's
3 a city-wide policy or is that just applicable to your
4 department?

5 MR. MATTHEWS: I can't speak for the rest of
6 the city.

7 MS. ZORCOCY: That's a city-wide policy. With
8 the exception of the fire department who has not
9 negotiated that into their previous labor contracts. It
10 is up for inclusion this time around in negotiation. I
11 might point out that bi-lingual pay starts at time of
12 employment.

13 MR. SILLAS: I have no other questions.

14 CHAIRMAN CARNEY: Ms. Patterson?

15 MS. PATTERSON: No questions.

16 CHAIRMAN CARNEY: Mr. Beltran?

17 MR. BELTRAN: No questions.

18 CHAIRMAN CARNEY: Mr. Cooper?

19 MR. COOPER: I just wondered if there's any
20 out-reach that the police department has formally or
21 otherwise that reaches out into the community, service
22 clubs, especially youth organizations that would deal
23 with, on a community relations basis, with questions
24 about hate crime and this sort of thing?

25 MR. MATTHEWS: Well, our crime prevention

1 people would address that issue. And the problem hasn't
2 come to our attention.

3 MR. COOPER: You haven't had the demand?

4 MR. MATTHEWS: No, it has not. And I'm sure
5 we would react to that if it did.

6 CHAIRMAN CARNEY: Chief, what type of an
7 internal affairs program do you have established within
8 the department?

9 MR. MATTHEWS: By law, we have a policy that
10 addresses any complaint against an officer for any
11 violation. When you talk about internal affairs it
12 could be in the form of a citizen's complaint, it could
13 be in the form of some action taken against a supervisor
14 against a subordinate, and so forth. But we have a
15 definite policy that outlines the procedures and in
16 accord with the peace officer bill of rights.

17 CHAIRMAN CARNEY: And the officers that you
18 assign to internal affairs operations, is that on a
19 rotating basis?

20 MR. MATTHEWS: Not generally. They're
21 normally supervisors that are assigned by myself or
22 division heads.

23 CHAIRMAN CARNEY: And what kind of safeguards
24 are there in place in the department for these
25 individuals that are working as internal affairs

1 investigators that protects them in their position from
2 maybe the hierarchy reigning down on them or even the
3 people that they're investigating taking some type of
4 action against them?

5 MR. MATTHEWS: We've never had the problem.

6 CHAIRMAN CARNEY: You've indicated that you
7 have an open door policy. Are you aware of any type of
8 feeling among the community, especially the minority
9 community, that they're afraid to come to you or some of
10 your officers?

11 MR. MATTHEWS: I'm aware that there are some.
12 And I would say that they're probably the people that
13 have not been here long, that don't know, I think they
14 lack the social education to become aware of the social
15 problems within the community. So they don't know how
16 to address or are fearful of the police. I'm aware that
17 that does happen.

18 CHAIRMAN CARNEY: Is there any type of a
19 program that the department has instituted in the area
20 of community relations, that more or less formally let's
21 the people of the minority communities know that you're
22 there for them, even in the event it's a situation they
23 want to complain about one of the officers?

24 MR. MATTHEWS: We have a crime prevention unit
25 that does numerous neighborhood watch programs. We've

1 done them, we've tried to do as many as we could for
2 Hispanic. We have Hispanic and Spanish speaking crime
3 prevention officers. We encourage people through that
4 program to report to us, to report crimes to us under
5 any circumstances. We encourage people to report things
6 without giving their name, they don't have to give their
7 name. And we made a commitment to react to those
8 things.

9 CHAIRMAN CARNEY: Chief, have you had any
10 disciplinary proceedings taken against any of the
11 officer's say in the last five years?

12 MR. MATTHEWS: Yes.

13 CHAIRMAN CARNEY: And have any of those
14 proceedings resulted in terminations?

15 MR. MATTHEWS: Yes.

16 CHAIRMAN CARNEY: Can you give me an idea of
17 how many resulted in termination?

18 MR. MATTHEWS: Less than five.

19 CHAIRMAN CARNEY: And approximately how many
20 of these investigations or hearings that you've
21 conducted have resulted in discipline?

22 MR. MATTHEWS: I have no count for that but
23 there have been several.

24 CHAIRMAN CARNEY: Mr. Beltran, do you have
25 another question?

1 MR. BELTRAN: Yes. Do you have a policy
2 regarding your cooperation or interaction with the INS?

3 MR. MATTHEWS: Yes, I do.

4 MR. BELTRAN: What is that policy sir?

5 MR. MATTHEWS: Well, not the interaction with
6 the INS. The INS merely tells us how they're going to
7 interact with us. What they'll do for us.

8 MR. BELTRAN: But you don't have a policy that
9 involves, for instance, the turning over of aliens to
10 the INS?

11 MR. MATTHEWS: The INS will no longer pick up
12 aliens strictly for being an alien. They will not take
13 anybody unless they're a convicted felon. That's my
14 understanding now. It was different in the old days,
15 when they would take anybody who was an illegal alien.
16 But that's no longer the case.

17 MR. BELTRAN: Other than in the case you
18 mentioned regarding convicted felons, you don't have,
19 there isn't a process in which you alert the INS when
20 you have detained an alien?

21 MR. MATTHEWS: Up until the last several
22 months, I believe, there was a policy where they have
23 what they call INS would place a hold on a person who
24 was an illegal alien and they would investigate. Beyond
25 that our merely notifying them at that time or the jail

1 would notify them, which is not under my jurisdiction,
2 but the jail would notify them if they suspected illegal
3 alien. We have no other contact with them after that.

4 MR. BELTRAN: Your department itself does not
5 communicate to INS that you have detained illegal
6 aliens?

7 MR. MATTHEWS: No.

8 CHAIRMAN CARNEY: Chief, I want to thank you
9 very much for attending and for your patience in getting
10 before us. Ladies and gentlemen we are running late and
11 we do have a couple of other people to address us. Plus
12 what we refer to as the community prospectus, and that
13 is the participation of those who want to address the
14 committee. But in the interest of everyone's comfort up
15 here I want to ask your indulgence. We're going to take
16 a ten minute recess. Off the record.

17 (Whereupon, a brief recess was taken.)

18 CHAIRMAN CARNEY: On the record. We will now
19 resume the forum. And our next speaker is Dr. Ruttan.
20 If you would kindly state your name loudly and clearly
21 for the record and what organization you represent.

22 DR. RUTTAN: My name is Larry Ruttan, Santa
23 Maria high school district. And I have with me Larry
24 Miller who's a member of our staff. Two of our folks, I
25 don't know if Mr. Montez told you or not, we had a state

1 conference this week but I came back to be here tonight.
2 And we have some other meetings, two of the folks that
3 were here, because of the time length, had to leave to
4 attend the other meetings. So we'll do the best we can.

5 CHAIRMAN CARNEY: Okay. Doctor, everybody
6 here wants to hear you. And the people in the back are
7 straining their ears. We don't have a P.A. system but
8 I'd ask you to do as the chief did, use that command
9 voice and let everybody hear you.

10 DR. RUTTAN: Okay. Fine.

11 CHAIRMAN CARNEY: Do you have a statement
12 prepared?

13 DR. RUTTAN: Just briefly I think it would
14 help you to understand the district. Our high school
15 district is a little unusual from what most people in
16 California are accustomed to. Because most people live
17 within a unified school district.

18 We have a high school district that covers the
19 Santa Maria Valley and there are six elementary
20 districts that then contribute to the high school
21 district. So the students are in the elementary
22 district through K-8 and from 9-12 come to a high school
23 district itself.

24 We have the city of Los Almos, Lockman
25 (phonetic), Casmalia (phonetic), Orca (phonetic),

1 Guadalupe and the San Maria Bonita elementary school
2 district that comprise the district. We have two high
3 schools and one comprehensive high school. We also have
4 an independent study program and an adult school
5 program.

6 The two largest ethnic groups are other white
7 46.6 per cent and Hispanic 44.4 per cent. We serve
8 approximately four hundred students, three hundred seven
9 of whom are in independent study in four locations and
10 four hundred and twenty-four of whom are in adult
11 education.

12 The state average for drop-outs, these are
13 estimates because the fund that was set up didn't get
14 started until late two years ago, so it will be January
15 before we have completely accurate figures, but the
16 estimated state average is 22.2 per cent, Santa Maria
17 high school is under that by 10.1 per cent at 12.1 drop-
18 out. Rigetti (phonetic) is under it by 16.4 percent.
19 And we were not sure, when we talked to Mr. Montez, what
20 information you wanted so we're just prepared to answer
21 questions.

22 CHAIRMAN CARNEY: All right sir. Mr. Sillas?

23 MR. SILLAS: Yes, Dr. Ruttan, we had heard
24 some statements earlier pertaining to your independent
25 study program. And the information given to us was that

1 the independent study program has a heavy percentage of
2 Hispanic students in that program. The comment was made
3 that the program was initially set up to take care of
4 the students who were bright and who were bored with
5 school and that the program that is in place presently
6 was, and I'm using their terms now, was a dumping place
7 for minorities. I'd like your reaction and comments.

8 DR. RUTTAN: I take issue with everything you
9 said. Initially the independent study program was set
10 up as an alternative education program. One of the
11 things that the state was asking us to concentrate on
12 for the last about four years now is reducing the drop-
13 out rate. And as all kids don't do well in
14 comprehensive high school, we set up a number of years
15 ago, because it's probably fifteen or twenty now, in the
16 district a Delta, which is a continuation high school,
17 standard continuation high school, as all kids don't do
18 well in that either.

19 So one of the things we tried to do was get to
20 the kids themselves. We began the independent study
21 program anticipating we'd probably have thirty-five
22 maybe fifty people in it. The first year it grew to
23 about a hundred and twenty students. And that was held
24 at Delta, the continuation school site, to the south of
25 it.

1 That worked so well, we'd heard a lot of
2 research about the Hispanic student who had a territory.
3 That wouldn't come out of the territory that they lived
4 in. So we decided that we would try to see if we could
5 do something about that. We opened a school by renting
6 space at the Boys and Girls Club, which is in the
7 northwest section of town. Once again we guessed that
8 we might have forty people or so, it went to about a
9 hundred and thirty and we had to drop it back. We keep
10 it right at about a hundred because the facility simply
11 can't handle all those students. These were kids that
12 were in off the streets, they were not in the school
13 itself.

14 That was so successful, we decided that we
15 would open one in Santa Maria high school. We did and
16 then just last year we opened one out at Guadalupe,
17 which is about ten or twelve miles to the west of us.
18 One of our contributing elementary school districts
19 rents us some space there. And we have a number of
20 students there.

21 At the Boys and Girls Club we have currently a
22 hundred and seven students. At Ragetti (phonetic) we
23 have a hundred students. At Guadalupe we have twenty-
24 two. And at Santa Maria high school we have seventy-
25 eight.

1 MR. SILLAS: Now of those students that you've
2 listed, what percentage of them are Hispanic?

3 DR. RUTTAN: I'm sorry, I don't have that
4 figure. I wasn't asked to bring that.

5 MR. SILLAS: Would it be a fair statement to
6 say that, if you know, that a majority of those students
7 are Hispanic?

8 DR. RUTTAN: I think that's true, yes.

9 MR. SILLAS: How the program work?

10 DR. RUTTAN: It really works in several ways.
11 The original independent study program began as a one
12 hour a week tutorial. Where the student is given
13 approximately twenty hours of homework to do and they
14 come back and work for one hour with the teacher a week.

15 Since then we found that there are different
16 kinds of kids with different kinds of needs. And
17 perhaps that's where the previous speaker got the idea,
18 unless a student can discipline himself, to do those
19 twenty hours at home, he has trouble in that program.
20 And so we now have one program that runs about four
21 hours a day and then they vary in between that. Some
22 people two, some people three hours.

23 But I would say, just a rough guess, well I
24 know of the hundred and seven that are up there in the
25 northwest quadrant that I was speaking of are on the

1 four hour program. So that leaves roughly another
2 hundred and seventy, and they would vary between the one
3 hour and the three hour program.

4 MR. SILLAS: Is that four hours a day or four
5 hours a week?

6 DR. RUTTAN: Four hours a day.

7 MR. SILLAS: Now are there still some students
8 that are on a one hour a day program?

9 DR. RUTTAN: Yes, I would guess about a
10 hundred.

11 MR. SILLAS: And are any of the students on a
12 program of less than an hour a day?

13 DR. RUTTAN: No. Not an hour a day, an hour a
14 week.

15 MR. SILLAS: An hour a week. All right. And
16 the student is given an assignment for homework for the
17 week, is that how it works?

18 DR. RUTTAN: They're given an assignment that
19 the instructor thinks will take about twenty hours of
20 homework to do.

21 MR. SILLAS: So that at the end of the next
22 week the student returns, if the student hasn't done the
23 twenty hours, what happens?

24 DR. RUTTAN: We have a committee that meets
25 every Monday morning that puts people in all of these

1 types of programs. So let's say at Santa Maria high
2 school here across the street, if we have a student, it
3 may be discipline, it may be attendance, it may be any
4 one of a number of things, that's not succeeding in the
5 program, they're falling behind. They're referred to
6 this committee that has an administrator from each of
7 the three schools and an administrator from the county
8 office.

9 And they try in a very prescriptive way to
10 look at the student and see what they think would be
11 best for him. For example, student A they may feel
12 would be better in the four hour program. And student B
13 would be better in the one hour program. And student C
14 may be better going to continuation school.

15 So they try to make a judgement where those
16 students are sent. If they are sent, let's just say to
17 the four hour program and they're not successful there
18 for whatever reason, they go back to the committee and
19 maybe they'll try to refer them to one of the other
20 programs to see if they'll be successful in that.

21 MR. SILLAS: Is the student engaged in this
22 type of program, is the student able to get a degree of
23 graduation?

24 DR. RUTTAN: Yes. The reason that they're put
25 into the alternative programs is usually because the

1 regular high school's on seat time. Number of hours per
2 day, you go to fifth period English everyday through the
3 semester. When a student falls way behind in their
4 work, there's no way the kid can graduate from the
5 regular high school. He's put into this program where
6 he can work in an accelerated rate at his own pace and
7 can do it of course much faster.

8 There's also a system of challenging in the
9 sense, and some computer educated programs, there is a
10 system of challenging that you could take the final
11 examination and score with a certain percentage, you can
12 then pass the class for those students.

13 MR. SILLAS: Is there any time limits placed
14 on the student in terms of how long he can stay in the
15 program before he is removed from the program?

16 DR. RUTTAN: No. It depends on, like I said,
17 how much work he does, if he's a discipline problem, if
18 he's attending regularly, all those kinds of things.

19 MR. SILLAS: Am I correct in assuming then
20 that it's a four year high school, that it's conceivable
21 that a student could be in high school for six years
22 under this independent program?

23 DR. RUTTAN: No, probably not. By eighteen
24 they almost all just drop. We do have a few exceptions.
25 I would guess right now we probably have twenty, if that

1 many.

2 MR. SILLAS: So when the student reaches
3 eighteen, at that point he could drop?

4 DR. RUTTAN: He could drop before that.

5 MR. SILLAS: Do you have any kind of
6 statistics that you would be able to make available to
7 us in terms of how many students drop from the program
8 as opposed to how many students complete the program?

9 DR. RUTTAN: That was in my original
10 statement. I indicated to you that we had at Santa
11 Maria high school about 10.1 per cent drop-out and at
12 Ragetti (phonetic) about 16.4 drop-out and the state
13 average is about 22.2. Now those are estimates.

14 MR. SILLAS: The state drop-out of 22.2 is
15 however, for a full-time students?

16 DR. RUTTAN: The drop-out rate is defined, if
17 a student enrolls in the ninth grade and leaves for a
18 period of forty-five days and is not heard from he's
19 considered to be a drop-out. If he enrolls in the ninth
20 grade and is transferred to one of the alternative
21 education programs he is not a drop-out. If during that
22 forty-five day period, say he would transfer to San
23 Diego or Eureka or whatever, and they would request
24 records he's not considered a drop-out. So it's not a
25 really accurate way of doing it, but that's what the

1 state mandate we consider them.

2 MR. SILLAS: Now you mention that the student
3 is given a twenty hour assignment. Is it possible that
4 that student could be working on that one twenty hour
5 assignment for a period of four or five weeks under your
6 program?

7 DR. RUTTAN: Not really. Some of them, for
8 whatever reason, may not get the full twenty hours in
9 this week, and so they usually double up and give them
10 twenty-seven hours to do next week.

11 MR. SILLAS: My understanding is also that the
12 school gets the money for the attendance of the student
13 even though he's not attending the school, he's in part
14 of this program?

15 DR. RUTTAN: The whole independent study
16 program is the same state-wide. You'd find in
17 Sacramento they have an independent study program. So
18 it runs exactly the same everywhere.

19 MR. SILLAS: Okay. But, for example, if the
20 student is given a twenty hour assignment for the one
21 week, returns the following week and has not completed
22 the assignment, the school would not be penalized by not
23 having the money paid for that student, am I correct?

24 DR. RUTTAN: You have to remember that the
25 money comes on average daily attendance. That's the

1 average of the total year, the number of days that the
2 students attend. So I can't really answer that. In one
3 way that answers yes and in one way the answers no.

4 MR. SILLAS: But my understanding is, the
5 student although he's not in school, but if he's on this
6 assignment he's viewed as being in attendance for the
7 school record. And the fact that he doesn't complete
8 the assignment within a week does not affect his
9 attendance record.

10 DR. RUTTAN: It does affect his attendance
11 record. That's the very student, a student who did that
12 a couple times in a row would be referred back to that
13 committee and dropped from that independent study
14 program.

15 MR. SILLAS: But for the two weeks that he was
16 involved in this program of trying to get these twenty
17 hours of study, would the school still get credit for
18 his attendance for those two weeks while he was
19 attempting?

20 DR. RUTTAN: That program was changed just
21 this year by, I think it was the Hart Bill, and it would
22 preclude that happening. Before, last year, the answer
23 is yes, this year the answer is no.

24 MR. SILLAS: And I gather from your comments
25 that you view this independent study program as a

1 program that is one that you want to continue with the
2 school?

3 DR. RUTTAN: I think it's an extremely
4 positive program because our drop-out rate would be far
5 higher if it weren't for this program. Kids act in
6 different ways at different times. And we find that
7 sometimes a kid will go into the independent study
8 program, for example, do so well, the committee will
9 make the decision to transfer him into either Delta or
10 return him to his regular school. And I think if we did
11 not have the program that kid would drop-out and never
12 return to school. Because it would be impossible for
13 him to learn, you know they just get out of the habit.

14 MR. SILLAS: Are there special teachers or
15 certain teachers assigned to the independent study
16 program?

17 DR. RUTTAN: Correct.

18 MR. SILLAS: And would you be able to tell us
19 what percentage of those teachers assigned are bi-
20 lingual teachers?

21 DR. RUTTAN: No, I'm sorry. It changes. It
22 varies from time to time because as kids are moved into
23 the program, many of the teachers are from our regular
24 staff. Some of them are on our substitute list, some of
25 them just want to work evenings, or teach independent

1 study or adult school. And that varies just almost
2 weekly both to the number and to the percentage.

3 MR. SILLAS: Are you able to tell us what
4 percentage of the students involved in this independent
5 study program are limited English speaking?

6 DR. RUTTAN: Almost none. I would say.

7 MR. SILLAS: Do you have a bi-lingual program
8 at the high school?

9 DR. RUTTAN: Correct.

10 MR. SILLAS: And how many bi-lingual teachers
11 do you have?

12 DR. RUTTAN: I can't give you that number
13 either. That's why I asked Mr. Montez for the
14 information you wanted.

15 MR. SILLAS: Unfortunately for Mr. Montez, he
16 never knows what we're going to ask. But you do have a
17 bi-lingual program at the high school?

18 DR. RUTTAN: Yes.

19 MR. SILLAS: Can you tell us what percentage
20 of the student body at the high schools are LEP's?

21 MR. MILLER: Throughout the district, each
22 year it runs somewhere between nine hundred going
23 towards a thousand. That's district-wide. At any one
24 time sixty per cent of those will be at Santa Maria high
25 school. This year, understand we do our census required

1 by the state each spring, and what we're finding out,
2 last spring there were approximately seven hundred at
3 Santa Maria high school, and suddenly there appear to be
4 about another hundred beyond that that appeared in
5 September when we opened the doors.

6 We also, of those, the great majority of those
7 are Spanish or Spanish speaking. We've also discovered
8 a number of students from Oaxoca and Northern Guatemala
9 who speak some various Indian dialects that are neither
10 Spanish or anything else that anyone can readily
11 identify. Our best guess is that they speak, I think
12 the language is called Masteco (phonetic).

13 MR. SILLAS: How do you address that?

14 DR. RUTTAN: Very carefully.

15 MR. SILLAS: I have no further questions.

16 CHAIRMAN CARNEY: Ms. Patterson?

17 MS. PATTERSON: I have no questions.

18 CHAIRMAN CARNEY: Mr. Beltran?

19 MR. BELTRAN: Just one question. Do you have
20 any information regarding the performance of the
21 independent study students with regard to college
22 acceptance?

23 DR. RUTTAN: Not officially because we don't
24 follow them through in that sense. What we're finding,
25 and remember that this program we've added as I

1 indicated piece by piece every year we've tried to
2 enlarge it, so we're at a different point with each one
3 on those, we're finding that a larger number of those
4 kids every year are being returned to the regular
5 program. And that a larger number of them are
6 graduating. And we felt very good about that because,
7 as I said before, these are kids who'd just slip through
8 our fingers. We didn't have any count or any
9 information on whatsoever.

10 If I may, a point related, we've been finding
11 it very difficult to find bi-lingual teachers. And with
12 our numbers increasing, that's becoming a concern. We
13 just ran into a program rather recently that we're
14 trying to look at. Where the Spanish government has
15 English speaking Spanish citizens who will come over
16 here for a couple years and teach bi-lingual programs.
17 So it's look kind of promising for us, they've got quite
18 a number of those.

19 MR. BELTRAN: You may want to contact some of
20 the school districts in the San Gabriel Valley as
21 there's been considerable writing in the paper about
22 that. They've had a very successful program.

23 DR. RUTTAN: Okay. Good.

24 CHAIRMAN CARNEY: Mr. Cooper?

25 MR. COOPER: Yes. Dr. Ruttan, I'm impressed

1 with your system, but I'm wondering is there a downside
2 to this ever in the sense that a young man or a young
3 woman with a low self esteem or who simply sees a chance
4 of maybe making less effort and dropping into something
5 that his friends have dropped into, not to denigrate the
6 continuation school concept, but would drop-out of the
7 mainstream classes and do something that if pushed a
8 little bit he or she could possibly make it and make
9 well with some incentive and some skill in terms of
10 motivating?

11 DR. RUTTAN: That's a good point. And there's
12 two parts to that really. One of the reasons we created
13 this committee who I told you makes the decision is
14 because we found that a fellow would want to be with his
15 buddy or he'd want to be with his girlfriend, whatever,
16 and were self-referring themselves. So to try to
17 compensate for that we take this referral to the
18 committee itself. So you can say all day, I want to go
19 to -- and it doesn't make any difference. The committee
20 makes the decision where you go.

21 The other one is we tried to handle that a
22 little differently. We've received some funds a couple
23 years ago and are in a cooperative program with Santa
24 Maria Bonita, the largest elementary district, in that
25 we've hired a couple classified employees and the kids

1 are identified by the elementary district at the eighth
2 grade before they come here.

3 And we haven't had enough to be able to do
4 that with every kid, but we started with Santa Maria
5 three years ago I think it was, and these two people do
6 a lot of the very thing that you're talking about. The
7 nurturing, the home calls, the communication with the
8 kid, the communication with the parent, that sort of
9 thing.

10 That did so well at Santa Maria high school
11 where we had the specially funded program going that we
12 used district funds last year and enlarged that program
13 and added it to the Ragetti (phonetic) high school. So
14 both the total number of those kids is down there, that
15 there would be some kind of program going for those. We
16 found that the kids we were able to reach we're probably
17 retaining somewhere in the neighborhood of seventy-five
18 to eighty per cent. And the ones that we're not able to
19 reach with that program we're finding that we're only
20 being able to retain thirty-five per cent approximately.

21 MR. MILLER: The committee may be interested
22 too, we have another program that's running parallel
23 with our adult education that has three part-time staff
24 literally go out and hunt down non-high school
25 graduates. Our idea of a drop-out is somebody who

1 dropped out of our system.

2 We also have a lot of young adults and some
3 older adults in this community who simply never went to
4 high school. And what they try to do is motivate these
5 people and redirect them to a program. Either one of
6 our own, through adult education or if they're minor
7 students, trying to get them back into either a
8 comprehensive high school or one of our other
9 alternative programs, or even the local community
10 college.

11 CHAIRMAN CARNEY: Dr. Ruttan am I correct that
12 this Delta continuation high school, there are two such
13 facilities in the city?

14 DR. RUTTAN: No. We have one continuation
15 high school and we have two regular comprehensive high
16 schools.

17 CHAIRMAN CARNEY: You indicated that you tried
18 the Delta continuation school and I believe you said you
19 started a second one, is that correct? Where you rented
20 the facility?

21 DR. RUTTAN: That's the independent study
22 program. We added the adult program, the continuation
23 high school program, at the Delta site, housed there.
24 We started the first independent study at Delta. Then
25 when we thought we'd try to see if the idea of

1 territoriality really did affect kids and it seemingly
2 did, we rented the site at the Boys and Girls Club.

3 Then we started one on the Santa Maria high
4 school site. And then we began one at the Guadalupe
5 site, which is the Guadalupe elementary school district,
6 to the west of us. We moved the one from Delta, this
7 year, to Ragetti (phonetic) high school, simply because
8 of over-crowding and because we put all the independent
9 study program under one person with responsibility.

10 CHAIRMAN CARNEY: Do you find a difference in
11 the response from the students varying greatly or
12 minimally from each of the different facilities?

13 DR. RUTTAN: The Boys Club is really quite
14 different in that they're all four hours a day. So
15 that's really kind of unusual. Where you have the one
16 or two or three hour a week, that varies greatly.

17 CHAIRMAN CARNEY: Would that be because of the
18 facilities, would that have anything to do with it?

19 DR. RUTTAN: I think the interesting thing is,
20 the facility at the Boys Club is probably the most
21 undesirable, in that they have a large gymnasium. And
22 they break up and just move into parts of that. Sound,
23 for example, is a problem. It probably is the most
24 least desirable, as far as a school site is concerned,
25 where the other sites are class room type of thing where

1 you can put four or five kids in one part of the room if
2 you have to. It's really a better site, I would have to
3 admit.

4 As a matter of fact, we've just qualified
5 under the state study in indicating within the next five
6 years we'll have to build another continuation high
7 school and a third comprehensive high school. And one
8 of the things the board has discussed that they would
9 like to put that comprehensive high school in the
10 northern part of the district because the current one is
11 so far to the south.

12 CHAIRMAN CARNEY: Do you find, or have you
13 received any complaints of the schools having, or the
14 people having a problem getting to the schools?

15 DR. RUTTAN: Well, that was why we moved.
16 Delta being so far south, the independent study people
17 from the northern part of the district wouldn't go that
18 far. They wouldn't, for example, go even to Santa Maria
19 here, right across the street. So, not in a complaint,
20 we didn't know they were out there, who they were kind
21 of thing, but I think it's clear that both the parents
22 and the kids appreciate the site being as close to them
23 as it can be. The old neighborhood school concept.

24 CHAIRMAN CARNEY: Any other questions?
25 Doctor, Mr. Miller, I just want to thank both of you

1 gentlemen. I appreciate the inconvenience and the
2 scheduling situation. And behalf of the committee thank
3 you very much for coming. Thank you for your time. We
4 have one more scheduled speaker and that's Mr. Balaban.
5 Could you state your name for the record and your
6 occupation whatever it may be.

7 MR. BALABAN: My name is Michael Balaban, I'm
8 a resident of Santa Yanez. I'm an attorney at law. And
9 my involvement that would interest the committee is
10 really as a representative of various minority and civil
11 rights organizations in an effort to resolve certain
12 matters that have come to the attention of these
13 organizations over the last few years.

14 Basically I have assisted on a volunteer basis
15 in connection with the Elks, NAACP controversy of last
16 year. And in connection with the Hispanic controversy
17 which took place and is still, I assume, taking place in
18 the city of Santa Maria.

19 The large lesson that I think has come to my
20 attention from these two controversies is that the
21 county of Santa Barbara, I believe in my opinion,
22 urgently needs a human relations commission. It may
23 come as a surprise to the committee members but Santa
24 Barbara has not for some time I understand, for eight or
25 ten years, had a human relations commission. This is

1 unusual for a county of this size and sophistication.

2 And it's my opinion, and I will try to give
3 you a couple examples why, I think this is greatly
4 needed in the county. With regard to the Elks
5 controversy, I do feel that much of the bitterness and
6 bad feelings that erupted and some which continue to
7 exist could have been avoided if there was a human
8 relations commission existing in the county of Santa
9 Barbara.

10 By the time I was asked to mediate the dispute
11 between the NAACP and the Elks, the level of anger and
12 accusations really was threatening to tear apart the
13 community. I recall speaking to an editor of one of the
14 small town newspapers in this area who said that as a
15 result of his publishing the fact that the Elks had
16 denied membership to African Americans, he received
17 several death threats. I think this is more likely to
18 happen in a small community where people know the editor
19 of the paper than it is in a community such the size of
20 Los Angeles or San Francisco.

21 In addition, the Elks lodges were losing much
22 of their income because of the refusal of many citizens,
23 both public and private organizations, to hold functions
24 in the Elks lodge. And this is the source of much of
25 their income. Furthermore, the Elks most important

1 fund-raising activity of the year, the Elks Rodeo, which
2 is held in Santa Maria, was being threatened by a
3 boycott at the time I was asked to mediate the
4 controversy.

5 Interesting, despite the fact that this
6 controversy had been going on for many months, and had
7 received much publicity, the protagonists in the
8 controversy had not gotten together. And believe it or
9 not, in one meeting of three or four hours, I was able
10 to put together the leaders of the NAACP branches in
11 Santa Maria and Lampoc and the leaders of the Elks in
12 this area.

13 And as a result of this meeting, a joint press
14 conference was held and a press release was issued
15 saying that the NAACP had agreed to a cooling off
16 period. In return, the local Elk branches were going to
17 go to the national convention, to be held just two
18 months from then, in New Orleans, Louisiana, and in fever
19 to get the voting rules changed.

20 The voting rule previously had been for every
21 Elks branch that any three black-balls could keep
22 somebody out. Whether there were a thousand members
23 voting, or ten members voting, or five thousand. Any
24 three negative votes could keep a member out. In this
25 meeting, the local Elks representatives agreed that this

1 was inappropriate. They themselves stated that they
2 were being accused of being bigots whereas it was just a
3 few members. It only took three to keep somebody out.

4 Well, the NAACP members agreed to not boycott
5 the rodeo and as a result, to everyone's surprise I
6 think, the local branches of these two small communities
7 were able to go to the national convention and get the
8 national convention to change the rule. To make
9 membership three quarters of the person's voting, rather
10 than just three people being able to black-ball it. I
11 think that was an incredible accomplishment.

12 And what happened was, when these people sat
13 down and talked, I think both sides realized they were
14 after the same result and instead of attacking each
15 other they came together in a way that benefited both of
16 them.

17 I don't think that it's appropriate that when
18 a controversy like that happens that somebody like
19 myself, and I'm not particularly skilled at this, I
20 might be a lawyer but I don't have any particular skills
21 to bring people together, but had there been a human
22 relations commission existing in the Santa Barbara
23 county at the time, I believe that this meeting, this
24 resolution would have happened many, many months before.
25 In a much more effective way.

1 By the way, as a result of the voting change,
2 in the Lompoc branch of the Elks there are two African
3 American members, as of the present and I assume that
4 there will be others.

5 As I say, the morale to the story is, I think
6 the result would have been achieved much quicker and had
7 fewer negative side effects in the community as a whole,
8 if there was a broad based human relations commission to
9 address the problem, rather than relying upon myself or
10 anybody like me.

11 With respect to the Santa Maria Hispanic
12 controversy, similarly I feel that the recent events
13 would have lent themselves to the handling of it by a
14 human relations commission.

15 It is one thing for myself to come up,
16 especially, I don't live in Santa Maria, to represent
17 the Hispanic group that were protesting the remarks that
18 were made by the Mayor of Santa Maria, it's one thing
19 for myself to get up there and make a statement that
20 what he's saying is wrong and unfair and bigotry and so
21 forth and so on.

22 But it's so easy for the Mayor, in a childish
23 way, to call me names and discredit me. I don't think
24 he would have been able to do the same to somebody
25 representing a human relations commission appointed by

1 the board of supervisors. And therein lies another
2 reason for a human relations commission. I think
3 personally it's an embarrassment that Santa Barbara
4 county does not have a human relations commission.

5 I have done some research, and just to give an
6 example, and I don't mean to be, I'm sure that all of
7 you know the functions of a human relations commission,
8 but I got a sample ordinance from San Diego county. And
9 I would like to just state some of the things that a
10 human relations commission, I think, would be able to
11 accomplish. These are the duties and responsibilities
12 of the San Diego human relations commission.

13 One, to promote and foster mutual respect and
14 understanding among all groups and communities within
15 the county. Two, to examine the causes of tension and
16 conflict, discrimination and intolerance, between
17 various and either make recommendations as to means to
18 alleviate such conditions, practices and attitudes or
19 recognize that certain issues which may arise are beyond
20 the scope of county government and the commission's
21 charge. Three, conduct workshops, conferences and other
22 public meetings to educate the county community on basic
23 human rights and responsibilities and assist in the
24 constructive resolution of group tensions.

25 Next, to enlist the cooperation and

1 participation of various community organizations,
2 including racial, ethnic, and religious groups, industry
3 and labor representatives, media and other mass
4 communication, fraternal and benevolent associations,
5 and other appropriate groups to foster mutual esteem,
6 justice and equity, and the dignity and integrity of
7 each individual.

8 Next, to engage in research and education for
9 the purpose of lessening prejudice. Including the
10 preparation and dissemination of information on
11 understanding diverse groups with the county. Further,
12 to provide liaison and assistance to citizen's groups
13 interested in fostering inter-group understanding and
14 civil peace. And finally, to cooperate with county
15 departments and committees in identifying and
16 ameliorating human relations problems.

17 Although this county has not has a high
18 incidence of hate crimes in the past, I think just in
19 recent months there have been examples, which I'm sure
20 this committee has heard of some of those things, and
21 I'm afraid that if this county fails to establish an
22 effective human relations commission it should be
23 prepared to experience increased racial tension and
24 bigotry, more hate crime, a break-down of community
25 cooperation and the alienation of many of it's citizens.

1 And I would urge this committee to make a
2 recommendation to the board of supervisors of this
3 county to form an effective human relations commission.
4 Thank you.

5 CHAIRMAN CARNEY: Mr. Sillas?

6 MR. SILLAS: I have no questions.

7 CHAIRMAN CARNEY: Ms. Patterson?

8 MS. PATTERSON: No questions.

9 CHAIRMAN CARNEY: Mr. Beltran?

10 MR. BELTRAN: No questions.

11 CHAIRMAN CARNEY: Mr. Cooper?

12 MR. COOPER: No.

13 CHAIRMAN CARNEY: Mr. Balaban, we want to
14 thank you very much for your input, and for taking the
15 time to come here and participate. I think you made
16 some very good suggestions and we will certainly give it
17 every consideration.

18 Ladies and gentlemen, that concludes the quote
19 "normal program" where we have the designated speakers.
20 And now we are a little bit late, but we are going to
21 hear from the interested citizenry who were not included
22 in the agenda, as such. And first of all we will hear
23 from Mr. Walt Stanley.

24 I would caution you all that we're limited on
25 time so I'm going to ask you to be brief. If you're not

1 I'm going to have to be forced to cut you off. So
2 please understand that. I don't mean to be rude, but we
3 have other commitments and all the rest of these people
4 here have other commitments as well. Mr. Stanley,
5 please.

6 MR. STANLEY: Thank you, Mr. Chairman. My
7 name is Walt Stanley and although I'm in my major
8 capacity as a primary senior advocate for the elderly in
9 Santa Maria, I'm also here as a result of my past career
10 active as an alternative housing consultant, developing
11 and designing alternative and cost affordable housing
12 solutions. I have prepared an outline which I will
13 leave with the Chair, but just summarize what it
14 contains.

15 While wishing now to make a brief summary
16 statement, I will submit this. I see several major
17 problems that have not been addressed today to this
18 commission. And while a lot of verbiage has been passed
19 by people not educated in the construction industry and
20 comments made that are totally false or inappropriate,
21 I'd like to correct some of them.

22 The city council and the city government of
23 Santa Maria, as you heard from Mr. Schwammel, has made
24 available and supported the need for cost affordable
25 housing in this community for many years. And because

1 Mr. Schwammel detailed it, I will not detail all the
2 projects that they have supported. I'm not sure if he
3 did mention it, but the senior high-rise with a hundred
4 twenty units is one of them.

5 The county in some respects has also
6 participated in low-income family housing in Tanglewood,
7 Los Almos, and the major project many years ago, the
8 Evans Park by the Santa Barbara Housing Authority.

9 Money is not the issue to build housing in
10 Santa Maria. Land, which is available and suitable for
11 the necessary sized complexes and properties which are
12 excessive in selling price but otherwise are not
13 available. And the problem I have preached for a long
14 time is to quote Will Rogers, "God don't make no more."
15 Land is the only reason we are failing to build within
16 the confines of the city large complexes as they are
17 needed.

18 Agricultural worker housing has, as already
19 stated today, ample dollars available from the Farmers
20 Home Administration of the USDA Agency. The problem is,
21 Farmers Home told me, there's several million dollars
22 one could have to farm worker or agricultural worker
23 housing for both families who work year round and the
24 seasonal workers who come in casually, there is no
25 suitable size property in the city of Santa Maria where

1 this could be used.

2 And I advised city government of that. But we
3 just couldn't find the land. If you find land in the
4 out-skirts or in the county, it is usually distant away
5 from shopping which creates other problems. So the
6 activist who called for housing have been repeatedly
7 told by us how to obtain cost affordable housing as
8 described in detail in our deposition statement. It's
9 they have not responded and come forward to ask for
10 cooperative effort to create such housing for the needed
11 solutions.

12 We believe local government has no
13 responsibility to supply housing. Only support with
14 grants for developments and no interest loans for
15 rehabilitation with federal government funds. However,
16 the county of Santa Barbara board of supervisors and the
17 county planning commission have shown total disregard
18 for adequate farm worker housing for development due to
19 the disinterest and the uncaring attitude coupled with
20 lack of knowledge and understanding of such needs by the
21 current member of the fifth district's board of
22 supervisor who has just not been re-elected and his
23 planning commissioner.

24 And that is one of the prime reasons, Mr.
25 Chairman, why farm worker housing has not been developed

1 in the county area. The new incoming member of the
2 fifth district board of supervisors, I'm preparing for
3 him now some outlines of how this can be achieved by
4 going to a certain area. But the key to it all is land
5 leasing. Something that has been done in Europe, and
6 the east and the mid-west for decades. And land
7 leasing, I'm just about to start a thirty-five unit
8 senior apartment complex on a parcel of leased land in
9 the city of Santa Maria, to again prove that this is
10 feasible.

11 CHAIRMAN CARNEY: Mr. Stanley, thank you very
12 much. I want to thank you for your patience, I know you
13 were here all day waiting to speak to us. Thank you
14 very much. Mr. Yaeger?

15 MR. YAEGER: I don't want you people to think
16 because I'm wearing dark glasses that I think I'm a
17 movie star. I have a little eye problem and these
18 bright lights are very difficult for me.

19 I would like to first qualify myself for being
20 here. I am not a candidate for any political office in
21 this town. I have never been a candidate for any
22 political office in this town. I am just a concerned
23 citizen. I apologize, I didn't give you my name. My
24 name is Fred Yaeger, just a concerned citizen. Now I
25 must qualify myself because I too have a recommendation

1 to make after my presentation.

2 My wife and I feel, without reservation, that
3 this is the finest city in the United States in which to
4 live, bar none. But there's some gray areas that lack
5 of concern are not being addressed. I think we have a
6 fine police department. It's well administered, it's
7 well disciplined, but here too there's a problem that
8 has broken down confidence for the Hispanic people in
9 this community. And this is the areas of which I would
10 like to address, including housing.

11 I enjoying coming here, it's a pleasure. Let
12 me give you a little of my background so you'll
13 understand. When other people were afraid, I was at one
14 time a union president in the city of Los Angeles for a
15 major union in the printing industry. And when other
16 people were afraid, I stood up and was accounted, stood
17 up for Mayor Bradley, had my picture run in a black
18 newspaper that Mrs. Washington was the publisher of,
19 which she just died last week. Now I'm used to being
20 involved in these types of things. I've been involved
21 in human relations practically all my life.

22 What we have here in Santa Maria is a definite
23 human relations problem. In the Los Angeles area I
24 served as a union president undefeated for ten straight
25 terms. Had forty-seven employers in the printing

1 industry. I became at one time the employee relations
2 director for a major newspaper in Long Beach. During
3 World War II I was a paratrooper with the Eleventh Air
4 Borne Division and also an instructor at Fort Kenning in
5 advanced training division of the parachute school in
6 equipment jumping.

7 I tell you this so that you understand my
8 human relations has been this diversified. Overseas I
9 served as a platoon sergeant and served as a first
10 sergeant for my paratrooper company. Again, just to
11 show you the diversity of my relations in human
12 relations.

13 Now, you've heard, I went out during the lunch
14 break and I did a little on the spot city investigation.
15 You've heard that housing is very economical in this
16 town and easy to come by. They make it sound like you
17 just go down to the bank and they just beg you to take
18 the money.

19 I urge you to take these home with you, or
20 before you make any decision and look over this and see
21 how many of you people could qualify for housing, let
22 alone some people in this town. Now we have a human
23 relations problem in this town that's really nobody's
24 fault. But we have thousands of people working at part-
25 time jobs, at minimum benefits, minimum wages, no

1 benefits --

2 CHAIRMAN CARNEY: Mr. Yaeger, I apologize for
3 interrupting but you're going to have to address
4 yourself to the issues that we're here to deal with --

5 MR. YAEGER: I am, there's one of the issues
6 right there, housing --

7 CHAIRMAN CARNEY: You're going to have to be
8 brief, because we have other people. And as I told you,
9 I'm going to have to cut you off.

10 MR. YAEGER: These people are seasonal people
11 also, which presents a problem. Now seeing as how I'm
12 going to be cut off, I make the following
13 recommendation. That you people, if it's within your
14 power, within your authority, you recommend to the city
15 council of Santa Maria that they appoint a human
16 relations committee for this city. It's desperately
17 needed.

18 Let me tell you one reason why. We had a
19 Hispanic that was killed in a cross-walk here in Santa
20 Maria. You know what they did, according to the Santa
21 Maria Times, they gave the dead man a blood test to see
22 how much alcohol was in him when he went across the
23 cross-walk. They didn't give the officer that hit him a
24 blood test following the accident.

25 But the man that was killed in the street,

1 they forced it, while he was dead they gave him a blood
2 test for alcohol. He had some drinks according to the
3 Santa Maria Times. But there's a difference between
4 giving a blood test to a dead man, then someone that
5 kills him in the cross-walk.

6 I could go on, but I respect your policy.

7 CHAIRMAN CARNEY: I understand, Mr. Yaeger.
8 Thank you very much.

9 MR. YAEGER: One more thing, I went out and
10 got a copy of, yesterday's I believe, classified ad.
11 Look and see what the rentals are for homes and
12 apartments and what have you in this town. Then see and
13 ask yourself if it's easy to live decently here.

14 CHAIRMAN CARNEY: Thank you, sir. Mr. Alston.

15 MR. ALSTON: Not to steal any firewood from
16 Santa Maria's problems, but we're from San Luis Obispo,
17 about thirty miles from here, we've got some problems up
18 there too.

19 CHAIRMAN CARNEY: Would you state your name
20 sir?

21 MR. ALSTON: My name is Neil Alston.

22 MR. ESPINOZA: And my name's Frank Espinoza.

23 MR. ALSTON: I'm a seventeen year veteran of
24 San Luis Obispo. I'm a employee of the city of San Luis
25 Obispo. I began working there in 1974, and through the

1 course of my working there I underwent a tremendous
2 amount of racial harassment. The racial slurs, jokes,
3 and so on while I was employed there. Repeatedly I went
4 to my supervisor, department head, city administrator to
5 try to cease the harassment. They did nothing, they
6 basically explained that it was my problem. I should
7 try to get along with the guys more.

8 About 1980 there came a position open, go to
9 work at 3:00 in the morning, sweeping the streets. It
10 was a competitive position that I took and passed with a
11 number of other employees. At that time I took that, of
12 course I was by myself so I didn't have any problem.

13 In 1989 the city of San Luis Obispo took and
14 had a survey of employees who worked for the city to
15 determine their work classifications and also to upgrade
16 them and so on. I filled out all the things that I did
17 for the city, the time that I spent on the equipment and
18 so on. And they came back with a survey that I was
19 working out of position. That I should be reduced in my
20 position and also be cut by two hundred dollars a month.

21 Myself and someone else who worked for the
22 city of San Luis Obispo, we found out we were similarly
23 and in the same way being discriminated against. We
24 filed a complaint with the EEOC at that time, it is now
25 in the process of getting through that. We can't find

1 an attorney in San Luis Obispo to help us, to represent
2 us.

3 CHAIRMAN CARNEY: Mr. Alston, let me interrupt
4 you a second. It appears for your statement that you
5 and Mr. Espinoza have a complaint regarding the lack of
6 affirmative action in the city of San Luis Obispo. And
7 we can get into your specific personal situations and I
8 don't know how productive that will be because we're not
9 conducting our hearing regarding that particular
10 situation. However, I will forward this information to
11 Mr. Montez and his staff and then possibly at a later
12 date we can look into that situation. And you do have
13 the item pending before the EEOC, is that correct?

14 MR. ALSTON: Yes.

15 MR. MONTEZ: What office was that with, the
16 EEOC?

17 MR. ALSTON: Ventura. There's seven of us
18 have the complaint.

19 MR. MONTEZ: I'll talk to you later and then
20 I'll get more specifics. That would expedite it.

21 MR. ALSTON: Thank you.

22 CHAIRMAN CARNEY: Gentlemen, I want to thank
23 you for coming down here and presenting us with your
24 complaint. Thank you. Mr. Wolfe, Kenneth Wolfe.

25 MR. WOLFE: My name is Kenneth Wolfe and I've

1 lived in Santa Maria for five and a half years. I've
2 been employed as a letter carrier with the post office
3 and I'm on the advisory board.

4 I want to comment on some of the comments made
5 earlier and some of my observations. It was stated
6 earlier that the people in this community do not have
7 direct access to the process. That is totally false.
8 The city government is always open and available to
9 employees, different departments are available and
10 accessible. The information that you would request is
11 always there.

12 In the quarterly publication of In Touch by
13 the city, it always lists when and where the different
14 city meetings are being held and the committees. They
15 give the time and the place and how often. The city
16 hall always has listed copies of the city council
17 agenda. It's always posted. As is the planning
18 commissions agenda always posted also. So everyone has
19 access to speak on any of the items. And at every
20 meeting the Mayor is always asked, is there anybody else
21 who wishes to speak on this issue. Every meeting. Also
22 with the planning commission.

23 But back here it states, for public comment, a
24 person will be given five minutes to speak on any
25 subject that's not on the agenda. They have access. On

1 the second floor of the library, in the reference
2 section, in the genealogy and document room, open to the
3 public, are all the public documents. State, county,
4 city, environmental reports. All that information is
5 there.

6 It appears to me sometimes to be a lack of
7 community attendance at these different committee
8 meetings or city hall meetings, meetings like that.
9 There have been times where issues on housing have been
10 brought up but very few people have spoken against a
11 particular development, asking about low income housing.

12 Presently the city is involved in what is
13 called the sphere of influence annexation program, to
14 develop and expand the borders of the city. This is
15 probably a twenty, thirty year project. By the year
16 2010 we'll have a population of a hundred and thirty
17 thousand people. More community involvement is needed
18 now for the very groundwork and foundation of these
19 programs to develop housing, commercial, industrial use
20 as well as recreational. When there's that input from
21 the community, then you'll see results in low income
22 housing.

23 One of the other persons mentioned that it
24 seems like the tail is wagging the dog. I take
25 exception to that. Because there have been many times

1 when I've spoken before the city council, I've spoken
2 before various departments, and given my input. And,
3 yes, you can get results. It's just a matter of making
4 the effort and finding the time to be there. They are
5 open and I've always been treated very professionally,
6 very courteously by everyone I've had contact with.

7 As far as housing for farm workers, that's an
8 issue no individual person wants to address. It's a
9 very expensive one, we have a lot of regulations, a lot
10 of responsibility and a lot of liability. That's an
11 issue that has to be met by the city, the agriculture
12 industry, the county as well.

13 It was mentioned in education, and I want to
14 make this very clear, the schools are making a direct
15 effort to communicate with the parents. Every time my
16 children bring notices home from elementary school,
17 they're in both English and Spanish. The schools do
18 make that sincere get parent involvement from everybody.
19 It's very important in the education of the children of
20 this community.

21 The issue as far as municipal services, I
22 cover this city entirely in my profession. And I can
23 tell you on any given day throughout this community you
24 will see city service vehicles out there performing
25 their responsibilities. I see it. Each of the

1 departments has forms to fill out if you have
2 suggestions or a complaint. Be it too much dust from
3 grating and excavation at a development, or two pot-
4 holes in the street, they do have the forms, you can
5 fill them out. It's just going in there and making that
6 effort.

7 Employment, this is a form by the city for a
8 committee or commission to be filled out by anyone who
9 wants to apply for a vacancy in any of the positions
10 that are available. On the back it states, an equal
11 opportunity, affirmative action employer. It's right
12 there.

13 Voting rights, forms to be a registered voter
14 are available in city hall as they are in the county
15 offices.

16 And as far as housing, yes, I see things a lot
17 differently when I'm out there delivering mail that most
18 other people do not see. And I will tell you, yes,
19 there is a very serious problem. It is being addressed,
20 but it cannot be addressed overnight.

21 The growth rate in this city is very high. We
22 have to be able to maintain city services equal with
23 what they're allowing to be built. Because if you don't
24 then you're going to have a breakdown in the city's
25 infrastructure. And that's why sometimes people will

1 say why aren't they building more housing. You have to
2 do it within which you can provide and in what the city
3 has within their budget to work with.

4 And I will tell you personally that, yes, I've
5 been discriminated in the past. I am sensitive to it, I
6 am aware of it. But to the best of our ability, the
7 city government does not discriminate. They're very
8 open and very positive. And I thank you very much for
9 the opportunity to speak. And if you have any questions
10 I'll try to answer them.

11 CHAIRMAN CARNEY: Mr. Wolfe, thank you very
12 much for your time and your input. I think Mr.
13 Schwammel would like to talk to you maybe about
14 recruiting you to sell the city services. Mr. May?
15 Please state your name sir, and again, I notice on your
16 form, you've got a lot down here. I'm going to remind
17 you that --

18 MR. MAY: I'll try not to repeat what's been
19 said before, Mr. Chairman.

20 CHAIRMAN CARNEY: You're apparently a former
21 politician here, right?

22 MR. MAY: Some people would call it that. My
23 name is Jim May. I'm representing myself. I've been on
24 city and county government commissions and I was a city
25 council member. This spreads over the last twelve

1 years. Before that I was thirty-four years in the U. S.
2 diplomatic counselor service. Mostly overseas, in the
3 far east, middle east, and Africa.

4 I'm not a very prejudiced person. I joined
5 the ACLU fifty years ago. My wife is an Asian. I have
6 three adopted Vietnamese children. I have a Hispanic
7 daughter-in-law and a soviet jewish son-in-law. A
8 couple of ordinary anglos.

9 In all this service overseas, and one reason
10 why I was able to be selected by the state department,
11 because they were convinced that I was not prejudiced,
12 that I could deal with people of other nationalities and
13 other colors on a equal, even, equitable, effective
14 basis. And I presume that's why I stayed with the
15 service until normal retirement.

16 Coming back to Santa Maria, my home town, I'm
17 a fourth generation Santa Marian, and I feel very
18 strongly about this, my home town, it was my official
19 residence all the time I was gone, and it's true, it's
20 the best place in the world to live. Not to vacation,
21 but to live. So here I am. I could be any place else
22 in the world.

23 I found that the city government was run by
24 people, some of whom I knew, many of them back in
25 school, including the Mayor. I knew all about the Mayor

1 because my mother told me and I verified this over the
2 last twelve years that I've been in politics, the Mayor
3 isn't always right, but he's absolutely honest. And he
4 looks out for the ordinary people and the little people.
5 He calls them the way he sees them.

6 And I was quite troubled when I heard the
7 varying interpretations that hit this community of what
8 the Mayor actually said. And I believe he said what he
9 said and not what other people say that he said.

10 I also find it difficult to know why the
11 accusations were made against the Mayor because his
12 track record is the strongest advocate on the city
13 council for minorities, for poor people, for middle
14 class people, for working people, for people who don't
15 very often come to meetings, who aren't very well
16 represented.

17 And he fights for the ordinary person, and
18 successfully usually but not always. All the time,
19 without exception, he sticks up for the little guy.
20 He's the best friend the Hispanics in this community and
21 all the other minorities ever had.

22 And you go back and review some of these
23 projects that have been mentioned today, city housing,
24 affordable housing and so on, the Mayor was on the
25 forefront on these. And a lot of them were big long

1 fights, and I happened to be in the front of this fight
2 for about twelve years now. Because housing happens to
3 be my hobby. And I'm really working on it in the
4 planning commission. The Mayor got those through, the
5 ones that made it. The ones that didn't make it, and
6 there were a few, were in spite of the Mayor working for
7 them.

8 Invariably, he's on the side of the ordinary
9 people, those that get short-shifted because they're not
10 quite as smart, or not quite as educated as to how the
11 system works and so on. And you can call George anytime
12 day or night at home or the office and he would talk to
13 you, he will listen to you. Listen to you, how many
14 politicians do you know who will listen to you. So I
15 consider the accusations against him to be sincere but
16 baseless.

17 The second point I would like to mention is
18 the interpretation of the election campaign in which
19 seven Hispanics ran and none of them got elected. They
20 are not much different from a lot of Anglos who have run
21 and didn't get elected.

22 And the reason they didn't get elected, and I
23 know a number of these personally for some years, if
24 they had asked me I could have told them, in fact I told
25 one of them but he didn't listen and he found out, if

1 you want to get elected in this town, or most towns you
2 have to live here for a few years, you have to earn your
3 way so that you are recognized in the community.

4 You have to work in community organizations
5 and do things. Because when you just come up, and maybe
6 you worked in one narrow focus organization, nobody
7 knows you. You haven't convinced anybody that you know
8 the city's problems, or that you're capable of dealing
9 with them. You're just somebody who's making promises.
10 All politicians make promises.

11 So basically they got the number of votes they
12 earned. They made some technical mistakes too. If you
13 want to get elected in Santa Maria, like many places,
14 you better start your campaign a year or two early. You
15 can't just come in in three or four months, run a quick
16 campaign and expect to get elected. They kind of made
17 an issue of the fact that they were Hispanic.

18 In Santa Maria, the people who get appointed
19 to commissions, and who are respected in this community,
20 they're people who are contributors to the community,
21 who's integrity is respected and who just incidently
22 happen to be Hispanic or Japanese or whatever. And
23 unfortunately in this campaign many people made an issue
24 of their ethnicity and that doesn't go in Santa Maria.
25 In Santa Maria you get elected for what people think of

1 your integrity and what you're able to perform.

2 The Mayor got sixty-two per cent of the vote
3 because people believe he's honest and he speaks up for
4 what he believes. And they are not that sure about
5 other people.

6 Now some of the Hispanics that ran I think
7 were extremely competent people. I think they have very
8 good programs. And I hope they'll run again. And if
9 they do their homework and get their campaigns ready,
10 some of them will get elected next time.

11 I want to comment that the comments by Mr.
12 Schwammel, the city administrator, I think were
13 absolutely accurate. I was an administrator in the
14 foreign service. I did all the things for U. S.
15 missions abroad that he does here for the city.

16 So when I got on the council I started
17 sticking my nose into everything to make sure there
18 wasn't discrimination against women or minorities or
19 whatever in the city. And everything I looked at was in
20 good shape. I satisfied myself that this is one heck of
21 a good city. And there were not too many things that
22 need fixing.

23 I think extended availability of services have
24 been covered. It's excellent. There's probably a few
25 things that could be fine-tuned and improved like every

1 place. And I think this is an open-minded city and
2 they're working on it.

3 And housing, you've heard a lot of things
4 about housing. We do have a housing problem, but I
5 think the planning commission is on top of it. And I
6 think the city council is waiting to hear from us so
7 they know what to do next.

8 I also believe your visit here and this
9 bringing out expressions from the community has
10 strengthened the council's and the community's resolve
11 to find a way somehow to get more affordable housing.
12 Housing down on the bottom end where it's the scarcest
13 and the most expensive and the most difficult for people
14 on a limited income.

15 And that is the number one focus in the
16 planning commission, which I think the chairman said.
17 And we expect things to happen, particularly when we get
18 some land from LAFCO and the county. They've been
19 dragging their feet on this. But there have been some
20 political changes and we think that's going to move.
21 Housing is well on the way to solution.

22 Santa Maria is a great place and we don't just
23 preserve our quality of life, we're going to improve it
24 and we thank you for your help.

25 CHAIRMAN CARNEY: Mr. May, thank you very much

1 sir. Mr. Garabee? Please state your name for the
2 record.

3 MR. GARABEE: My name is Stanley Garabee
4 (phonetic) I am senior citizen. Live in this country
5 sixty-four years. When I come here I was young. I
6 tried my best to educate myself and I succeeded. I got
7 my masters degree in psychology but I have not had a
8 chance to use it because when I try for it I'm too old.
9 So what good does it do. There's reason for that though
10 because I'm still working with the community leaders in
11 this city.

12 The problem is we have all kinds of
13 discrimination in this country from the beginning it was
14 established. And it's still going on. Believe it or
15 not it's still going on. Look around in this city of
16 Santa Maria, what do they have, feudalistic community.
17 All this development surrounded by walls, Berlin Walls.
18 You go and look around. That signifies there is still
19 discrimination in this city.

20 Now you come in here, you know the first thing
21 that they're passing here, that Filipinos cannot get
22 married. We were single, we were important. Singles
23 here, they said you cannot get married to this and that.
24 I won't mention the race. But you see, if you marry a
25 Mexican that you're a whore. If you marry a white then

1 we are color. I don't know.

2 One thing, the justice department in this
3 country is impossible to solve. Lots of Mexicans, not
4 only Mexicans, but this is the preface, when you are
5 brown, they put you in jail. They fine you, you can't
6 pay because you spend all your money on booze. And what
7 do they do, they put you in jail and the police
8 commissioner if you cannot pay your fine they put you to
9 work for nothing. What kind of practice is that. Is
10 there justice in it. Forget it.

11 One thing more. The reason why I came in here
12 is that we have no transportation for the seniors who
13 are about four hundred Filipinos here, like me, I'm
14 eighty-six now. I have to work for our senior citizens
15 here but they won't give us any help. The AAA has been
16 given money to provide service for the needy. The Act
17 since 1973 said that the needy shall be provided for
18 first. Who are being provided for. The elite. You
19 investigate that yourself. I have done research in
20 three counties, Ventura, San Luis Obispo and Santa
21 Barbara, and I know the situation. We are still being
22 discriminated. We have no transportation. It is a
23 problem of attitude. CHAIRMAN CARNEY: Thank you Mr.
24 Garabee.

25 Ms. Martha Garcia?

1 MS. GARCIA: Good afternoon. I'm also talking
2 in the same lines as Mr. Garabee. Since I graduated
3 from law school in 1982 I haven't been able to find a
4 decent job that I can be proud of. As you can see from
5 my resume here, I will give each of you a copy, I have
6 had little nothing jobs that I can be proud of.

7 Mr. Urbanski (phonetic), he interviewed me for
8 one of my latest jobs that I applied to, it was I think
9 a project director for Klein Bottle. And I don't know,
10 he could probably tell you why they didn't hire me for
11 that position. So it's all been negative. It's not
12 that I haven't tried.

13 I lived in Marina Del Rey for awhile, I
14 applied everywhere, zilch. I just came back from
15 Sacramento and I also applied to several positions
16 there. Nothing. I'm back here again and I'm applying
17 to small jobs that I consider I'm more than qualified
18 for. For counsellor, social worker, eligibility worker.
19 I'm bi-lingual and nothing.

20 CHAIRMAN CARNEY: Ms. Garcia, the one thing
21 that we're concerned with here and I'm not trying to
22 make light of your situation. But we're here to deal
23 with violations of civil rights. And if you can assess
24 any of your failure to obtain employment because of that
25 then we certainly would be entertaining your --

1 MS. GARCIA: Well, I guess employment, not
2 being able to find decent employment I think would be a
3 violation of my civil rights.

4 CHAIRMAN CARNEY: Well, not necessarily so. I
5 can think of a situation where you probably would be
6 best to direct your inquiries to the Equal Employment
7 Opportunities Commission, rather than the Civil Rights
8 Commission. Unless you can come up with a specific
9 violation of your civil rights. The fact that somebody
10 doesn't give you a job that you feel --

11 MS. GARCIA: Well, I don't know. It was just
12 an idea that I had. They made it available for me to
13 come here, I don't know.

14 CHAIRMAN CARNEY: Well, we certainly have made
15 it available for you to voice your complaint. Thank
16 you. Mr. Valenzuela? Again, Mr. Valenzuela, it's
17 getting late, I'll ask you to be brief.

18 MR. VALENZUELA: Okay. I'm Jerry Valenzuela.
19 I'm a registered professional engineer and I'm doing
20 business in the city of Santa Maria. And I'm also a
21 licensed general contractor for the state of California.
22 I've been doing business in the area for the last three
23 years. Prior to that I was doing consulting work
24 basically with other general contractors, specialty
25 types.

1 This issue that I wanted to bring up has to do
2 with contracting within the county and the city of Santa
3 Maria. And especially in trying to offer opportunities
4 for minority contracting firms for their professional
5 firms or construction firms in those opportunities that
6 are offered to them. To me by dealing with a lot of bid
7 processes throughout the state of California including
8 with the state and the government and generally with
9 other city governments, they all have their programs in
10 order to encourage minorities to do contracts with them.
11 And I really don't see any effort with the city or with
12 the county in that respect.

13 In 1989 I was the low bid on a large job here
14 with the city of Santa Maria and it was a 2.7 million
15 contract. And I was low bid by a hundred thousand
16 dollars. The city did not offer me due process in so
17 far as awarding me the contract. They basically took a
18 protest by the second bidder that my sureties were not
19 acceptable. And no hearing was done other than a brief
20 presentation that the city council and the city council
21 accepting the city attorney's recommendation to reject
22 my bid. Even though my bid was a hundred grand less
23 than the second bidder.

24 To me that was just an example of the city
25 maybe not having a program to at least encourage

1 minorities to do contracting with them. Because in a
2 situation like that they should at least have had a
3 hearing in trying to see whether the problem could be
4 solved. Especially within the time frame that they had
5 to award the job.

6 During that process I did present the city
7 attorney the various statutes that would have applied to
8 the sureties that I presented. But he basically had
9 ignored them and had recommended city council to take on
10 the second bidder.

11 I feel that this illustrates maybe a problem
12 with contracting with, well that specifically is with
13 the city, but if you look even with the county of Santa
14 Barbara, they don't have really a program that offers
15 the minorities, maybe somebody to speak to for various
16 opportunities that might be available in the future. Or
17 even within the short time period that contracts come
18 up.

19 CHAIRMAN CARNEY: Okay. Mr. Valenzuela, does
20 that conclude your remarks?

21 MR. VALENZUELA: Yes.

22 CHAIRMAN CARNEY: All of this becomes part of
23 the record. So the fact that we aren't asking any
24 questions doesn't add have any significance to that. We
25 do review all of this business. Thank you very much

1 sir. Cecilia Rios?

2 MS. RIOS: My name is Cecilia Rios and I'm a
3 member of Latinos for Better Government from Santa
4 Barbara, California. We address you today on behalf of
5 the people of Latino descent. In fact, on behalf of
6 people of all color. Regrettably, we must report to you
7 that the state of civil rights and liberties for Latinos
8 in Santa Barbara county, north as well as south, is
9 deplorable indeed.

10 Over the last years, and increasingly so over
11 the last year, we have seen a regression to days of old.
12 Back to an environment which the Civil Rights Act of the
13 1960's was enacted to remedy. Today, Latinos do not
14 have the freedom of association. Today Latinos do not
15 have freedom of movement. Today Latinos do not have the
16 fourth amendment, the guarantee of security in their
17 persons, homes and documents. Today no freedom of
18 expression.

19 You're here in Santa Maria because you're
20 aware that these civil rights violations exist in Santa
21 Maria. The racist sickness in Santa Maria also exists
22 in Santa Barbara. For example, in Santa Barbara on
23 November 14, 1990, a Latino youth was killed by two
24 Anglos, solely because of his color and ethnicity.

25 In Santa Barbara, the county and the city

1 police are stopping and harassing Latino youth during
2 the day, while returning from school, church, and
3 visiting with friends. They are being detained for
4 informational and classification detention that are
5 without cause or suspicion of any criminal activity.

6 Latino youths are being stopped, detained for
7 their style of dress, the color of their jackets, pants,
8 baseball caps, and even the style of their hair. This
9 selective discriminatory police conduct is not directed
10 at Anglo youth, who wear the same clothing, utilize the
11 same hair style and even hang out at the same locale.

12 These civil rights violations are not only
13 occurring in the street. It appears that these
14 discriminatory policies are so pervasive that it affects
15 our youth in school as well. Between the school and
16 police bureaucracy we see a pattern and practice of
17 attacking an entire ethnic group and community by
18 defaming an entire people as gang members. In
19 identifying our youth as gang members.

20 In attempting to create a gang problem
21 mentality, the police are attempting to justify a
22 diversion of funds from education to incarceration. To
23 justify the wholesale attack on the civil rights of an
24 entire people. And to justify their gestapo tactics.
25 The incidents are too many to present here. We have

1 dates of all these incidents. People are prepared to
2 testify before the commission of all these civil rights
3 violations.

4 We ask, in fact we believe that your mandate
5 requires, that you investigate the incidents. Set up a
6 task force or set up a commission hearing at the
7 earliest possible time. Our community especially our
8 youth is at great risk.

9 CHAIRMAN CARNEY: I appreciate your remarks
10 and we will take note of them. But I additionally would
11 request that you wish this to be pursued that you make
12 this a formal complaint to the Civil Service Commission
13 in writing. Thank you very much. James and Darlene
14 Savoy?

15 Mr. and Mrs. Savoy, we have not only a request
16 to speak to us but also what appears to be a statement.
17 And rather than have you repeat it because the statement
18 is going to be part of the record, I'd just ask that if
19 you have additional remarks, you're free to give them.
20 But I just don't want you to go ahead and repeat what's
21 in your written statement.

22 MS. SAVOY: My name is Darlene Savoy and I'm
23 the owner of Savoy Autoparts located at 1915 A South
24 Broadway in Santa Maria. Since I opened in June of
25 1990, my husband James Savoy, has tried on many

1 occasions to contact some of Santa Maria's city
2 officials about purchasing from our store.

3 He has tried to contact, and I want to
4 apologize if I mispronounce your name, he has tried to
5 contact Wayne Schwammel at 925-0951, extension 200; Hank
6 Romero at extension 231. And each time he called he was
7 told that they would return his call. But to this date,
8 neither one has responded to his calls, by letter nor by
9 phone.

10 On one occasion he did speak to Margaret
11 Henstrick (phonetic) about minority set-aside program.
12 He was told by her, and I quote, "There are nothing but
13 minorities in this city." His response was, my wife is
14 a black minority business woman and I would like to know
15 if there are any set-aside programs for minority
16 businesses. Her response was "no".

17 I am deeply concerned about the attitude and
18 the lack of interest these people have shown concerning
19 this matter and in returning phone calls. I have lived
20 in Santa Maria for nineteen years and have been a
21 homeowner and taxpayer throughout those years.

22 As a black business woman I would appreciate
23 it if the city would purchase a portion of their vehicle
24 parts from my store and give us a chance to grow in this
25 city. I would like you to know that we can locate and

1 obtain any parts for any vehicle that is on the road
2 today.

3 And in closing I would like to thank the
4 people at the planning commission for their kindness and
5 their polite attitude that they have shown each time
6 that we have gone into their office.

7 MR. SAVOY: I'd like to make one statement.
8 It is very difficult to open a business up. And in
9 particular it's very difficult for black people to open
10 a business up in Santa Maria. And I think that the city
11 should take a look at the attitude towards businesses
12 that are opening up in the city.

13 There's a lot to be desired about how things
14 are going in the city. I understand that the Mayor
15 cares about the minority people in this city. I think
16 that the Mayor should set up his own bureau of auto
17 repair for the Santa Maria area.

18 Since we've been open in this city, in the
19 last six months, we've seen numerous cases of people
20 being gouged, who are being charged for things they
21 didn't get, just taken advantage of simply because they
22 do not speak English. And it's a concern of ours and
23 since we've opened the store we've become more and more
24 concerned about what's going on.

25 This city does need looking into. I don't

1 know the Mayor, I've only been here for one year. But
2 in the six months that we've been open, it is true.
3 Thank you.

4 CHAIRMAN CARNEY: Mr. and Mrs. Savoy, thank
5 you very much. Ladies and gentlemen, this would
6 conclude our forum here as members of the California
7 Advisory Committee to the U. S. Commission on Civil
8 Rights. And on behalf of all of the members who are
9 present here and even those who are not, I would like to
10 thank you all. Those who participated and those of you
11 who are members of the public who came just to be
12 present. We give of our time for this function, and we
13 certainly appreciate very sincerely your participation
14 and your presence here. It does show that you're
15 concerned citizens and we greatly appreciate that. And
16 thank you again. Off the record.

17 (Whereupon, at 6:50 p.m., the above-entitled
18 matter concluded.)
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REPORTER'S CERTIFICATE1
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DOCKET NO.: --
CASE TITLE: Open Forum on Civil Rights in Santa Maria
HEARING DATE: December 1, 1990
LOCATION: Santa Maria, California

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the California Advisory Committee to the United States Commission on Civil Rights.

Date: *December 20, 1990*

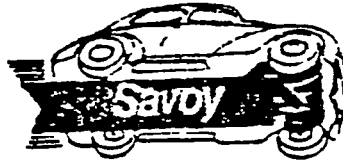
Todd Briggs by AW Baker

Official Reporter :

Heritage Reporting Corporation

1220 L Street, N.W.

Washington, D.C. 20005



AUTO PARTS

1915 - A & B North Broadway
Santa Maria, California 93454
(805) FLX-AUTO

My name is Darlean Savoy. I am the owner of Savoy Auto Parts, located at 1915 A- North Broadway in Santa Maria. Since I open in June of 1990, my husband James Savoy has tried on many occasions to contact some of Santa Maria's city officials about purchasing from our store. He has tried to contact Wayne Scwammel at 925-0951 Ex.200, Hank Ramirez at Ex.231 and Reese Riddio at Ex.221, each time he called he was told that they would return his call; but to this day neither one has responded to his calls by letter nor by phone concerning this matter. On one occasion he did speak to Margaret Hemstreet about a minority set aside program, he was told by her "There are nothing but minoritys in this city". His response was "My wife is a black minority business woman and I would like to know if there are any set aside programs for minority businesses". Her response was "No". I am deeply concerned about the attitude and the lack of interest that these people have shown concerning this matter and in returning phone calls.

I have lived in Santa Maria for 19 years and have been a home owner and tax payer throughout those years. As a black business woman, I would appreciate it if the city would purchase a portion of their vehicle parts from my store and give us a chance to grow in this city. I want you to know that we can locate and obtain any part for any vehicle that is on the road today.

In closing I would like to thank the people at the Planning Commission for their kindness and the polite attitudes they have shown each time we have gone into their office.

Thanks

Darlean Savoy
Darlean Savoy

Testimony - Margie Talaugon
Civil Rights Hearing
December 1, 1990
Santa Maria, California

Background;

Community organizer and Advocate, Bay Area and Sonoma County.
Director, Sandigan Inc., Approved as Volag to Immigration Naturalization Services
Chairperson, United Pilipinos for Equal Employment, Affirmative Action Agency
EEOC Speaker/Consultant - Military, S.C.P.E.O. , School District Instructors.

I have volunteered my time as an advocate, to serve as the ear and voice of The Committee For The Betterment Of Santa Maria Valley. I am here to present a series of events that will shed some light on the racism that has transpired since July 16, 1990. Much of the information was concealed from the public until recently when it was publicized that an OCR Hearing was scheduled.

1-

When The Committee For the Betterment voted to distribute Green Ribbons to express our strong resentment against Bigotry and Racism. A large number of individuals made a choice to wear them, employees of Department Stores, Hospitals, and Service Agencies. This took place in the first week of August. Employees of the Social Service Department displayed their ribbons proudly. In one week the Ribbons were no longer worn. I was informed by one of the employees that all Mexicans cannot wear the Ribbons because they were too political. The following event was the Red Ribbon Week (Anti-Drug Campaign) Everyone wore the Ribbons with no objections from the administration. This is a clear violation of the Civil Rights of the Mexican employees freedom of speech and choice.

My question is, if the Administration is against drugs, and they do not allow their employees to be against Racism and Bigotry, then the answer would be they support Racism and Bigotry. The action by the Administration is discriminatory and unconstitutional. I was also told that there has always been a large turnover of Spanish surname employees in the Social Service Department. This is due to the harrassment and stress/pressure placed upon them. Many have taken other jobs with lessor pay.

2-

Santa Maria High School has a Counselor who is assigned all the Mexican student that are deemed potential or Hard core. Not like the regular students who are alphabetically assigned to counselors.

A distraught Mother visited this counselor, when she was informed that her son is being considered for suspension. As she attempted to communicate her concerns to this counselor, he abruptly told her "Don't worry about him, he won't finish school, and he'll probably end up in the streets." This student is 15 yrs. of age.

A student was ill from Friday to Monday. On tuesday he returned to school and entered his counselors office. He was told to sit down, take off your hat and shut up. The student obeyed. The student had a slight runny nose, as he attempted to inhale he rubbed his nose. The counselor immediatly said "I bet 99% you are on cocaine, I'm gonna refer you to the Drug Program." The student challenged the counselor and said he was willing to go to the Probation Department and take a drug test. P.D. is located a block behind the High School. The counselor ignored the student. On Thursday, in the same week, he was called into the Drug Class. He was instructed by the Female instructor to arrange to attend this class once a week until deemed/approved by the counselor. Student told her, Im not on drugs. She said it's Okey he (counselor) sends anyone to me. The student was so embarrassed he could not tell his parents. After 2 or 3 sessions the instructor told him to get back to regular classes, he had no problem.

Counselor continued.

This specific counselor orders these students to wear a certain style of clothes and color.

On his wall there is a HIT LIST. This list is comprised of Spanish surname students. There is also a clear notation "Watch out for these students!"

Students of this counselor who wish to participate in sports is told, forget it, you won't be in school long enough to get into sports.

It appears that this counselor has only one goal and objective. And that is to destroy the self esteem and take away the students dignity.

This counselor has no consideration for either the parents or the future of the students. If attitudes are not corrected, the drop out and negative reaction from students will continue. And where is a parent to go if they are discouraged at that level. Do they know their rights? Do they understand due process? It appears not.

I would like for you to note, Santa Maria High School singles out the poor students who qualify for the free lunch program. This is done by separation of students, a ticket line and 4 or 5 pay lines. The ticket line is predominately Mexican. And because there is one person to receive the tickets the line is lengthy and slow. I was informed by a student that some of the Mexican students rather starve than be humiliated in such a manner.

I asked the student, what do you want and how do you want to be treated? His response was, I don't want any thing, just to be treated like a normal person, that's all I ask. I'm human.

3-

I have been informed that the Bi-lingual Teachers in the Santa Maria Elementary School does not truly represent bi-lingual individuals. Of the 97 teachers, there is a possibility that as much as 50% is a mixture of non-hispanic with spanish surnames who are depriving the qualified Latinos from employment.

4-

We will also be requesting clarification on input and plans of the new committee that was formed to develop a program for Latch Key Kids.

5-

A question was raised regarding the Santa Maria Fire Department. Of the 26 full time fire fighters, 4 are hispanic, 1 is Puerto Rican. Why is there no Hispanic in the supervisory position. The 2 supervisors are 1 black male, the other a woman. They question the process and how the determination is made, for promotion.

6-

I recently walked the precincts for a Mexican American Candidate for City Council. This person is well known and qualified.

One retired male stated he was a long time friend of Mayor Hobbs. He agreed with the Mayor that all the Mexican should be sent back to Mexico. I don't care who is running for office, my friends, neighbors and all the Anglos will not vote for a Mexican. A high wall must be built with guard dogs and men armed with pistols and rifles. We have to stop the hordes. They come to work, but contribute nothing to society. They breed and have large families so that they all can go on welfare, with all the false documents they can buy. Those illegals have no regard for sanitation, education, learning english or becoming good Americans like the rest of us.

He asked if I knew of the Activist from Nipomo (Esteban Valenzuela) and his organization. He was visibly upset. He said, that man and his organization is dangerous and something has to be done to stop them. I asked what is so dangerous about a group of people who stand up against racism? He said, no, the leader and this group is telling the Mexican community to get pistols and rifles, prepare to arm themselves and at a given signal, shot Anglos. I told him that those are serious charges and unfounded. What and where was his source? He said it's common knowledge, the Mayor knows, it's in the papers, don't you read?

Precinct continued.

I told this man, if the wall is built across the Mexican border, it is only fair that a wall be built to the North, Canada. I informed him that I was aware of illegal Europeans crossing over also. He raised his finger at me and said no, no, all of the Europeans are legal immigrants. I asked if he was interested in walking precincts since he was so adamant about the Anglo candidates. He said, no way, I'd get knifed in the Mexican Districts. He stated that he was very comfortable speaking freely to me, because I was a female. If I was a male, he would be fearful of being stabbed to death. In each predominately Anglo precinct I walked, the response was positive and they were familiar with our candidates' back ground. In the End they did not vote for him. My opinion on that is, the individuals who answered the doors appeared to be as congenial and cooperative as possible because they saw a convergence of brown people in their district and was fearful of reprisal/retaliation, if they gave their honest opinion. It is absurd that people think brown represents violence.

7-

Mayor Hobbs stated, he was not worried because, the Mexican does not vote. He is aware that this Valley or the powers that be, programs the people of color to be subordinate. Learn as much as we want you to learn Be loyal, work hard, don't rock the boat if you are discriminated against or not promoted, if you are the brunt of an ethnic joke. Feel honored that you are employed, do not ask for more. Those who are pained by racism and discrimination must suffer in silence or be subject to humiliation by co-workers or terminated by the employer. In the past the subtle racism existed, after Mayor Hobbs statements it is blatant. Now we are charged with being racist and reverse discrimination. Reverse discrimination? Then what they are saying is, we are the chosen one, the Constitution is only for the Anglo community. People of color are not allowed to practice or benefit from the Constitution. This is for Whites only!!! We say no.

Each issue presented today will be addressed by the community and with the help of the many concerned citizens we hope to ameliorate the situation in time.

8-

There is one vexatious item that concerns me. The statements, statistics made by Mayor Hobbs have largely been drawn from a mailed flyer, printed in Virginia. It is called the Immigration Control Foundation. They solicit funds to continue their efforts in monitoring border activities and to mail out hate and fear propaganda. The information printed is incorrect and perpetuates hate against those South of the border.

The Immigration Control Foundation is not affiliated with the United States Immigration and Naturalization Service. As a matter of fact INS has no knowledge of this group.

I ask this commission to seek the truth regarding this hate group.

In closing we will no longer allow the community to suffer in the hands of insensitive individuals or groups. In the future we hope that you will be available to the community if we are faced with insurmountable obstacles.

Thank you for your support and consideration.



CITY OF SANTA MARIA • 110 EAST COOK STREET • SANTA MARIA, CALIFORNIA 93454-5190 • 805-925-0951 • FAX 805-349-0657

November 30, 1990

MEMO TO: California Advisory Committee
U. S. Commission on Civil Rights

FROM: Wayne Schwammel, City Administrator
City of Santa Maria

SUBJECT: WRITTEN STATEMENT SUBMITTED TO ABOVE-
REFERENCED COMMITTEE IN RESPONSE TO THE
NOVEMBER 21, 1990 LETTER FROM THE U. S. COM-
MISSION ON CIVIL RIGHTS

Dear Members:

I submit this written memorandum to you in response to your November 21, 1990 memorandum directed to my personal attention. This letter indicated that the California Advisory Committee to the U. S. Commission on Civil Rights would be holding a forum in Santa Maria on December 1, 1990 between the hours of 9:00 a.m. and 6:00 p.m. The indicated purpose of said forum is to address issues in Santa Maria relating to voting rights, housing, municipal services, and employment. Although it is difficult to prepare written remarks relating to the above-referenced issues without more specific information, this writer will attempt to address said issues from the standpoint of demonstrating non-discriminatory practices on the part of the City of Santa Maria.

VOTING RIGHTS

We have been monitoring the evolution of cases which have considered the judicial implementation of city/district elections. To this date, we do not believe that the facts warrant the imposition of district elections.

It is evident from these cases that statistical evidence is required to judicially implement districts. The upcoming census figures and recent election totals will be reviewed. If these statistics and other relevant factors require the consideration of district elections, the City will do so.

Additionally, no group or individual has formally approached the City with a request to consider districts. We will review such a request and the relevant information transmitted in support and refer same to City Council for their consideration.

HOUSING

The City of Santa Maria, in our opinion, is unparalleled in the Central Coast in providing affordable housing. We presently have approximately 21,000 dwelling units in our City. We provide affordable housing for approximately 1,100 Section 8 Certificate holders, which is about 60% of the total Section 8 certificates allocated to Santa Barbara County; yet our population of 60,000 is approximately 16% of the total Santa Barbara County population of 366,000.

Some of the specific affordable housing projects that have received direct assistance are as follows:

- 1) 122 dwelling units, Senior Midrise, Downtown Redevelopment
- 2) 112 dwelling units, Family Housing, Downtown Redevelopment
- 3) 22 dwelling units, Family Housing, Pepperwood
- 4) 35 dwelling units, Handicapped/Senior, Newlove
- 5) 67 dwelling units, Family Housing, Oak Valley, SBCHC (90% lower income, 80% Hispanic)
- 6) 70 dwelling units, Self Help Housing, Oak Valley (under construction)
- 7) 114 dwelling units, Rehabilitated Units, thru-out City

542 TOTAL

The total affordable housing units that have received direct City assistance is 542.

As can be seen by the above project #5 (Oak Valley), developed on property purchased by the City using general fund moneys, 80% of the units were purchased by Hispanics. We anticipate a similar ratio on the upcoming project #6, the People's Self Help development. On this project, we utilized \$400,000 of Community Development Block Grant Funds for lot improvements and are selling the lots to People's Self Help at approximately \$20,000 to \$25,000 below market. So far, 32 families are in processing; of these, 90% are minorities and 9 of the 32 are farm workers.

In addition to the above, the City maintains a policy to convert excess industrial and commercial land to residential land uses. This policy helps us implement our "jobs-housing balance" and provides additional affordable housing units. Since 1984, we have created approximately 220 acres of residentially zoned property. This would allow approximately 3,000 additional residential units to be built, of which approximately 400 units have already been constructed and many projects are in plan check. We also have a mobilehome park containing 135 units which was conditioned by our Planning Commission and City Council to not exclude families. This mobilehome park was also required to have a day care facility.

The City's "supply and demand" strategy for affordable housing is working. We presently have single family dwellings on small, zero-lot lines that are selling on the open market for \$129,000; we have over 200 brand new condos on the market that start at \$89,000. In today's market, these prices are phenomenal when you consider lots in Santa Barbara County south of Santa Maria start at \$120,000.

In reference to farm worker housing, according to the Area Planning Council's August '89 Report, we have approximately 5,000 farm workers (including migrant farm workers) residing

in the Santa Maria Market Area at any given time. It is fair to say that most of these workers are presently being housed in safe and decent housing. There is no question that there are landlords who rent out garages and rent their homes to too many residents; but as a percentage of the total, we feel it is very small.

When the City receives a complaint concerning people living in an illegal unit, we investigate and seek compliance with applicable zoning, health and safety codes. We do not order immediate abatement; we allow in many cases months for the landlord to vacate the illegal unit which allows sufficient time for the innocent tenant to find appropriate housing.

We feel we have an obligation to help solve the housing problem, including the farm worker housing. We also realize it is a regional issue and warrants creative solutions. Based on the above numbers, the City of Santa Maria is doing its fair share to solve our problem and will continue to provide maximum efforts in this area. As of this date, the City has two farm worker housing projects in the formative stages. We are working closely with People's Self Help Housing Corporation of San Luis Obispo to help address the recognized problem of providing housing for "all economic segments" of our community. Santa Barbara County must be held accountable in the solution, as they are allowing substantial new acres of agricultural land each year and are doing nothing to address the affordable housing problem.

The City of Santa Maria's Community Development Block Grant Program is designed to benefit primarily low and moderate income persons. In the last twelve month period reported, 7/1/89 - 6/30/90, \$916,862 was expended to benefit low and moderate income persons. This constituted 93% of the CDBG funds expended in that time period. The amount expended

included funds from previous years' grants, as well as program income.

Sixty percent (60%) of the total number of households/ persons assisted through the projects and activities funded during the last fiscal year are minorities. Out of the sixty percent (60%), eighty-eight percent (88%) are Hispanic.

Projects and activities funded last year that directly benefited lower income persons include:

Housing Incentives Program

Two developments were undertaken, Valentine Court, for senior and handicapped individuals, and Oak Valley, a single family residential development. In both cases CDBG funds were used to put in the necessary public improvements.

Residential Rehabilitation Loan Program

The residential rehabilitation loan program is an ongoing program, offering low interest and deferred loans to lower income, senior and handicapped households.

Non-Profit Facilities Program

This is also an ongoing program designed to assist public service organizations acquire or rehabilitate an existing facility that directly serves their clients. Within this period, the program assisted the Salvation Army, the Boys & Girls Club, and the Donati House, a group home for developmentally disabled young adults.

Public Service

Under current CDBG regulations, only 15% of Block Grant Funds can be used to provide assistance to public service organizations for operating expenses. The City of Santa Maria adopted a resolution committing the maximum of 15% of each year's grant, every year. In this reporting period the following organizations received funding:

Public Services:

- Good Samaritan Shelter
- Catholic Charities
- Rape Crisis Center
- Klein Bottle Social Advocates for Youth
- Legal Aid Foundation
- Children's Resource and Referral Program
- Community Action Commission

Salvation Army
Independent Living Resource Center
SMILE
Shelter Services for Women
Santa Maria Valley Senior Club (Postal Alert
Program)

These organizations received a total of \$84,900.

This year, 1990-1991, the City of Santa Maria received an entitlement amount of \$561,000. Of the total amount of program funds allocated, 100% is benefiting low and moderate income persons. Specifically, the funds are allocated as follows:

Non-Profit Facilities Program	\$188,000
Neighborhood Conservation Program	129,900
Public Facilities and Improvements	50,000
Public Services	84,900
General Administration	108,200

TOTAL GRANT	\$561,000
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As evidenced by this brief review, the Community Development Block Grant Program is vital to the City of Santa Maria. It reaches out to members of our community who, in many cases, have no other source of assistance to turn to. Block Grant Funds provided the first shelter for battered women in Santa Maria, the first emergency shelter for homeless persons, and the first independent living facility for developmentally disabled persons.

MUNICIPAL SERVICES

It is this writer's opinion that the City of Santa Maria is clearly in a non-discriminatory mode in the providing of municipal services to the citizens of Santa Maria. In the area of recreational services, the City has striven from their inception to provide a comprehensive, well balanced program covering the needs and interests of all segments of the citizenry. The City's recreation and park services have been recognized and honored by local organizations on up to and including the federal government.

The programs provided cover a wide and varied range of activities which are identified in our city's quarterly publication, titled "In Touch." We have all of the standard or traditional programs such as youth and adult sports, playground activities, aquatics, performing and visual arts, senior citizens' programs and developmentally disabled services. In all of these program areas, the Hispanic citizens are significantly represented. For example:

Sports

- From youth through adults, easily 50% are Hispanic.
- In addition, the department has assisted the predominately Hispanic semi-pro baseball program with use of fields at no cost.
- A few years back, we assisted a Sunday softball league comprised of farm workers to use City fields at no cost.
- The department has worked with the Adult Soccer League since the late 1970s providing fields and guidance to insure continuation of their league in Santa Maria.

Senior citizen Program

- Include recreational activities to social service needs.
- Such special services as nutrition, brown bag, agricultural food distribution, garden plots, and workshops regarding taxes, legal and health matters.
- Representatives by Hispanics range from 40% to 75% in these programs.

Acquatics

- Between swim classes and public swim, there are anywhere from 50% to 75% Hispanic citizens taking part in the programs offered.

The Recreation and Parks Department has tried to provide activities or events that specifically might interest the Hispanic community. Such as in the arts, arrangements were made for a professional Aztec Dance Troupe to come to Santa Maria to perform and conduct a clinic for children; Antonio Lopez, renowned classical guitarist, was another special arrangement as was the drama group, El Teatro de La Esperanza.

The City staff was involved with leaders in the Hispanic community a few years ago in creating a program for all, but particularly for Hispanic youth and young adults, called P.R.I.D.E. The City contributed staff and funds to operate a recreation program and boxing program which P.R.I.D.E. represented. Though the program faltered over the years, the City has continued to contribute financially to the effort.

A community wide event of great importance to the Hispanic population and to the community in general is the very successful annual Cinco de Mayo celebration. City staff was an integral part in the creation and development of the Cinco de Mayo program in Santa Maria. The Recreation and Parks Department today continues to assist the annual event by helping to arrange for facilities and other pertinent needs.

The Hispanic community is a prominent participant in our recreation and park services. The staff is sensitive to their desires and interests and makes a concerted effort to insure all who wish to participate can do so. All the programs offered by the department have "recreation grants" (no charge) available to any citizen who cannot afford to pay the class or program fee.

The department's primary goal is to create opportunities for citizens of all ethnic origins or economic status to enjoy their particular leisure/recreational interest.

In response to the only specific allegation of discrimination that I am aware of, i.e., that Latinos participating in the City's soccer league are treated differently from those citizens of other ethnic backgrounds, I provide you with the following information as developed by the Director of Recreation and Parks.

The City of Santa Maria Recreation and Parks Department has assisted the Santa Maria Valley Soccer League since 1977. Our assistance has primarily been the securing of fields for their games.

Our current agreement with the league requires that uniformed security be present at all 1st division games and at all games played at Preisker Park. These security guards have three responsibilities:

- Enforce the City's alcohol ordinance
- In cases where games are played at school park fields, insure that school facilities are respected
- Intercede in any altercations concerning players and/or spectators

Background

The Santa Maria Valley Soccer League has been in existence since the early 1970s. In 1977, the Recreation Superintendent, Paul LeSage, was approached by Joe Felix, the President, and Ricardo Acosta to see if the department could help in providing fields. Since that time, games have been played at Preisker Park and the Adam Basin. Games have also

been played at school sites in Santa Maria. Mr. LeSage served as department liaison to the league until 1986 when the responsibility was passed to Jim Davis, Recreation Supervisor.

There are now over 40 teams in the league. Not all of the teams are from Santa Maria, and games are played in cities throughout the area. The majority of the players are agricultural workers who work six days a week. As such, they are available for games only on Sundays. The soccer games serve as a social gathering for the community, with entire families turning out. First division matches routinely draw 500 to 1,000 spectators.

Most teams are formed with players who come from the same home towns. It is not unusual for many players on a team to be related. The followers of the teams are also from the same towns and in many cases related to the players. There is a fierce loyalty to the teams among their fans.

Problems and Concerns

Among the fans in attendance at the matches, there is a tendency to consume an excess amount of alcohol. Serious problems have been created. Included are:

- Excess amounts of litter on schools, parks and surrounding neighborhoods
- People urinating in public, even where restrooms are provided
- People parking in vacant lots posted for no parking in the driveways of private homes and even on lawns

We used to receive up to 10 complaints every Monday from people living in the areas where the games were played. There were concerns from school principals as to what was happening to their schools. On many occasions, we sent maintenance crews on to school sites to do cleanup.

An even more serious problem exists, and that is spectator violence. Because of the close relationship of the teams and their spectators and the level of alcohol consumed, disputes on the fields can quickly spread to the fans. I want to emphasize that this can become a serious situation. Referees have been chased from the field; one was even struck with a flying bottle. Major disturbances have erupted. Adult soccer lost the use of the Hancock soccer field because of an incident that led to a fight in which over 50 people were involved. It was alleged that someone had displayed a hand gun and threatened persons at the site. Soccer had at this point lost the use of the fields at Oakley

and El Camino schools and nearly lost Fesler and Adam fields. Something had to be done.

Solutions

In 1987, we began requiring the soccer league to provide security at the fields. Our staff has worked with the security agency to solve the problems that exist. People can now attend the soccer games with their families in a safe and pleasant setting. On one occasion in January of 1990, the league neglected to provide security for their games. A fight broke out involving two teams, and the situation was so serious it had to be stopped by the police.

With security on site, the disputes on the field stay among the players. The level of alcohol consumed, if not eliminated, is drastically reduced.

Fairness

In our dealings with the Adult Soccer League, we have treated them as we would anyone else. For example:

- We require security for all public events. This has included our department's Bluegrass Festival and Autumn Arts Festival, the Marian Medical Center Fundraising Dinner, and the Arts Council Ball. All weddings, dances and events with large numbers of spectators require security.
- We do not charge the Adult Soccer League rental fees for field use, which would be in the neighborhood of \$7,000 a year. Instead we ask that they contribute to the resodding of the soccer fields at the end of the year. We ask that they share the cost with Santa Maria's Youth Soccer Association. The split is usually 1/3 adult soccer, 2/3 youth soccer.
- Security is required at soccer matches at other communities, most notably Santa Barbara. It should also be pointed out that in communities where the Santa Maria league has not provided security, they have lost use of fields.
- The decision to require security was made only after other alternatives had been tried. We gave the league the option of providing volunteers to "self police" the spectators. We even offered to provide a uniform shirt. The league felt that the spectators would not accept their friends as security. A uniformed security guard is what commands the necessary respect.

Staff is well aware of the expense to the league. To reduce their financial burden, we have given them at no charge the use of the Veterans' Memorial Cultural Center for a public dance. The fees waived amount to over \$1,500.

Conclusion

If you were to ask the manager of any team in the Santa Maria Valley Soccer League, they would tell you that there is a problem with spectator behavior at the soccer games. They would also tell you that, as the manager of a team, they are not able to control their spectators. I think they would also tell you that on-site uniformed security guards are the only solution to the problem. Prior to implementing the security policy, we met with and explained the reasons for the decision to representatives of the league. While they are not happy with the expense, they did acknowledge the need.

Our staff understands the importance that soccer has in the lives of the Santa Maria players. We know that the Sunday games are a major social event for a significant portion of our community. This is why we have gone to bat for the league so many times. Without our support, I doubt they would be able to use Adam or Fesler fields. Without on-site security, I doubt that there would be adult soccer in Santa Maria.

Another question asked, which in this writer's opinion is best addressed under the "municipal services" section of this memorandum, relates to the procedures involved in the handling of public works contracts.

The agreement section of every Public Works contract issued has two sections which apply to the protection of civil rights. Section 36 entitled, "LABOR NON-DISCRIMINATION" states that, "During the performance of this contract, contractor and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40), or sex. This section sets forth various sections of the California Administrative Code which apply.

Section 37 entitled "EQUAL EMPLOYMENT OPPORTUNITY" stipulates that no contractor shall "discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin." In addition, the Contractor is required to include a statement in all solicitations or advertisements for employees that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. This section also requires the Contractor to comply with

various statutes and executive orders. Failure to comply with this section of the agreement is cause for termination of the contract.

The "NOTICE INVITING SEALED BIDS" which is included in every specifications packet issued states, "the Contractor must ensure that employees and applicants for employment are not discriminated against because of their race, creed, color, national origin, or sex."

The City of Santa Maria, being part of the Santa Maria Urbanized Area, is eligible to receive federal assistance for operating and capital funding for Santa Maria Area Transit. Through an agreement with the County of Santa Barbara, the City of Santa Maria is the lead agency in managing the transit system for the Santa Maria and Orcutt Area and thereby authorized to apply for federal funding.

The City currently applies for federal assistance from the Urban Mass Transportation Administration. To receive assistance, the City must comply with federal regulations and rules regarding, among other things, all **civil rights** programs. Included is the Disadvantaged Business Enterprises Program. The DBE program requires that the City shall establish a policy and procedures to assure purchases of goods and services without discrimination on the basis of race, color, sex, religion or national origin. The City currently has on file a DBE program approved by the Deputy Civil Rights Officer of the western area of UMTA.

A DBE is inclusive of Minority Business Enterprises, contractors and Women Business Enterprises.

In a recent request by UMTA of the employee profile of the City's operations contractor, SMOOTH, Inc. the following was reported: 20 Women and 11 Men; of these 9 (29%) are Hispanic, 5(16%) are Black, 16 (52%) are Caucasian and 1 (3%) is oriental.

EMPLOYMENT

Recruitment

Regarding the City's recruitment practices, we follow generally accepted Affirmative Action practices with respect to providing notice of City vacancies. In addition to developing extensive out-reach mailing lists, the City has taken the extra step of advertising jobs in minority job publications, using minority oriented recruiting agencies, and other focused advertisement resources.

The City also attends special targeted recruitment efforts. At the recent Central California Affirmative Action Career

Fair, approximately 2,000 participants attended. The statistical breakdown for career seekers included the following:

Hispanic	-	43.6%	Black	-	11.1%
Asian	-	5.7%	Filipino	-	2.6%
White	-	26.8%	Other	-	10.0%
Female	-	53.0%			

In those departments where special needs are evidenced, targeted recruitments are initiated to meet those needs. For example, bilingual recruitments have been targeted in the Police Department, for Police Officers, and in the Community Development Department, Building Division, for a Code Enforcement Officer.

In the last week, two bilingual Hispanic Police Officers, one male, one female, completed the recruitment process and will start mid-December. In addition, the Police Department is currently doing background investigations on two bilingual, Hispanic candidates for possible entrance into the January Police Academy, for eventual employment as Police Officers upon successful completion of the Academy. In addition, a bilingual recruitment for Lateral (experienced) Police Officers closed November 30, 1990, and the City expects to make additional hirings from this eligibility list pending successful completion of the entire examination process.

Examination, Selection, Hiring, & Classification

The City examines its employment examination, selection and hiring practices continually to insure that its processes are job-related, and that all discriminatory effects are eliminated. Minimum requirements are continuously reviewed to insure that they do not include barriers to equal employment opportunity.

All tests and selection criteria are validated for job-relatedness, including written examinations, physical performance tests, practical performance tests, interviewing procedures, application rating forms, and final selection criteria. Written exams are de-emphasized, and when used, are only one of several factors in the selection process.

Interviews and oral boards are structured so that only knowledge, skills, and abilities relative to the position are evaluated. Other selection techniques are used, including assessment centers, performance tests, and structured technical oral tests, again based upon only the job requirements.

Oral boards are composed of members of the work force at large and subject matter experts. Oral boards also include a member of a protected group, to reflect the composition of the applicants being interviewed. A personnel professional orients the oral board regarding appropriate interviewing and selection techniques, and emphasizes affirmative action goals and the board's responsibilities in employment opportunity.

The City distributes an Employment Recap, as well as the updated Affirmative Action Hiring Goals and Timetables on an annual basis. The Recap and the Goals and Timetables are used when making hiring selections, to provide information on updated Affirmative Action goals.

Of special importance is a comprehensive classification and validation study of approximately 125 city classifications which has been budgeted for fiscal year 1990-92. This study will include validation of minimum bonafide occupational qualifications, as well as reviewed for any barriers to equal employment opportunity.

On an on-going basis, the City reviews and revises job descriptions to reflect current work requirements, and reviews and revises job requirements to insure accuracy of minimum qualifications for job performance and relatedness to job content. Such reviews and revisions are conducted in concert with department subject matter experts, and a review of actual job performance where necessary.

Of special note is the City's permanent part-time training program. In this effort, women and minorities are recruited into part-time training positions; in-house promotional recruitments for entry level jobs occur whenever possible, to give those women and minority employees in permanent part-time training positions an opportunity for full-time employment. In reviewing statistics on permanent part-time employees, as of July, 1990, 48% of permanent part-time employees are female, 30% are Hispanic, 4% are Asian, and 1% are Black.

Training

The City actively promotes training programs which will facilitate the upward mobility of protected group members. A Tuition Reimbursement Program has been established to encourage all employees to continue their education at educational institutions. The City also provides educational incentive, depending on the amount of education that an employee has received beyond what is required of the job.

The City also provides funds in support of the local national National Management Association, which provides management training opportunities to all employees. Topical development seminars are offered during lunch hours, and major seminars, open to all employees, are offered several times a year. For those employees who complete all ten of the N.M.A. First Line Supervisor courses, the City will reimburse those employees for the cost of the courses, which totals approximately \$150.

The Committee has been provided by its staff a copy of the City's Affirmative Action Plan with updated Goals and Timetables. The document clearly indicates the City's commitment and success in the area of affirmative action. Utilization has been achieved in almost all categories. A review of new hires from January 1, 1989 to the present (almost two years) in the departments of Police and Public Works indicates that, of the total new hires (32), 15 (38%) were minority hires. Of the 15, 10 were Hispanic, 2 Black, and 3 Asian. The Police and Public Works departments were selected for special review as these departments constitute approximately 90% of the City's new hires. When one considers the limited turnover that takes place in Santa Maria (less than 10% a year), the City's success in hiring minorities and women as a percentage of total hires is, I feel, extraordinary.

My final point pursuant to the issue of employment is in response to the allegation that there are only two women and minorities in the category of department head and middle management. A review of this group indicates instead that, of 44 employees in this category, 8 are women and 7 are minority: 6 Hispanic and one Asian.

In conclusion, I would like to state that the above information as it relates to the issues of voting rights, housing, municipal services, and employment demonstrates clearly in this writer's opinion that the City is not in fact practicing discrimination, I would be more than happy to match the City of Santa Maria's track record in the above-referenced areas against a cross section of municipalities in the state of California. This is not to insinuate, however, that there might not be actions that the City might take to improve services to its citizenry and more specifically its minority community. If at the end of these hearings the Advisory Committee finds that it can offer recommendations that will allow the City to better serve its minority community, the City will of course give these recommendations careful consideration and where appropriate adopt same. The City of Santa Maria will await the Advisory Committee's findings pursuant to this forum.

To: The California Advisory Committee to the United States Commission on Civil Rights

From: The Santa Maria-Bonita School District

December 1, 1990

I am honored to be speaking to you today because the Santa Maria-Bonita School District believes in positive action. I see this forum as having the potential to enhance and extend positive relationships and most of all address our district's motto "Pride in Working Together for Student Excellence". Our District Advisory Council's meetings and bilingual meetings have at times attracted over 100 Hispanic parents. Far more than any PTA meeting. Those parents are there to learn and to provide input as to how we can better our school programs. The reason for this large Hispanic parent attendance is because our coordinators, Bob Gurba and Roy Bird, have developed a sense of trust, of caring, and of helping. I see this commission meeting as having tremendous potential - if, and only if, we take this opportunity to build trust, to share in a caring manner, and help one another maximize our individual potential and the potential of the community to extend to all residents our Pride in Working Together for Quality Opportunities for all Santa Marians. The Santa Maria Valley Chamber of Commerce advertises Santa Maria as the Center of the Best. We must utilize this forum in a positive way to do our best, to be the best.

As Superintendent of the Santa Maria-Bonita School District, and therefore manager of the largest budget and largest number of employees in the area, I asked to be a part of this commission meeting. I have made a concerted effort to be here today. Members of our Board of Education and I are involved in meetings in San Diego this weekend. I flew in to Santa Maria today and will fly back to San Diego tonight to attend a 7:30 P.M. meeting. My commitment is to do my best to provide an educational environment to enhance the learning potential of our children . . . my commitment is Pride in Working Together for Student Excellence. My parameter in addressing this commission is simple - to be positive about working together for our children and our community. I will not involve myself or our district in focusing on the negative.

I am excited about sharing with you information regarding our school district. While the city population is about 42 percent Hispanic, children with Hispanic surnames make up 64 percent of our district population.

Of the 8,900 students in the district, 25 percent are in bilingual programs. Our bilingual program includes working with students on acquiring English language skills; acquisition of academic skills in whatever language the child speaks; and developing a strong self-concept using the cultural resources of the child and the

community.

About 2,300 students are migrant. Our migrant program views the whole child and includes money for health needs, money for special classroom aides and money to hire district wide resource personnel to work with teachers. There is money to buy extra classroom materials. In all about \$700,000.

The biggest problem facing our district has been keeping up with the growth. It has meant that we have had to be at the forefront of some unpopular ideas. We were one of the first districts in the state to implement a Year Round Education schedule so we could provide students a school setting where there were adequate playgrounds, bathrooms and classrooms. That action, however unpleasant it was for the community and the district, did lead to two new schools being built here - one in the southeast and one on the northwest. Rampant growth, sometimes as high as 12 percent in one year, has meant other problems. We are now eligible to build additional classrooms at two of our schools and applications have been submitted to the State Department to build three new schools - one junior high and two elementary. How do we continue to meet the needs of a growing Hispanic population?

In 1976 there were 8 bilingual teachers while the student population was 32 percent Hispanic surnames.

In 1990 there are 101 bilingual teachers while the student population is 64 percent Hispanic surnames.

The number of students with Hispanic surnames doubled, the number of bilingual teachers increased one thousand two hundred and sixty two percent. We have actively recruited bilingual teachers to address the increasing student population needs.

In a situation of extremes, such as extreme growth, sometimes an organization needs to take risks to cope with the problems.

This district takes risks! When the new English as a Second Language Framework was recently adopted, we needed to make no changes in our curriculum because we had modified our program to meet the needs of our students years ago. Our Beginning Oral Language Development Program is state recognized and won a curriculum development award. It was so far thinking that teachers used its techniques to teach English only students as well.

Risks sometimes pay off.

We saw a tremendous need to give our migrant students the ability to go on learning while they were traveling. We prepared learning packets to align with classroom assignments for the students. Then when they returned to school, they would not be so far behind. Their learning potential would be fulfilled because we modified our Independent Study program to take into account their needs. Now

this program has become a state pilot program. We still have the problem of children leaving the district for 20 to 30 days mostly to travel back to Mexico. Whenever a child leaves school for that period of time, valuable learning time is lost and cannot be completely recovered by an Independent Study Program. To implement that program we sought out an additional \$60,000 in migrant education money. We need to continue our strong parent education component to help everyone understand the importance of children being in school. We recently received a grant for \$8,000 for migrant-parent education programs. It was a competitive grant which we sought out.

Recently, I met with all our schools' PTA and PTC presidents. The single-most important area of concern was getting more Hispanic parents involved with the school, helping our Hispanic parents feel they are wanted and needed in our schools. While we are seeing broad-base involvement of parents at the district, we will be making a concerted effort to increase parent involvement at each school site.

This district, though short on space, provided room for one of eight Migrant Education Program Improvement Centers in the state. Ours is so active, it too received state recognition. And I might add it is used by both bilingual and monolingual teachers.

In a climate of ever diminishing funds, this district is living up to its published philosophy, the first of which says: Identify student and community needs and take into account the needs of a pluralistic society. There are mirror sets of textbooks used in the district. No teacher can complain that there is not a textbook for a spanish-speaking student in any kindergarten through sixth grade class.

There is a problem with the state colleges. While we needed more bilingual teachers, they were cutting out classes needed to qualify for a bilingual credential. Cal Poly has eliminated two programs which help provide bilingual teachers and they have no outreach program to attract parents or bilingual aides to further their education and get a degree. Though money was getting scarce, the district began offering its own college level classes. We went so far as to offer Spanish language classes to all employees - certificated or classified at no cost.

Special arrangements have been made with Cal Poly, tutors now come to the junior high schools to work with high risk students. Not all, but many high risk students are Hispanic. A similar program was established with Allan Hancock College. With other districts in this part of the county, a North County Language Alliance was formed to provide other classes needed to acquire a Language Development Specialist certificate for our teachers.

Are there some difficulties in the schools? You bet there are.

The public seems to think we get Spanish speaking children only in kindergarten and that within a few years they should be in an English only classroom.

What they seem to forget is that we get students who are junior high school age who have little or no experience with school. Many of these students come to us with a very diverse cultural background.

And the community and our own teachers believe we get more federal money if we hire bilingual teachers -- we do not. Any bilingual teachers are paid with regular district funds. They are not a separate entity.

Is there discrimination in the schools? Of 14 schools, there are two Hispanic principals, two black principals and two schools are run by women. There are six women Assistant Principals. One of those assistant principals was a part-time bilingual aide in the district just nine years ago. Now she is an administrator. These educational leaders and all other administrators do not allow discrimination on their campuses.

We have an affirmative action policy in the district. Policy number 4111. Our attention to concerns of discrimination led us to modify that policy on 4/11/89 to include a statement forbidding discrimination against authorized aliens. Further, the policy states: "Recruitment, selection and employment practices of the district shall provide a concerted effort to hire and promote qualified individuals of minority ethnic background so that the total district staff is representative of student and community populations in the district". The interesting thing is, of course, that there are only so many qualified candidates and many school districts trying to hire them. Our students need the best teachers we can hire. Last year, we hired 50 teachers and 20 of them were bilingual credentialed or waived.

Of total employees, 28 percent are Hispanic and another 4 percent are other minority groups. Our teachers are 15 percent Hispanic and 5 percent other minorities. While in classified jobs, 40 percent are Hispanic, 3 percent are other minorities.

But when you compare this district to the county and the state totals something becomes very clear. I have numbers for last year. Certificated staff in this district was 14 percent compared to a 62 percent hispanic surname student population. Countywide only 8 percent of the teachers were hispanic and statewide only 8 percent were hispanic.

We may not be able to match exactly our ethnic enrollment with ethnic teachers, but we are doing a damn site better than the county and the state. We are trying hard and maybe harder than others.

I told you I saw this as an opportunity. It is an opportunity I will not let pass without telling you some of the problems we are having, problems that I believe are affecting the Hispanic population of this community more than any other group.

There are problems which affect our ability to educate children and give children a chance to reach their learning potential. There are many homes in the community housing more than one family. Sometimes as many as five families share a home. How does that affect education? Children need a quiet place to study. In fact, this district, rather than disposing of old desks, gave them to families if they agreed to set up study centers. But with five families in a single family dwelling, there is little quiet time.

We are also seeing an alarming increase in cases of hepatitis and head lice. Sanitary facilities are not adequate for these families in this community. We cannot educate sick children. We need to work together to help our families find homes they can afford. Homes they can take pride in and homes where children have a place to study. Our aid to dependent children has decreased - giving indication that our Hispanic families are staying together as a unit.

This community must address this housing issue. Address it in a positive way. I want to work with this commission and other agencies in the city to improve situations which will allow students to become everything they have the potential to be.

Education is the starting point for everyone. Our schools are a place of stability and calm in a turbulent world. They are a place where we stress the value of each child.

We are so committed to these principles that one of our most recent hires was a person to solely follow up on attendance of migrant students. In the past, we reconfigured our preschool to address the needs of bilingual students there. It is one of the first two state funded preschools which are bilingual.

We have instituted a breakfast program at 4 of our schools, serving approximately 125 per day at each site. We have established a Headstart Program at Arellanes School for four-year olds and working to establish another at Oakley School. We are working with the YMCA to implement an extended day care program at one of our schools and we know that program will be expanded. Each of our schools have counselors, most of schools have community aides to visit homes and help parents. We have four school nurses to assist with healthcare. They are assigned to three schools and a health aide has been hired for each of our schools. Our health staff has been growing while other districts have cut or remained stagnant. We have implemented Skills for Growing and Skills for Adolescence programs at all of our schools to help children enhance their self-

esteem and make wise choices and decisions. We have a strong anti-drug program and work with the Police Department to implement the DARE program.

Most of our schools have been renovated within the last four years and those that have not, applications for State Renovation Funds have been established.

Our motto "Pride in Working Together for Student Excellence" is not limited to only academics. Our focus is on the whole child, building self-esteem, providing the skills to make wise choices, establishing a safe, orderly environment, and setting high academic expectations for all children.

Do we have problems? Yes! Wherever there is a growing population, problems will exist, but, for every problem, there is a solution. What we must do is take Pride in Working Together for Quality Opportunities for all Santa Marians. Are we are brother's keeper? You bet. I am hoping that what comes from this forum today are positive suggestions to improve the opportunities for everyone who lives in Santa Maria. I want to be part of a positive action, I will not be part of anything negative.

I believe in what the Chamber of Commerce says about Santa Maria - Santa Maria is the Center of the Best! I believe our school motto "Pride in Working Together for Student Excellence" can be extended and expanded to become a city motto, "Pride in Working Together for Quality Opportunities for all Santa Marians".

OPENING STATEMENT

THIS MEETING OF THE CALIFORNIA ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS WILL NOW COME TO ORDER. THE PURPOSE OF THE MEETING IS TO OBTAIN INFORMATION AND VIEWS RELATING TO VOTING RIGHTS, HOUSING, EDUCATION, EMPLOYMENT AND MUNICIPAL SERVICES IN SANTA MARIA.

PARTICIPANTS HAVE BEEN INVITED AND REQUESTED TO ADDRESS THE ADVISORY COMMITTEE ON THE ISSUES UNDER CONSIDERATION. AMONG THOSE INVITED TO ADDRESS THE MEETING ARE COMMUNITY REPRESENTATIVES, CIVIL RIGHTS LEADERS, PUBLIC AND ELECTED OFFICIALS AND OTHERS KNOWLEDGEABLE ABOUT THE ISSUES.

BASED UPON THE INFORMATION COLLECTED AT THIS MEETING AND BY STAFF, A REPORT WILL BE PREPARED FOR THE UNITED STATES COMMISSION ON CIVIL RIGHTS.

I AM MICHAEL CARNEY, CHAIRMAN OF THE CALIFORNIA ADVISORY COMMITTEE. THE ADVISORY COMMITTEE RECEIVES INFORMATION AND MAKES RECOMMENDATIONS TO THE COMMISSION IN AREAS WHICH THE COMMITTEE OR ANY OF ITS SUBCOMMITTEES IS AUTHORIZED TO STUDY.

OTHER MEMBERS OF THE COMMITTEE IN ATTENDANCE DURING THE MEETING WILL BE: ARNOLDO BELTRAN, C.C. CHANG, TED COOPER, GRACE DAVIS, EDWARD ERLER, CATHERINE GARCIA, HELEN HERNANDEZ, DEBORAH HESSE, ANDREA PATTERSON, AND HERMAN SILLAS.

ALSO WITH US TODAY ARE STAFF MEMBERS PHILIP MONTEZ, REGIONAL

DIRECTOR AND JOHN F. DULLES, II, FROM THE COMMISSION' WESTERN REGIONAL DIVISION IN LOS ANGELES.

THIS FACTFINDING MEETING IS BEING HELD PURSUANT TO FEDERAL RULES APPLICABLE TO STATE ADVISORY COMMITTEES AND REGULATIONS PROMULGATED BY THE U.S. COMMISSION ON CIVIL RIGHTS. ALL INQUIRIES REGARDING THESE PROVISIONS SHOULD BE DIRECTED TO THE CHAIR OR TO MR. MONTEZ, THE FEDERAL OFFICER FOR THIS MEETING.

THE COMMISSION ON CIVIL RIGHTS IS AN INDEPENDENT AGENCY OF THE UNITED STATES GOVERNMENT ESTABLISHED BY CONGRESS IN 1957 AND DIRECTED TO:

1. INVESTIGATE COMPLAINTS ALLEGING THAT CITIZENS ARE BEING DEPRIVED OF THEIR RIGHT TO VOTE BY REASON OF THEIR RACE, COLOR, RELIGION, SEX, AGE, HANDICAP, OR NATIONAL ORIGIN, OR BY REASON OF FRAUDULENT PRACTICES;
2. STUDY AND COLLECT INFORMATION CONCERNING LEGAL DEVELOPMENTS CONSTITUTING DISCRIMINATION OR DENIAL OF EQUAL PROTECTION OF THE LAWS UNDER THE CONSTITUTION BECAUSE OF RACE, COLOR, RELIGION, SEX, AGE, HANDICAP, OR NATIONAL ORIGIN, OR IN THE ADMINISTRATION OF JUSTICE;
3. APPRAISE FEDERAL LAWS AND POLICIES WITH RESPECT TO DISCRIMINATION OR DENIAL OF EQUAL PROTECTION OF THE LAWS;
4. SERVE AS A NATIONAL CLEARINGHOUSE FOR INFORMATION ABOUT DISCRIMINATION; AND,

5. SUBMIT REPORTS, FINDINGS, AND RECOMMENDATIONS TO THE
PRESIDENT AND CONGRESS.

I WOULD LIKE TO EMPHASIZE THAT THIS IS A FACTFINDING FORUM AND NOT AN ADVERSARY PROCEEDING. INDIVIDUALS HAVE BEEN INVITED TO COME AND SHARE WITH THE COMMITTEE INFORMATION RELEVANT TO THE SUBJECT OF TODAY'S INQUIRY. EACH PERSON WHO WILL PARTICIPATE HAS VOLUNTARILY AGREED TO MEET WITH THE COMMITTEE.

SINCE THIS IS A PUBLIC MEETING, THE PRESS AND RADIO AND TELEVISION STATIONS, AS WELL AS INDIVIDUALS, ARE WELCOME. PERSONS MEETING WITH THE COMMITTEE, HOWEVER, MAY SPECIFICALLY REQUEST THAT THEY NOT BE TELEVISED. IN THIS CASE, WE WILL COMPLY WITH THEIR WISHES.

WE ARE CONCERNED THAT NO DEFAMATORY MATERIAL BE PRESENTED AT THIS MEETING. IN THE UNLIKELY EVENT THAT THIS SITUATION SHOULD DEVELOP, IT WILL BE NECESSARY FOR ME TO CALL THIS TO THE ATTENTION OF THE PERSON OR PERSONS MAKING THESE STATEMENTS AND REQUEST THAT THEY DESIST IN THEIR ACTION. SUCH INFORMATION WILL BE STRICKEN FROM THE RECORD IF NECESSARY.

EVERY EFFORT HAS BEEN MADE TO INVITE PERSONS WHO ARE KNOWLEDGEABLE IN THE ISSUES TO BE DEALT WITH HERE TODAY. IN ADDITION, WE HAVE ALLOCATED TIME BETWEEN 5 P.M. AND 6 P.M. TO HEAR FROM ANYONE WHO WISHES TO SHARE INFORMATION WITH THE COMMITTEE ABOUT THE SPECIFIC ISSUES UNDER CONSIDERATION TODAY. AT THAT TIME EACH PERSON OR ORGANIZATION WILL BE AFFORDED A BRIEF OPPORTUNITY TO ADDRESS THE COMMITTEE AND MAY SUBMIT ADDITIONAL INFORMATION IN WRITING. THOSE WISHING TO PARTICIPATE IN THE OPEN SESSION MUST

CONTACT STAFF BEFORE 4 P.M. THIS AFTERNOON.

IN ADDITION, THE RECORD OF THIS MEETING WILL REMAIN OPEN FOR A PERIOD OF TEN DAYS FOLLOWING ITS CONCLUSION. THE COMMITTEE WELCOMES ADDITIONAL WRITTEN STATEMENTS AND EXHIBITS FOR INCLUSION IN THE RECORD. THESE SHOULD BE SUBMITTED TO THE WESTERN REGIONAL DIVISION, UNITED STATES COMMISSION ON CIVIL RIGHTS, 3660 WILSHIRE BOULEVARD, SUITE 810, LOS ANGELES, CALIFORNIA 90010.

LET US PROCEED. OUR FIRST PRESENTOR IS MAYOR GEORGE HOBBS. PLEASE IDENTIFY YOURSELF FOR THE RECORD.....

To: The United States Commission on Civil Rights

From: Diana E. Acevedo
200 Fleming Lane
Santa Maria, CA 93455
(805) 937-9761

Subject: I respectfully submit the following to the Commission, hoping that this will aid you in your work.

Response to an Article Quoting Attorney Jon Gudmunds on an Aspect of Mexican Culture

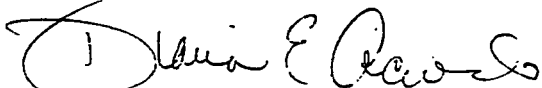
Jon Gudmunds' address to the jurors in Enrique Ruiz' trial shows ignorance disguised as tolerance, especially dangerous in a defense attorney. In the article, "Santa Maria man found guilty of selling cocaine," (Santa Maria Times, October 21, 1990), Gudmunds is quoted as telling the jury that having "a mistress and a second family" is "not unusual in the Mexican culture," according to his "understanding," adding that the jury was not impaneled to judge Mexicans, who "do things differently than we do."

Gudmunds' words are offensive on 2 counts. First of all, of what relevance in a drug trial is a defendant's marital infidelity? If Ruiz had been monogamous, would Gudmunds use that as an argument for Ruiz' innocence? Perhaps the relevance of Ruiz' having a mistress, however, was challenged by the lawyer but not reported by the Times. If this is the case, the Times' omission implies an interest in portraying Enrique Ruiz negatively, rather than objectively, which raises a question as to why the Times would do such a thing. (Given the Times' recent endorsement of George Hobbs for mayor, who believes Mexicans are a problem, the Times' motivation seems especially mean-spirited.) Nevertheless, focusing on Ruiz' infidelity as a so-called cultural difference can hardly be expected to meet with tolerance or acceptance in the current anti-Mexican climate of Santa Maria: "In America, Anglo-American culture only" is the substance of much of the hostility here.

Secondly, and most importantly, Gudmunds' words offend because they are untrue. He is repeating an old and particularly nasty stereotype of the "hot-blooded Latin lover." Betrayal of one's spouse and one's marital vows are as odious an offense in the Mexican culture as they are in the Anglo. An educated person like Gudmunds should recognize stereotypical thinking, separating it from rational; an attorney whose client depends on him for defense has the responsibility to attack stereotypical thinking, let alone expunge it from his own "understanding."

I hope Ruiz appeals and wins a new, fair trial.

Sincerely,


Diana E. Acevedo