

MINUTE RECORD OF: Madera Unified School District Board of Education

SPECIAL BOARD MEETING HELD ON THE 23rd DAY OF October, 2008

The Board of Education of the Madera Unified School District convened in a **Special Board Meeting** in the Madera Unified School District Boardroom, 1902 Howard Road, Madera, California on **Thursday, October 23, 2008**, at 5:00 p.m.

ROLL CALL

Ray G. Seibert, President
Michael H. Westley, Clerk

J. Gary Adams, Trustee
Robert E. Garibay, Trustee
Loraine Goodwin, Trustee
Philip D. Janzen, Trustee
Michael Salvador, Trustee

John R. Stafford, Superintendent
Jake Bragonier, Public Information Officer
Kathleen Lopes, Associate Superintendent, Educational Services
Kelly Porterfield, Associate Superintendent, Business and Operations
Fritz Ediger, Senior Administrative Assistant to the Superintendent
and the Board of Trustees

Dr. Sally Frazier, Superintendent, Madera County Office of Education

Douglas Johnson, President, National Demographics Corporation
David Soldani, Atkinson, Andelson, Loya, Ruud & Romo, Attorneys at Law

Charles Forster, Lawyers' Committee for Civil Rights
Jesse Lopez, Plaintiff
Carlos Uranga, Plaintiff

There were approximately 10 visitors/District employees in attendance.

1. **CALL TO ORDER OF PUBLIC MEETING –**
CLOSED SESSION IMMEDIATELY CONVENED

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President Seibert called the Public Session of the Board of Education to order at 5:14 p.m. and immediately adjourned to Closed Session pursuant to Government Code Sections 54956.9(a).

2. **RECONVENE PUBLIC SESSION/CALL TO ORDER REGULAR MEETING –**
3. **PLEDGE OF ALLEGIANCE, OPENING, AND ACKNOWLEDGEMENT OF VISITORS AND MEDIA**

President Seibert adjourned the Closed Session at 6:42 p.m., and he reconvened the Regular Meeting by calling the Public Session to order at 6:53 p.m. President Seibert welcomed the visitors and he led the flag salute. President Seibert explained the rules governing the Board meeting. The meeting was recorded on Tape No. 9–2008/09.

4. **CLOSED SESSION REPORTABLE ACTIONS**
(GOVERNMENT CODE SECTION 54957.1)

Superintendent Stafford announced there were not any reportable Closed Session actions.

5. **ADOPTION OF AGENDA – MOTION NO. 38–2008/09**

President Seibert stated that if the Board and/or Administration determined they wished to add to the Agenda under Miscellaneous Items, this would be the appropriate time.

It was moved by Clerk/Trustee Westley, seconded by Trustee Janzen, and unanimously carried to adopt the Agenda.

Ayes:	Trustees Adams, Garibay, Goodwin, Janzen, Salvador, Clerk Westley, and President Seibert
Noes:	None
Absent:	None
Abstained:	None

6. **COMMUNICATIONS**

6A. PUBLIC HEARING

President Seibert opened the meeting for visitors to speak on a subject not on the Board Agenda. No one came forward to address the Board.

7. **NEW BUSINESS**

7A. ADOPTION OF RESOLUTION NO. 26-2008/09 - ADOPTION OF

TRUSTEE AREAS - PLAN 1

MOTION NO. 39-2008/09, RESOLUTION NO. 26-2008/09

David Soldani of Atkinson, Andelson, Loya, Ruud & Romo, Attorneys at Law introduced Douglas Johnson, President of National Demographics Corporation who will walk us through some of the key points in the different Plans. In Plan 1, there were a couple of different factors that we looked at, I should say they are what the Supreme Court has called Traditional Re-districting criteria that are generally taken into account separate from the voting Rights Act and the California Voting Rights Act legal issues. There are at least three areas of interest, one that everyone has heard the term, and in the school district often areas of interest are attendance zones and the like that are related to different schools, because that is where people organize and conduct themselves in community activities. So, that is definitely a community of interest, that we certainly would take into account as we look at this point in particular. Other communities of interest that come up in the districting cases are major roads, geographic features, things that people use to identify their district, and really the idea is for the voters to be able to understand their districts. One neighbor says to another we need to get involved in the selection, and they are able to say the district goes from this point to this point, or it involves this school and this school, and not have to list it as this street going over to this street. These are what the reports have more or less recognized as being the traditional since time began factor of districting. So when we're drawing the trustee areas in Plan 1, we looked a lot at the attendance areas that was a big factor here. And in another traditional criteria which is also recognized by the courts which is essentially the will of the voters as divided by the currently elected officials. The goal here is not to block any of the voters who said they want on this Board to have the opportunity to be elected again or at least minimize that to every degree possible. Often when voters are at large districts, that's a difficult one to handle. But in Plan 1, you're looking at attendance primarily as a community of interest. We also followed Highway 99 in some parts but not extensively and we tried to minimize the number of incumbents that were grouped together. In this situation that takes on even a little bit more importance because this is an interim plan and there will be a transition period and by trying to spread the incumbents out among districts, we are insuring that there will be an incumbent, a current Board member in these districts. Some of these districts will be up next year, some won't be up until 2010, and so by spreading out the Board members, we also help insure that as many districts as possible are represented, even if they're not up for re-election until 2010. So that is what we are looking at in Plan 1. I won't spend a lot of time walking through the details, but you can generally see the make up of it here (referring to power point on Plan 1). So you have the grey district 5. I should walk through the districts by year. So, district 1 (pink area on Plan 1 map) would be up in 2009; district 3 would be up in 2009 and district 6 would be up in 2009; the others would be up in 2010. And again, there are a lot of things we can go through and get the details. Plan 2, this one was more focused on issue of the case - the Latino representation, seeing how far we would really go with that. There is an issue in the Federal Voting Acts Law about if race becomes a predominate factor, and when

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we do it this way, it's more for illustration and to see what is possible. It does raise concerns when we're looking at this complicated of an issue of solving a California problem and running into a Federal problem. But as you can see by the numbers in this plan, that these are some very concentrated attendance districts. I should add on this spread sheet - they're a little hard to read and I apologize for that, but I wanted to make the maps a little more legible, but the attendance packets all have the colored maps in them. So this one, you can see it's a very different configuration, again we're looking at avoiding pairing of the incumbents rather than to avoid blocking the voters at hand and to assure that the districts have a representative even if they're not of a different part of town. And we're looking to see how concentrated the Latino population is. Mr. Johnson then went on to Plan 3. He said that this one takes a little different approach. It's more focused on Highway 99 as a split and it also essentially ignored the location of the incumbents in developing this, so we're putting more emphasis on the major roads, traditional factor and zero emphasis on incumbency and rural voters. So the result is that you do end up with districts that for the most part don't cross Highway 99. They do follow attendance zones for the most part as well and then, the downside factor to this is that four other incumbents do end up in one district. The other piece is they talked about concerns with plan 2 of overly concentrating the voter population. A lot of these lawsuits are filed because of dilution, but there is on the flipside of the Federal Law a concern about overly concentrating as well, district is packing and tracking. So, this one does not have race as the driving factor, it doesn't have that concern when you are drawing the lines, but there are concerns about palpably conveying these next steps. You can see in the data, there is a number of fields that we have for you, the first is the district number. That's pretty straight forward. The next is the deviation, and the way that's calculated is, there is an ideal district size, where we take the total population of the district and we divide it by the seven trustee areas to arrive at what would be the ideal, theoretical ideal population for each trustee area. And this is the deviation from that so trustee area 1 is 22 people over that, which is 0.22%, pretty darn close to that. Trustee area 2 is 63 people under that, again pretty darn close. When we looked at these plans, when we first looked at them for total deviation we were looking at the distance between the smallest and the largest. In this case you have one that is 3% under, and on that is 3.5% over, so your total deviation is about 6.8%. There used to be a safe harbor if you had less than 10% we were pretty much fine. That safe harbor has been eroded for the most part. Now what the courts say is tell us why you're having the issue. So in each of these plans, the deviation is a result of adjusting the factors on the side of the value other than following the attendance lines when it is possible attempting to make sure that we have representation in each district when possible. And then in smaller groups that comply with the school district, like here, the simple size of the census block kicks in as well. In getting rid of the 22% deviation is almost impossible because the census blocks are basically equal so that you don't know the difference. So, these are less than 1% is a miniscule of deviation. 2 to 3% certified is notable but barely explained by the recent (couldn't understand word) department. Then the numbers population and Hispanic origin, and I should emphasis that these are 2000 census numbers, so these numbers are 8 years old. This is a little bit of the

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challenge in doing this mid-decade, especially late in the decade, and try to do this in order to get the 2 elections in. So, obviously these districts will have to be redrawn after the next census. So in order to hold elections in all of the districts, we need to get this in place quickly. Otherwise you'll draw districts and never hold an election until the new census. So this is total population, all ages, NH WHT means non-Hispanic white. The census, and some of you may be familiar, this is some odd groupings, and then have guidance from the District on how to group them on re-districting. So we look at Hispanics and the non-Hispanic whites. We also look at African-American and Asian-American sub-groups, but in this (could not understand recording, could not transcribe). Then you get into voting in population, this is the 18+ population. The same category, it's Hispanic, voting age, non-Hispanic white voting, really focusing on the Hispanic population. And you can see in this plan we are up around 68%, 48%, 68%, we actually have a discrepancy, it's 85% Hispanic voting age, 74%, these are really high numbers. For contrast we can landmark ours as descending in Madera County. They have confounded that there has been active discrimination. It wasn't just in the district in case, just this case here, it actively happened to a law firm, even in the 17%. So these do raise a flag, but that's why I say (could not understand recording, could not transcribe) there is a concern. And then we come to this category CVAP - Citizen Voting Age Population. That really is a number that impacts a populations voting power. If someone is not a citizen they can't vote. There is no choice if I can register or not register. It's there choice. If you're not a citizen, you cannot register so you cannot vote. So we're looking at the voting strain, when this data is available, the latest data and we have it, this is really key factor. And so walking through these numbers, and this plan there is about 48%, 40%, 2 districts that are down in the 30's, they're pretty low actually, district wide they're in the low 40's and 17%, and then here's the two that again raise flags, 63 and 1/2% and 60.8%. And again this is 2000 data. When we look at the census 2005 numbers for the whole county, because those were available. There were not 2005 numbers available for the District itself. And Countywide the Latino citizens voting percentages has gone up almost 6%. 81% of the counties Latinos live in this school district. So it's a pretty good bet, probably a conservative bet to say that today these numbers are essentially 5.8% or 6% higher. So the 48% is probably crossed over the majority is probably close to 55% today, and 47% would almost certainly also cross over to the 50% margin. The 63% and the 60% are probably close to 70% and 66%. Again this is CVAP, this is the voting age. You'll hear a lot about the old 65% rule, re-districting back in the 1980's, the courts would say to draw a total population of 60-65% district. Now we have some of the voting age numbers we are more looking at data in the computer. And also trying to give a shot at as many districts as we can, as you can see in this case there are two that are very low, 31% and 34%. So you have the numbers. I won't walk through all the details of all the plans. They are in the packet. And again I would be happy to answer any questions. So essentially, to summarize the two plans, Plan 1 we focus on attendance areas, and avoiding pairing of incumbents, spread the representation to the perspective overall voters. In Plan 2 was more of an illustration and a look at what's possible in maxing out numbers, and also avoiding pairing. And then in Plan 3 we ignore the status of incumbents and tried

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to spread out the (could not understand recording, could not transcribe) and only in the attendance zone in the middle for Highway 99. So that is a quick introduction to these plans. I'm happy to answer any questions, and if David has anything to add to that too. And I can bring these up also. Mr. Soldani asked Mr. Johnson to go over the numbers in Plan 1, and do the same type of analysis that you did in Plan 4 if you would, taking into account the updated 2005 numbers and what that does to the majority of the minority representation in those districts. Mr. Johnson then switched over, and we're looking at Plan 1 and just walking through the certain voting age numbers. District 1 is 41.2%, so that's probably in the high 40's now if we add 5.8%, 47% there; District 2 is 56.4%, using 2000 numbers that's probably around 60%; District 3 is 42%, so it's also high 40's, 49%, something like that; District 4 is 46% so it certainly crossed over the majority, over 50%; and then we have 41.9%, that one is also probably right about just short of 50%. And then the smallest one here is 37.9%, so if we add 5.8% to that, we're 44% in that district. So we are seeing a number of them have gone the majority, and the rest that are all reasonably close. So, there is no district that we are essentially writing off. As you can see on the spread sheet there, no surprise the drop between the total voting age population and a drop down to the citizen voting age population can be big. One thing that was of interest as we're doing this, this total citizen voting age population, that is the percentage of all people who are 18+ who are citizens. It's not just Latinos, its Anglos and everyone else mixed in together. But you can see real differences here, 69%, 56%, 75%, 84%. There is a real spread in citizenship rates across the District. No surprise to those of you who have been out and about in the community that the numbers do that. And that is really what drives how far of a drop there is. Mr. Johnson then said that if there were questions, he would be happy to look at any of the plans presented and answer questions. Trustee Westley said that in talking about the process and how you came up with these numbers, obviously we used 2000 census data as a foundation for what we're looking at. But you talked about the percentage over the last what, until 2005, 2006, and that trend that's estimated, is that proven to be pretty accurate practice. You're saying what, about 5%, 6%, something like that of increase? Mr. Johnson responded yes, 5.8% increase. Trustee Westley asked if that was based on the American Community Survey. Mr. Johnson responded yes. This is something new in this decade. Mr. Johnson said that everyone is familiar with the 2000 census, and the upcoming 2010 census done by the Census Bureau. It's kind of a whole standard of its own. There are undercounts, and little details, but far and away the most accurate numbers. What's new this decade is that the Census Bureau has started doing annual surveys, and over time, and they do enough of these that the Census Bureau is confident enough in the data to release the numbers. So in 2005 they released numbers for jurisdictions that I think were 60,000 people or more because they felt that in jurisdictions with that many people they had done enough surveys. They receive hundreds of thousands of phone calls and inquiries every year to do this. So it's called the American Community Survey. The numbers are currently coming out of different levels of geography all the way down to the tiny little neighborhoods in 2010. But at this point all we have in this are the County totals because the County was a large enough geography that the Census Bureau is probably going to end up with the

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numbers they need so they are essentially, the good thing and this is what we always want to do in preparing census numbers, it's not our survey, and it's not our numbering. And again I should add 5.8% of 60% number is conservative because for one thing it is a 2005 number and not a 2010 number. Mr. Soldani asked Mr. Johnson what would be the practical implementation of Plan 1 for example, in terms of when would areas become available, when could we elect Board members from each individual area, and do you have a sense of the timing and which areas would become open? Mr. Johnson responded yes, looking at Plan 1, well, if the Board assigns the numbers to the districts, the overwhelming practice is to have the District come up with incumbents in that district without the election. So when we're looking at this we're looking at district 1 and 3 and 6 would come up with the 2009's election. District 6 would be vacant. It will have no incumbent in it and it's a heavily Hispanic district when looking at the minority population at this point. So, we'd have that district open, and district 1 and 3 would also be up for election. That would leave district's 2, 4, 5 and 7 to come up in 2010. And then they would switch each election, the next election, 3 would be up. So that's the Plan 2 there, and I think we're looking at the similar numbers in all 3 plans. This is 1, 3 and 6 in 2009 and districts 2, 4, 5 and 7 come up in 2010 because that is the current cycle. And, obviously this brings up a point that was raised earlier which is whatever happened with these districts. Nothing is going to over turn the results of the last election. So all of the current Board members have been elected to a term and will finish their term. So if you put a 4th district in front of ten you would end up with eight Board members. Mr. Soldani stated that it appears under Plan 1 we weren't able to avoid all incumbent areas, is that correct? Mr. Johnson replied yes, there are 2 incumbents in district 7, Janzen and Adams are the two incumbents in district 7 and because district 7 would end up as a point of candidacy Mr. Adams, when he finishes his term in 2009 would unfortunately have to sit out for 2009 candidacy. He would not have a seat to run. Again, we tried to avoid that, but some people live too close together. Trustee Goodwin asked for clarity, this re-districting would occur again in 2010? Mr. Johnson responded it would be done before the 2012 election. The data from the census comes out in April 2011, so sometime between then and the election. So, each of these districts will have a Board election and each of these trustee areas will have an election and then they will all be re-drawn for 2012. Trustee Westley said having said that, in as much as we tried to maintain the attendance areas of the schools, over time the census could cause that to shift, but maybe the school boundaries will follow the growth, the population moving around, maybe we won't see movement anyway. So it's never going to be a clean separation of, or clean, maintaining every attendance area to trustee area, because there is two different measurements going on, student population and voting population. Mr. Johnson responded yes, and this brings up an important point. The Communities of Interest and their traditional criteria are secondary to the Federal Laws of the districts that have to be equal in one area. So there is almost always going to be some dividing of attendance areas or other criteria because we have to have equal populations that can be organized and sometimes we do run into those numbers that fall on top and match, but that's pretty rare. Usually we do have to have equal overlap. Trustee Salvador asked, but you don't know this

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based on the trends that you're seeing now that those boundaries would necessarily move greatly they would just adjust back and forth depending on the demographics of the area? Mr. Johnson responded that it's hard to say. The problem is the census gives us the numbers on the County as a whole, but it's hard to pinpoint where that's happening. One thing to look at is the 2005 total population number is coming faster than the citizen voting in population which is going up. It's new arrivals that's causing growth, and here they're about the same in parallels, kind of ingrown, inbuilt I guess is the phrase. Growth of new arrivals spreading out into the two areas. So it's impossible to predict. Obviously we're trying to minimize the disruptions that we get. The idea of continuation in office and continuation of people that are used to voting in district X, knowing that their district X is not picked and they might have to shift in three years, but it's impossible to know exactly how susceptible an area is.

President Seibert asked if there are any other questions from the Board. Clerk/Trustee Westley said that just looking at Plan 3, it looks like all of the incumbents are in two districts, district 7 and then whatever the other one is, district 3. Okay, so in that plan, how would that work for election cycle? The four incumbents that come up in 2010 would stay in office until 2010? Is that my understanding of the discussion so far? The other three incumbents would have to sit it out and there would be 5 districts that would be empty, but only three people would fill those? How is that going to do? Some of the districts would not have representation. I'm just trying to play it out past the first election. Mr. Johnson responded yes. So some districts I guess you have 3 with the incumbents in it for 2009 and 1 and 6 would be up in 2009 and elect new people to the Board. And then those members whose terms end in 2009 who are not in a 2009 district, or who lose the election to those who run against each other would leave office in 2009. The districts that have no incumbents in them that are up in 2010, so we're talking 2, 4 and 5 would be vacant. So in the 2010 elections we would have 3 districts that would have no one representing them, that is, no one from this District representing them until the 2010 election. Because all of the elected incumbents are in one section. So, two of the districts would be up in 2010, with an incumbent in district 2 would be outside the boundaries. So looking at 2010 seats, 2 would have an incumbent in it, district 7 would have 3 incumbents in it that are on the 2010 cycle, and then district 4 and 5 would be empty with no one potentially in it, and Trustee Salvador asked about district 6. Mr. Johnson said that district 6 would be empty until 2009. So we will fill it in 2010, so it would be vacant until that point. The other two would be vacant for two years. President Seibert asked the Board if they had any other questions. He then asked if there was any public comment. Bill Coate, Madera Tribune, asked, assuming that Plan 1 is adopted, would the election cycle for the 09, following the 09 elections, when would be the next election for those to be voted by district? President Seibert answered Mr. Coate, 2012, back to the regular cycle. Mr. Coate then asked would that district be elected in 2010, after that the next election would come back, the next segment would be 2014. Mr. Johnson said that you would be back on the even numbers after the 2009 election, then we're every four years.

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Mr. Charles Foster, came to the podium to present their plan, the Lawyers' Committee Plan. He said that he wasn't sure if he should make his comments now or wait until after I present, I would be given the opportunity at that point. Superintendent Stafford said that is fine now, but asked him to identify himself for the record. He stated that he is Charles Forster with the Lawyers' Committee for Civil Rights. He asked Superintendent Stafford if he should present now, and Superintendent Stafford responded sure or if he had questions. Mr. Forster stated that first of all I am not an expert on this. He said that their expert prepared this information and he's given me a tutorial on it so, and that just also speaks to the fact that it's unfortunate that we couldn't have our expert here. I believe we heard it just a few days ago that this meeting was occurring, so I just wanted to say that I think it would be prudent to have a longer process, more thorough process in terms of letting these various plans and getting as much public commentary as possible instead of what I feel that things are being rushed a little bit. First of all, basically our map as Doug had mentioned is drawn using predominantly Communities of Interest basically represented by the attendance zones, and it looks very similar to your map 3. Basically, we've grouped the attendance zones according to their feeder schools which I don't believe your map 1 does. So, we both look at attendance zones and we look at how the attendance zones, where they feed into middle schools as a primary factor. So for example, district A is made up of Lincoln and Adams and they both feed into Jefferson Middle School. Then we have in district E, Madison and Parkwood also which both feed into Jefferson Middle School. Our district B which is Nishimoto and Monroe, they both feed into Desmond Middle School. And district F, Beretta (Berenda) and Pershing they also both feed into Desmond Middle School. District G here is Millview and Chavez and they both feed into MLK Middle School. And then district C which is here, which is Washington and Sierra Vista and basically just in terms of creating equal districts, they have the extra population from both Jefferson and MLK. And then district E here is made up of basically the remaining elementary schools which represent I guess the rural districts. You know we did not want to take into account, one of the reasons why is according to us, we didn't take into account incumbents is, you know we feel that they've been under the current at-large system unlawfully elected, and so in terms of remedying this situation, the point is that if individuals have been unlawfully elected that it shouldn't play a major role if the whole system has been unlawful, that there should be a new system in place and basically new districts drawn up as a remedy and new school board members elected. Map 1, I think your map 1, you can see if you look at Communities of Interest in the way the feeder schools work, 99 is an inappropriate geographical measure. If you look at your map 1, there are a few districts, 7, 2 and 4, which cut across 99 which seems to combine two separate Communities of Interest together. And other than, if you look, only one of those has a citizen voting age population of over 50%. The others are under 50% and so there is a high likelihood (Doug, can you put up our map 1) here too is the one with the major minority citizen voting age population. This here has less than a majority and this one here also has less than a majority and they cut across the highway. By doing that and it seems to me cutting through there is a potential violation of the Federal Voting Rights Act, and that the way that you drew the lines, if it

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continues to dilute the Latinos community vote is basically a potential violation and as a Civil Rights Organization we're well prepared to bring a lawsuit again under the Federal Government Act in Federal Court. So if you look at these numbers they still seem to reflect the numbers now within an at-large system with Latin Communities possibly in district 7 and 4 here could still fill the candidate choice and still not be elected. So within the context of racially polarized voting, there is a high likelihood or likelihood that those candidates cannot be elected. Latino Community vote is diluted and we're back in court under the Federal Voting Rights Act. Our plan 3 is very similar to yours, and you know there are some things that are different about it, numbers, but I think that there are some community discussion we could possibly talk about how to make, agree in terms of how to basically draw the lines or make them as close or come to some sort of consensus about how that, how this map should look in terms of negotiating between the two differences, so you know, I think for us, the Lawyers' Committee for Civil Rights, map 1 would be unacceptable, just looking at the numbers and thinking about how it is that, community interest, the student attendance zones are organized and where the feeder schools are, taking those factors into account, it just seems a little strange that, it's basically, this map seems like its only protecting incumbency, and we see that as a problem, map 1, so it's basically protecting incumbency. And there is one way to get around the vacancies and that is that courts in the past have remedied the situation by appointing one of the incumbent board members to a particular type of district. So they serve as the representative at that district until the 2010, a lawful election, can be held in 2010, and courts have been willing to do that as a reasonable remedy. So, in other words, the four members, the four incumbents who are still on the Board and to be elected, to run again in 2010 would then be assigned to one of the districts that does not have a representative and serve that district until the end of the term, until the term ends and an election is held. Trustee Westley addressed Mr. Forster to say that he has always looked at the issues in the District, District wide, and so this being elected by district, I can understand what we're talking about here, but I just can't imagine any Trustee sitting at this table looking at representing only the district that they're in. The School District is all encompassing to do that and so if you assign me to a district that I don't live in, I don't understand what my responsibilities are supposed to be. I'm trying to understand what that means when you say I'm assigned to an area because if you're telling me that I need to focus on that district only, that's going to be pretty tough to expect anyone to do if they don't live there and they don't stand a chance to be elected there. And by the way, next election if I wanted to run again, it's the district over here that's going to elect me, and I need to keep those people happy. So I don't understand how appointing people to a district they don't live in really does any good other than just fill in the blanks. Mr. Forster replied, those are good points, but in terms of creating districts that comply with Federal Law and as a particular type of remedy that would deal, it's not the best solution but deals with the situation, the courts have viewed it as a reasonable solution. The other thing is that your elected at-large now and you would represent those schools as an at-large member and you don't live in that district, so but you still represent those schools, so basically you would, and you don't live in those districts, in that district today. Trustee Westley

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stated that people in those districts are electing me as well as the people in these districts. That's what the difference is, that's why it's more of an impetus maybe to pay attention to everybody if everybody is elected, that's all I'm saying. Mr. Forster replied, yeah, it's unfortunate but there is no perfect solution, and it's a stop gap, it's a transitional period and it's something that gets us through until the 2010 election. Trustee Westley said that the other thing that I would hope we can avoid is to create a wall and divide the town, divide the District by saying all of this is Hispanic and all of this is not Hispanic or going that way. I think we have to soften that for future growth. Mr. Forster responded in terms of map 3 and our map, I think it does represent the attendance zones, the feeder school patterns, communities of interest. That is the way the communities are situated today, they have the most in common. The point is that when you district line draw and you don't take communities of interest into account, then you've got two groups pitted against one another within one district and arguing, that's why it's important to, I think pay attention to this idea of communities of interest and I think attendance zones are a representation of that as a great way to go. Trustee Westley asked about the population numbers that you use, are they strictly based on 2000 numbers or are they trended? Mr. Forster replied they are based on the 2000 census. He said they will change. Trustee Westley said we know it has changed, and I think there are some very reliable methods to project within pretty small margin of accuracy or margin of error there and we'd have probably different numbers than those. Mr. Forster said, but that's the reality of the situation. We draw districts according to the cenial data. These will be drawn again but that's what, you know. Every district in the United States deals with that. We have people being elected in districts where demographics have changed over the course of eight years, but we still have to do it and that's just the way it's mandated. Trustee Westley said I agree if you're doing it today we want to make it as accurate as possible today and not use numbers that are eight years old and be off base for two or three years, that's why I asked the question. Mr. Forster responded that those would be the numbers we would use and the courts recognize them. Trustee Salvador said he had a question. He said if that's the goal of the entire districting system and that is our stated goal to provide the, for the lack of a better term, most bang for the buck, get the best solution possible, then why wasn't the ethnic background of the people in these district taken into account by your analysis? If it is equal rights for Hispanic voters, Black voters, Asian voters, then, and you have the census data to do that, why the focus on the feeder schools because the three junior high schools feed into two high schools. One of the high schools basically cuts a donut into the other high schools attendance zone. So, common communities of interest to me is more, focused more on, not so much the feeder schools because the different ethnic backgrounds that come into the feeder schools from all over our District. Isn't it more a local issue down to the elementary school level? Convince me why your plan focused around the feeder schools is better than Plan 1 which is focused more around the elementary schools where as the data changes over the next ten to twenty years, those lines, although they may move, they won't significantly move unless we have an exodus of biblical proportions, the growth rate is still the same as at 6% to 10%, which means the ethnic population will also grow at a similar rate, therefore the balancing act that

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we're doing here, even with your own expert, it seems to me based on the numbers that we're actually doing, for lack of a better term, more harm than good trying to super majoradize one set of districts versus another set of districts instead of trying to balance all of them out, both attendance zone wise, ethnically wise to give Hispanic, Prop 11 is talking about this right now, create the districts balanced enough where anybody in any district has an even shot at running in a district, even though I'm an incumbent in 2010. Mr. Forster responded, let me just say that, you know we based our on attendance zones, elementary school attendance zones, and the feeder patterns. You know we did that because it is a great measure of communities of interest. It is not the only measure. That's one reason, like I said earlier there, we kind of, we were thrown into this situation. I did not expect to come and actually present this today. That is something that I think deserves more input and a little bit more time to tell you the truth, to get those communities out there in here to tell you how they want these districts drawn up. I think it's important. I think the other thing, my problem with map 1 is that it does take into account attendance zones, but the other thing that I think we have to be aware of when we draw these lines is the Federal Voting Rights Act and its potential violation. So, when I look at number 1 using similar criteria, I see a pattern where there is a potential for clumping together dispirit communities of interest. And if one of those happens to be marked by race, and their vote is ultimately diluted, then there can be a vote dilution and a potential violation of the Voting Rights Act. And I don't think that's a situation you want to be in. I think it is very important to sit down with the community. You need to understand what exactly these communities of interest are, what attendance zones want to be clumped together, and then come up with a map. I think that will not potentially violate the Voting Rights Act. Just so you know, race can be used as a factor but not a predominant factor. It's a measure of communities of interest basically. A lot of times it functions as that when you have a group of, you know, a group of minorities living together. They tend to have the same political beliefs, same interests. And so in that sense it can be a measure also of communities of interest. Superintendent Stafford asked Mr. Forster if in map 1 if we were to look at Mr. Johnson's suggestion about the 2005 census data, looks like we would have at least three majority minority areas, maybe even four. And the other thing that seems to be of interest getting back to Mr. Westley's point, representing an area for whom you're not accountable. Those people will not vote for Mr. Westley if he's assigned to an area out of his residence. One at least holds incumbents, while they are incumbents, hold them accountable to the voters of their area that they will be either re-elected or not based on their performance for that trustee area. And isn't that a better sense of representation than drawing a long arbitrary line and having no one really, while someone may be assigned that responsibility, they're not accountable to the voters of that area because they won't be able to vote for that person whether they like that person or not. Mr. Forster responded, and again, like I said, it's an imperfect solution. Superintendent Stafford said, so I guess my question is if there are imperfections to deal with, is it better to have someone who's accountable to a group of citizens than not. Mr. Forster responded, again, you know it's an imperfect system, but I think what we have to balance it against really is this sort of, you know there's a reason why most of you all

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are clumped together in a certain residential district. I mean, that's part of, sort of, our lawsuit in a way is that, there's, well I don't want to get into that, there's a, it makes it very difficult to create districts if using incumbency as a factor, if all incumbents live in a particular area. Superintendent Stafford replied, if that was the only factor, I would understand. Mr. Forster said, right, but it seems to be the case, because you're really trying to take into, you're really trying to make sure that you're creating districts where there are vacancies, where there will be no vacancies after the districts are drawn up. You're trying to make sure that you have an incumbent representing a particular, or a representative who is an incumbent represent a district, and that seems to me to be a dominate factor. Superintendent Stafford said that it holds us accountable to the election process. Mr. Forster said it's just concerning, that's all I'm saying, and if you think about communities of interest and you think about, you know, the 99 freeway example is a good representation of a dividing line of communities of interest. And if you, you know, take a line and slap it through, create it, it's a you know, it's a demarcation of two communities of interest that are separated but still living within the district and one of those groups is going to be disenfranchised. Superintendent Stafford responded, your lines cross over the 99 on the north end. Mr. Forster said, I'm just saying in that part, area could be a measure. So, and again, I just think that it's not our, this isn't you know, this plan is a proposal. It matches your map 3 and I think it's a good starting point. I don't think we need to rush into this. Trustee Salvador said, then how do we get around the Cobb case, how do we get around the Daggett case where pairing was stuck down by the courts, or was allowed as a factor in the districting, those two cases. How do I get around the fact that I might get a subsequent lawsuit because we didn't do our due diligence to make sure that the ratio populations were balanced in the districts. How do I get around, you made reference to the Federal Voting Rights Act, right, where, that although race isn't a factor, or shouldn't be used as the predominant factor, how in good conscience as me as a Board member vote for a plan that in at least two of the districts, race is a predominant issue in those districts. It would be raised as a reverse type claim from someone that is not of a particular race. How do I get around that? I'm trying to understand the issue. Mr. Forster replied, you use the race neutral factors, you use attendance zones, you use communities of interest, you use geographic boundaries, and you, you know, you just be mindful that you don't create districts where there is potential for a voting rights violation, and you just need to look and see the population numbers where that is a possibility. I mean that's what the Voting Rights Act, it protects the minority, it protects minority voting rights and that's something you should just be aware of when drawing the lines. So, when I look at map A it raises a red flag. So that's all I'm saying. It's not, when we drew, you know, you can draw maps that are race neutral that take into all the other criteria, but you also, at the same time need to be mindful. That's what the Act is about, about protecting minority voting rights. You know, it doesn't have to be intent, there's no intent standard there. It's the effect of the system that could create a violation. David Soldani asked Mr. Forster, would you agree that avoiding the pairing of incumbents is a permissible factor to consider in drawing up districts? Mr. Forster responded, I mean incumbency is a factor that can be considered, you've got to balance that again with the violation, so

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that's the trade off. And the second question from Mr. Soldani was, would you agree that your proposal doesn't take incumbency into account at all? Mr. Forster replied, again, like I said, and this is just, is a map our person drew up because he didn't have that information, the incumbency information, so he really, this is just based on what we thought would be the, your, this is again a proposal, it's not something we're saying to adopt. Mr. Soldani responded, so that would mean yes, with respect, I know it's a proposal, but they (Mr. Forster, yes that's true) didn't look at because they didn't have the information, so they didn't take that into account at all, correct. Mr. Forster responded that we tried basically to take in what we felt was obviously, the districts, what would be one major concern of the district and that is preserving attendance zones. Superintendent Stafford asked if Mr. Forster had asked for that information and received it, the incumbency information that is? Mr. Forster responded that I don't know. There might have been somebody, another attorney, but I didn't specifically, and no I did not ask for it. But again, that's what I'm saying, I mean we can, you know, I think when we have a more open process, we could get people from the community in here to talk about what these communities of interest are, what sort, how these things should look and then we can redraw lines taking incumbency into account, but it's just a process of working together on this. Mr. Soldani wanted to add a quick comment. Charles has indicated tonight on a number of occasions its somehow or intimated at least, that somehow this is not been an open process, and just for the record, I want to make certain that everyone understands, this was a properly noticed public meeting, aside from the plaintiff, the County Superintendent and the media, you know, I don't see much in the way of public participation. Now under the law, technically the County Committee when they do this, when they consider the proposals, they're required to hold one hearing. Well, we're doubling that here. We're holding the hearing here at the District level. We're not required to do this. We wanted to do this so we could get public input so that we can have this occur in a very open and transparent process, so that we can get input from people like Charles, from the plaintiff and anybody else in the community. So, I just want to be clear that there is nothing improper or unopen or closed about this meeting. We're going to have a County Committee Meeting, in fact we'll make that announcement tonight for those of you that are here. The County Committee has a meeting scheduled for October 27, 2008 at 6:00 p.m. where hopefully they'll be considering one of these plans. So that will be yet another opportunity for public input. I just wanted to clarify that for the record. Mr. Johnson spoke (could not understand him, unintelligible). Mr. Forster responded, you know, if you follow through with, or take into account the race neutral factor, I mean, and you end up having, because of traditional, because of housing segregation patterns in the past and you have concentration of a part, type of a minority community, then, you know, it's just, I mean as long as race isn't the dominant factor in terms of trying to pack that group together than I think it would withstand a challenge. I think the difference is whether again, it's a predominant versus a dominant factor, both on the dilution side and the packing side on both sides. If you basically are using race as the dominant factor to make sure that you have a very small minority district versus using race as a dominant factor to create the majority district, and as long as we follow the race neutral criteria,

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race is not the predominate factor. I think it would withstand a challenge. And, there is no, we are gerrymandering like Shaw versus Reno, where they drew like little stars and drew geometric patterns. Mr. Johnson asked Mr. Forster a question (totally garbled, unintelligible, could not transcribe). Mr. Forster responded, I do not know off hand. I'd have to look through the research. Mr. Johnson spoke again, (totally garbled, unintelligible, could not transcribe). Mr. Forster responded, well, I disagree, but, I mean, you know, because when we drew this up, we really only looked at the attendance zones and the feeder patterns for this, and, you know, once we get a sense of what the criteria might be we can avoid some problems and kind of go through and produce a map that would be acceptable to both parties. We just haven't had the, this is the first time we've had this dialogue. Trustee Westley said that he had two comments on that actually. The first one is based on Plan 1, you know, using the attendance boundaries of the elementary schools, you know as kind of to help you draw the lines, I think I see, based on the numbers from the demographer that did that work, that more majority Hispanic districts, or the potential for more majority Hispanic districts than our Plan 3 which is similar to your plan. The second issue about the timing is, you know, our heart and soul goes into this District. And we're fighting for every penny for these students. And if we drag this out, the legal fees are going to drain this District. And what good is that? Trustee Goodwin said, and I agree. I think anybody who cares about the District and the children of this District does not want to see us spend our money on wonderful court cases, which could be precedent for future cases in the other districts around the United States in the future. I think we want to use our money educating our current children in our District and we have a lot of plans that we have put in place and they require a lot of money and a lot of time. And I think I hear you saying that you want to discuss different options for creating a districting map and we know from the timing of your suit that we are pressed to get a temporary districting map in place. It may not be perfect, it may have some questionable districts, but it is temporary and in the interim we could come back with you and all the different communities and discuss a more permanent districting map which could be based on more current data. And I think that we could do that without going to court, without threats of court and just looking at the interests of our communities and in the interests of getting something permanent which is fair, that we could all be happy with long term. This came up very close after people had already put there names in for election, so we're trying to do this quickly just by the timing of the lawsuit. We did not want to do it quickly, but it became that way. So we're trying to do something temporary and I think when we look at our children and we know how much it costs to educate each child and we know that Madera is a poor community that our money cannot be wasted on court cases. When you look at families struggling and our teachers struggling and insurance problems that we have with the District and our kids want to do all kinds of extra curricular activities, which we try to provide, they do not want their money spent on court cases. We want to work with our children, we want them to get the best education, and that requires money. So I think over time, we can do this, we could work together in meetings, get the different communities in, look at the different maps, but I think we need to accept a temporary map that we are all temporarily happy with. And speaking as a new member of the

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Board, I can say it takes at least one plus years to come up kind of to speed of what's happening in the District financially, all kinds of different ways, hiring, multiple plans that have been in place for many years. And you just plop somebody in from the district and say, okay now we're represented, you're not going to have a really good Board. That person takes a lot of time and money to really bring up to speed, so it's something that takes more time and more education than we're actually giving credence to right here right now. Mr. Forster responded, well yeah, I understand your concerns in terms of the cost and educating the children within Madera Unified School District, but you know, we're trying to preserve or insure that a lawful election occurs, that is what we are charged with, our plaintiffs want and, you know, this is the first time that we've been, that you've heard from us about this district line drawing. I'm not saying to prolong this, you know, until June when we're supposed to have the first election, or the special election, but I think some dialogue before hand, input from us, you know, would be very helpful. You know this is the first time you all have heard from our side and you know I don't think, you don't really appreciate being shut out from the process. I mean, how can you have maps that represent the community if there are no community members here speaking to it and this is the first time that we've in fact been here to speak to the proposals, so. Trustee Westley said, it's kind of interesting because I think you could have dealt with this. We could have had these discussions without a lawsuit, but that lawsuit puts a whole different time frame in front of us. Mr. Forster responded, but we did get, I don't want to get into that. Trustee Westley responded, yeah, we won't get into that, because I can argue that one too. Trustee Goodwin said we could have done mediation, we could have gone into mediation, come to agreement that's about how we can work with the districting and re-districting everything, very low cost, very easily and more amicable manner where everybody would be, I think, coming out with a better feel about the whole process. But this whole thing of turning to lawsuits and every other sentence threatening a Federal Court case, or saying well we're going to take you to here and do this to you. I mean all you're doing is threatening the parents, you're threatening the poor parents out there who want their children educated. They pay for this. This is not money out of the sky, this comes from the families out there, the farm workers. This is their money. And they don't want to waste it on court cases. Mr. Forster responded, you know, that's not my intention. I am just expressing a concern, you know, given, one of the proposals that there is a possibility. We have options here. We don't have to tonight, this is hypothetical, vote and accept map 1. It doesn't have to be done. Trustee Adams stated, I would hope that whatever plan is arranged and whatever members come on this Board that they would be as conscientious as this Board has been in creating the needs of this District. Every last school that has been built around here has been over on this side of the town. Go right down the line, Pershing, Chavez, Parkwood, MLK, Desmond, Nishimoto, and I think that you need to listen to that point too. Trustee Goodwin said, if you're saying that you do not want to accept a plan within the next couple of days as we will be required in order to comply with this lawsuit, then I would ask you to drop the lawsuit and go through mediation. Trustee Salvador said, I'm sorry, I'm the new guy and I'm still trying to figure this all out and from the outside looking in and being in the business that I'm in, when I'm not

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on the Board and facing a minimum of \$3 billion dollars in State red ink that we're going to have to absorb and depending on what happens in the special election, up to \$10 billion dollars in red ink that the whole state is going to have to absorb, I think the urgency is clear. We do have an urgency. The lawsuit makes it urgent. The judge in this lawsuit was pretty clear on the dais when he gave his injunction rule and I think that it behooves the Board to take the best information that it has at the time and you've admitted yourself that the information isn't perfect. It's not perfect guys. If you want perfect data, we put this off until 2010, we get the data we do this right. Well, unfortunately your lawsuit doesn't allow us to do that. Okay, so it is an imperfect world and we're going to have to take all matters into account; communities of interest, school representation zones, race, incumbency. The court cases are clear. I read this back up three times over the last 48 hours and I've looked up every single case that is cited and I looked up the Ed Code, so to say, and I'm sure that the members of this Board have all done the same thing, I have not read your briefs. That's not my job to do. But, I've read all the back up and I've gone to the case law and I've read it, what I'm enjoined to do as, I'm an elected official, I was appointed, but what I'm enjoined to do as a representative of this School District and the people in whatever district I am doing or going to be the representative of is two things: make sure the mission statement is clear and make sure we do it in the most cost effective and expedient way possible. And when that comes down to that, then, I'm sorry, I'm going to take the best data I have at the time, I'm going to make a judgment. Will I have to answer that judgment in Federal Court someday, maybe. Will I have to answer that judgment in a State Court someday, maybe. But you know what, due diligence on my part, I've done the homework, give me credit for that, and then let me make the decision we need to make up here and then you gotta do what you gotta do. Trustee Goodwin said, and again I am asking that you drop the lawsuit and just go through mediation. We can do this much more inexpensively without affecting the kids, without crimping their plans as far as their activities, we can have a lot more meetings and more slower paced manner so you don't feel rushed yourself and we can get all the groups together as often as they like and we can look at the different ways of drawing up the map and different things. In the meantime people could be preparing to join the Board. We could have some people who are prepared to actually run and have some more who would show up on your side at the meetings. So, if you could, I think that would be a good way financially and it would also help us as far as you know redistricting or districting. Mr. Johnson responded, in many respects (garbled, could not transcribe). Mr. Forster responded and again, just let me say, the reason we got involved in the lawsuit was the fact that you know, there's racially polarized voting within the Madera Unified School District. Latinos' community vote has been diluted in violation of the California Voting Rights Act and under plan 1 there's a, taking into the, you know, factor of trying to keep the incumbents on the Board, that there's a potential for the same thing to happen again. There's a potential that the Latino community in a racially polarized context have the vote diluted still under this plan. And I think that's something we all want to avoid. Mr. Johnson responded to Mr. Forster (the recording was unintelligible, could not transcribe). Mr. Forster responded, so I'm just saying, is that, that's the position that we're from. I'm advocating for my

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client. We don't want to see a repeat, right. That is the fundamental problem, right. Trustee Salvador replied, I think that message is loud and clear to the core. Now, and that's why we're here having this discussion and that's why there are 3 plans up on the board. We hear you. My major bone of contention, reading what I've read, listening to you today and listening to everybody else speak on the subject is, you're telling me that you don't want racially polarized voting, yet when you look at a plan that basically gives you attendance zone coverage and gives you a minimum of four districts, two more than plan 3 and your plan, that somehow we're diluting the vote that way. I have a hard time swallowing that. I have a hard time understanding that, because wouldn't it be more beneficial to over the next two elections, cause this is a two elections to 2012, to have the maximum of number of seats available based on your attendance zones, based on the racial diversity of our community, based on all those factors, wouldn't it be more advantageous to have four, five, maybe six of those taken care of versus two or three of them, because we've drawn lines specifically based on attendance zones and feeder zones. Because you look at the racial makeup of Lincoln/Adams versus Washington/Monroe, they might balance each other out in the long run, but you've got two polarized areas. Isn't that what we're trying to avoid. I'm trying to get a handle on it. I'm sorry I'm asking the questions I'm asking but if quality is truly the goal of the lawsuit and the reason we're here today, then I want to see the maximum amount of quality spread over the maximum amount of area in the District. And that would be my personal goal. So, I'm sorry, I've got a lot of trouble with districts being super loaded and two districts not being super loaded. I've got a huge problem with that. Trustee Westley addressed Mr. Forster and said back to your comment that we don't want a repeat because you see the incumbents in all. It can't be a repeat because the incumbents were all elected at large. That won't happen again. And as we go through the elections as Trustee Salvador just said, you go through two elections and its set up for realignment and the district I'm in, maybe my block of voters was outside the district I'm in now, and so I can very easily be replaced by someone else. I mean it's the next two election cycles that will realign this and I think the districts will show there's more majority Hispanic districts on Plan 1 than there is on Plan 3. And so it seems like it's alright. Looks like it's filling the needs that you're talking about. Mr. Forster responded, again I see that there is a potential for a problem, you know. President Seibert said Plan 3 doesn't look very balanced. On the current growth of our District, the data is too old for that drawing. Mr. Forster responded it's the data that the court recognizes of the drawing of the district so. President Seibert responded, in two years we're going to have all new data, and everything is going to be readjusted. Mr. Forster Responded, but the point being is that, you know, if the districts are drawn in such a way that again with the same criteria as the California Voting Rights Act, the districts are drawn in such a way within the context of racial polarized voting, I'm not saying, I think you said I'm against it, or for it, I mean, I'm just talking about a defacto situation, in a situation where there is racially polarized voting. President Seibert said, okay, I think we've beat this thing to death. Mr. Forster said, that group cannot get its candidate choice into office. Then there is a potential violation. So I'm just saying, that's something to be mindful of. President Seibert said I think we've covered everything that we can possibly cover

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here. Trustee Goodwin asked, so is there any potential that you would be open to working this out in a more financially low cost manner, or do you want to continue with the high cost legal antics of pursuit. Mr. Forster responded, I won't answer that. Trustee Goodwin said you won't answer.

Carlos Uranga came to the podium to address the Board. President Seibert, members of the Board, Superintendent Strafford, members of the staff and guests of the staff and members of the audience, nice to see you here Superintendent Frazier. I come here and I stand in a very awkward scenario, very awkward situation. I've known some of you Board members, because I've been involved with the Board for many, many, many years. I stopped participating in depth when my child graduated. But I started before my children even went to school. Sir, I feel the compassion that you spoke of. I saw the emotions and I sensed that it was real. I want you to understand this. Not only do Board members feel the way you do. Some of us out here in the community feel exactly the same way you do. Some of us fought many, many battles, prior to any of you other than Mr. Seibert and Mr. Garibay sitting in those chairs. Some of you saw my name because I fought some of those battles. I understand. I really understand the comments that you're making. I understand the discussion that is occurring. But you know what's got me really confused is you have two experts here that very eloquently are explaining the data and the information that they are presenting to you. I understand the figures and the numbers that you presented sir. You did a fabulous job. I just wish we would have had the same opportunity. I just wish we would have been given the same respect to have had our people come and carry a dialogue, a dialogue with the Board members and your experts. That would have assisted a lot. But for whatever reason, the powers that be did not want to include us. I think we could have been a lot further in discussing as you so eloquently stated the importance of that discussion, moved forward quickly, and so that we would understand each other. I stand here with you as a member of the community saying these words. Now I stand over here as a plaintiff saying I am determined to make absolutely certain that district elections occur now. Whatever it takes now. This could have been resolved by people in the community stepping forward and accepting the leadership role. Speaking on behalf of the community, this could have been brought up by Board members in the prior years, and it wasn't. The opportunity arose for me and the plaintiffs to do so, and we took advantage of it, and I am not stepping back from it. What I would like to see is leadership. What I would like to see is that commitment that you speak of to the community. And a good way to resolve it and a good way to confess that commitment, that advocacy, that emotion is to sit down with all the sites and carry a dialogue. Compare the notes. I insure you will find that those people who are speaking on our behalf are not just wearing blinders. We want to discuss. We want to share information. We want to come to a consensus. When we were at the litigating point, when we spoke with the judge, the attorney so eloquently spoke about the fact that this was a business decision. I would like to add that we're not acting as very good businessmen. Because in the direction that we're headed there is a potential for further expense. And you are right Ma'am, you're right and I feel that pain too. But this is important and it needs to be done. I

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heard about this because somebody within your community, I missed the last Board meeting and I had planned on being at every Board meeting that I could and I missed it, and somebody had told me that there was a workshop that was to be presented. And I believe it was Mr. Coate who expressed whether that workshop was going to be open to the public. And the answer was we don't know. During the course of the next couple of days I made some inquiries. Sir, I appreciate your eloquence and I appreciate the way that you returned the phone calls and I appreciate your staff communicating with me with the information that I sought so that I could then in turn get it to our attorneys. Had it not been for that, no one from our side would have been here today to carry a dialogue with you people. That's really astonishing. That's really astonishing. But we did it. We have our attorney here who is only one segment of the knowledge that we're putting together and he's being drilled eloquently, eloquently, eloquently. But that's just a small part of the resources that we have. And I would really like you Board members, Mr. President Mr. Superintendent, I would really like you to understand exactly where we're coming from. I would really like you to understand the direction that we're headed and why we are as we are willing to understand where you're coming from. Because I know our hearts are not to fight. Our hearts are to find a resolution, a quick resolution. And I think we can do it. I don't sense this we versus them mentality, please don't misunderstand me. I don't sense that. But, I also sense that there is some sort of apprehension in developing a dialogue. I don't understand it, and it really, really does trouble me. And don't in any way, shape or form mean to impute any of your reputations. I think each one of us does an excellent job and I'm grateful that you have taken on that responsibility to run for office, go out knock on doors, and get elected. I know the hard work that goes on. Sir, you will find out, because I know just from hearing you, you're committed to serving. And you will find out the hard work that it takes, so I'm awed and I am appreciative of what you have done for this community. But, I want you to understand this. I am committed. We are committed. We think this is extremely important. This is not a game for us. We understand the needs for resources and we're willing to do our part to eliminate any further bleeding that occurs. But that sir, gentlemen, sir is going to take communications. It's going to take an ability to sit down with other people from the other side and carry a dialogue. We're willing to do that. This is the direction that the plaintiffs, Jesse is here and I am here, have given to the attorneys. The attorneys do not necessarily drive us. I think some of you that know me know that I would not allow that. This is a cause that I am committed to, and I want it done right with dignity and I want it done with class. So, I'm asking you, I'm telling you that I hear you. I heard you sir, I hear you maa'm. I understand Mr. Seibert where you're coming from. I really do. I've listened to you for years and I understand. But, the one thing that I am not hearing is a willingness to sit down and discuss. If it had not been for the last three days of me picking up the phone and making some phone calls and getting our people to rush stuff together while you have the time and the eloquence to your information and we put it together all rushed and in a hurry and then having our attorneys standing here and having to answer all of these questions that could best be answered by other segments of our group in an eloquent way in a discussatory way, that's what needs to occur. So, I'm begging you as a plaintiff and as a member of the

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community to let us get these forces together, and let us reason together and let us come out with a solution where we know that if we present it in the sense of litigation if we were presented someone would say, do you both, I went through a divorce and the judge said do you both agree to this, even though I don't think that it's really a great deal, but if you both agree to it I'll agree to it and that's what would happen. Sir your comment about not wanting to participate. As a trustee if the court saw justifiable in the sense that it would be a temporary basis and representing another district you could say no, and you could say no, and let somebody else who feels that they could do that do it. Because I know that I could if I lived in one district and I was asked by the courts to represent another district and I wanted to run back on district I could do it. I would utilize that opportunity to show that district that I was going to run my talent and then I would take those resources that I was able to proceed in my advocacy and show these people on this side that I deserve their votes. But if you decide that you couldn't do it, I'm sure that the judge would not throw you in jail for contempt of court if you were to say no. Let's get together people. Let's get together. Let's resolve this issue. Our intentions are not to cause any more bleeding. Our intentions are just to do what's right for this community and for the future. We want to help and strengthen Madera Unified, we don't want to damage it. Mr. Seibert, members of the Board, Superintendent Strafford, members of the staff, guests, Superintendent Frazier, I am truly, truly appreciative of the opportunity to speak to you on this issue. I thank you.

President Seibert addressed Mr. Uranga, and said it's very difficult for everybody. I think Plan 1 accomplishes the balance, the representation, it's going to be good for the whole community, for the whole District, for each area. I think it's balanced and fair and as we go through the next two elections and we get the census in 2010 then we'll have real census data and information to go on. Right now, no matter what, we're not going to have that, no matter what we do tonight, we're not going to have that for the next two or three weeks, six months, and if we don't do something tonight we can't make that June election, then we're talking about November. We're trying to get this thing on the fast track to get it done. Have a June election, get our census work done in 2010, and I don't see how this, you know, I think this is the best thing for the District and the community. Trustee Goodwin said, well I agree. I think because the lawsuit is in place, we do have to act quickly, to be, not to be in violation of the courts order, that we move ahead as quickly as possible, and get some sort of district plan in place. Unfortunately I don't have a copy of your plan. I do believe that Plan 1 does have a less compacting of votes than at least the two other districts. I think all of these are temporary. I think Plan 1 does have the advantage of having somebody who has knowledge of what's going on in the District, follow through for the next year and a half, in some kind of number so that if there is, when the transition occurs that it would be a slow transition and people would have an opportunity to catch up as to what's going on and be able to better represent the District rather than having a lot of novices come in and try to start rehashing old thought or not being lost basically because they don't know what's been going on in the past years and I know I can speak for that myself. It does take a learning period to really catch up to what's going on in the District and put your thoughts as to what's reasonable and practical for the

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District. So Plan 1 for me is, I do not have anything negative about it and I think that as far as the future, any sort of changing of the boundaries is totally open and would be no problem for me. President Seibert called for the motion. Trustee Salvador made the motion and Clerk Westley seconded the motion. Mrs. Ediger polled the Board: Trustee Adams - Mr. Adams stated that having sat through this meeting tonight, knowing the situation that I was in, I do not feel that I can give any kind of vote in support of any of the plans that have removed me from being a Trustee tonight. Thank you. He abstained. Trustee Garibay, yes. Trustee Goodwin, yes. Trustee Janzen, yes. Trustee Salvador, yes. Clerk Westley, yes, and President Seibert, yes.

It was moved by Trustee Janzen, seconded by Clerk/Trustee Westley, and carried for adoption of Trustee Areas.

Ayes:	Trustees Garibay, Goodwin, Janzen, Salvador, Clerk Westley, and President Seibert
Noes:	None
Absent:	None
Abstained:	Trustee Adams

8. ADJOURNMENT MOTION NO. 40-2008/09

President Seibert adjourned the Public Session at 8:30 p.m.

Fritz Ediger

Fritz Ediger, Senior Administrative Assistant
to the Superintendent and Board of Trustees

Dated: October 23, 2008