

MINUTE RECORD OF: Madera Unified School District Board of Education

SPECIAL BOARD MEETING HELD ON THE 5th DAY OF November, 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 **Wednesday, November 5, 2008**, at 5:00 p.m.

ROLL CALL

Michael H. Westley, Acting President
J. Gary Adams, Acting Clerk

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

Absent:
Ray G. Seibert, President

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

Sue Thornton, MUTA President

There were approximately 15 visitors/District employees in attendance.

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

Acting President Westley called the Public Session of the Board of Education to order at 5:04 p.m. and immediately adjourned to Closed Session pursuant to Government Code Sections 54956.9(a), and 54957.1.

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

SPECIAL BOARD MEETING HELD ON THE 5th DAY OF November, 2008

Acting President Westley adjourned the Closed Session at 5:28 p.m., and he reconvened the Regular Meeting by calling the Public Session to order at 5:30 p.m. Acting President Westley welcomed the visitors and he lead the flag salute. The meeting was recorded on Tape No. 11–2008/09.

**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. 48–2008/09

Acting President Westley 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 Trustee Janzen, seconded by Trustee Salvador, and unanimously carried to adopt the Agenda.

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

6. COMMUNICATIONS

6A. PUBLIC HEARING

Acting President Westley 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. 31-2008/09 TO RESCIND
RESOLUTION NO. 26-2008/09 AND ADOPTION OF
RECOMMENDATION OF NEW TRUSTEE AREAS PLAN
MOTION NO. 49-2008/09, RESOLUTION NO. 31-2008/09**

Superintendent Stafford addressed Acting President Westley and told him that at this time this resolution would ask us to rescind our previous decision in the plan and to approve a new plan that we worked up in conjunction with opposing counsel as well as staffs on both sides. At this time I would like to ask Mr. Soldani to coordinate the presentation and the new plan please. Superintendent Stafford also said that we will

MINUTE RECORD OF: Madera Unified School District Board of Education

SPECIAL BOARD MEETING HELD ON THE 5th DAY OF November, 2008

have our Demographer, Mr. Douglas Johnson, President of National Demographics Corporation will be with us telephonically to present the plan. Mr. Johnson introduced himself to the Board and the audience as the demographic consultant to Madera Unified School District Board on this project. Mr. Soldani of Atkinson, Andleson, Loya, Ruud & Romo said that while we're waiting for the power point presentation, he asked Mr. Johnson to walk everyone through the staff report and talk about the concepts that went into this revised, we're calling Plan 4, kind of walk the Board through that. Mr. Johnson responded, sure, I'd be happy to. He said that based on the public comments that were said at the last Special Board Meeting, and particular the Board comments and public comments at the County Committee Meeting, we went back and looked at Plan 1 to see what we could do to be more in line with those comments. It centered on a couple of things, one in particular was a concern with the County Registrar about voting precincts, which we had taken into account, but kind of subjugated to Elementary School Attendance Zones in Plan 1. When the County Committee, particularly the staff expressed a lot of concern about that, about how much work we'd be making for the County Registrar, so we went back to take another look at those precinct lines. We also took into account all of the public comments which centered around not wanting Highway 99 to be a divider and some concerns about taking into account the population growth since 2000 and looking at how a majority Latino district, a particular majority Latino in the voting age district, we made relative to focusing on 2000 census data. So, with the first step, I did a couple of tests. The prior one was just looking at precincts and what would be involved in trying to split the minimum number of precincts while still keeping only the one incumbent pairing that we had in Plan 1. It wasn't a pretty map, it was more just a test, as you might imagine, and it got pretty contorted as it tried to follow precinct lines everywhere. It did show that you could get the numbers down significantly. Especially, while still following Elementary School Attendance Zones, but where the lines are fairly close together, if we switch and follow precinct lines, we'd still stay relatively close to Elementary School Attendance Zones, but not perfectly following them. As I was doing the test, one of the things that I noticed is it became possible for the districts that are close together enough to remove the one incumbent pairing that was included in Plan 1. So, I tested that a little bit and it actually worked fairly well. So, we included that in Plan 4. So there are really three major things that we looked at in this. One is reducing the number of split precincts, in particular the ones that had population in them. And we actually cut the number of split precincts and dual precincts essentially in half between Plan 1 and Plan 4, so this is a major improvement in that. It does mean that we don't follow Elementary School Attendance Zones precisely, but we still do stay loyal to them you might say in generally following Elementary School Attendance Zones wherever we could. The next is unpairing the incumbents and keeping the other incumbents unpaired, so that there is an incumbent in each district in this plan. And, the third is going another step towards making sure that Highway 99 is not a divider that would split the community. One of the Madera City Council Members spoke eloquently at the County Committee meeting talking about the recently adopted Madera City Plan for 2025, and the goal to not have that be the kind of East versus West division, but to have the town consider both sides as

MINUTE RECORD OF: Madera Unified School District Board of Education

SPECIAL BOARD MEETING HELD ON THE 5th DAY OF November, 2008

one. So, in this plan the results, you can see on the map, the big pink district, if you look at the top part of the map, you see we now have a very large rural district. Trustee Seibert made a comment at the last Board meeting that a rural district, it made some sense, he was speaking of Plan 1 at the time, but it made sense to have that rural voice. And in most of the precincts you can see the dashed red lines on this map, the rural precincts are big and so when we looked to do two things, one is reduce the number of precinct splits and two is to bring the district 1 across Highway 99. That meant picking up a lot of area across 99 and really, ultimately that the total size of that district is driven by the requirements of balanced population that we're trying to keep precincts in tact. So, you end up with district 1 being almost entirely rural. Again, it's population balanced, it follows precinct lines, it tries to follow Elementary School Lines as much as it can and it covers both sides of Highway 99 with significant populations on both sides of Highway 99 in the district. Going on the Highway 99 point, you can see in the zoom in map below, we end up really with only two districts, the green district 2, and the gray district 5 that do not cross Highway 99, and in Plan 1 there were three in that way. And district 3, the yellow district, crosses 99 significantly more than it did before. It's more a blend of the two districts. So, we do pretty well on that category. All the districts are balanced, the plan has I think 1/2% or so more deviation, total deviation, but that's essentially inconsequential if the deviation stays down to 3.85%. There are a couple of more points. So, you can see in district 3, the yellow district has significant population on both sides, district 7 the orange district is almost split in half, half and half population or at least area wise, district 4 the same, the line goes essentially through the middle, so it equally covers both sides. District 6 is less so on both sides equally, but it does have a significant number of voters on the West side and then the majority of the district on the East side of Highway 99. So, I think this map does even more in trying to reach out and unite the two sides of what has traditionally been a divider which the City is trying to erase as a divider in the community. It is much better on splitting precincts overall. It went from I think 24 or 25 split precincts in Plan 1 down to only 11 and in four of those 11 where we had to split a precinct for population or to unpair incumbents, we were able to follow an Elementary School Attendance Zone, so that's where we're trying to stay loyal to those. The other piece of this, it did result in increasing the Hispanic Citizens Voting Age Population in the four districts that were either majority or close to majority, and now there are four that 2000 census data is over 50% Hispanic Citizens Voting Age percentage. Mr. Johnson said, let me see what else to cover here. Those are the big points. I suspect there is probably questions, I'd be happy to answer them, there's a couple of maps in front of you and unfortunately I'm not there to zoom in on things, but I can describe in more detail exactly where the lines go. Let me give you a little run down on the district related to the public, the Board obviously knows this. Trustee areas 1, 3 and 6, so the red, yellow and lavender, a couple are up in 2009, as are the incumbents that are located in those districts. And then 2, 4, 5 & 7, the green, blue, grey and orange are up in 2010 as are the incumbents in those districts. One of the goals in matching this up was to have one of the majority Latino districts up in 2009. So, in district 6 the Citizens Voting Age Population is 54.8% and it is up in 2009, as was the district 6 in Plan 1 which had no incumbent in it before. And one of

MINUTE RECORD OF: Madera Unified School District Board of Education

SPECIAL BOARD MEETING HELD ON THE 5th DAY OF November, 2008

the nice things that this does that Plan 1 didn't do is it does give all of the Board members a district that is paired with their year, so everyone does have a chance to run again and the voters have the opportunity to re-elect the members that they have re-elected in the past if they choose to do so. But that is a quick walk through this. Mr. Johnson asked if there was anything that he should go through in more detail, or are there any questions about it. Superintendent Stafford asked the Board if they had any questions. The Board responded no it's pretty clear.

Bill Coate, 1920 Julius, Madera, California came to the podium and asked, in view of the fact that the County Committee held a Public Hearing, and of course tabled Plan 1, if the Board adopts this plan, what does that do in your opinion to the County Committees obligation relative either to Plan 1 or Plan 4? Superintendent Stafford responded that we would ask that the County Committee consider this plan in lieu of that formerly proposed plan and ask that they adopt this plan as the plan for our District. Mr. Coate asked, and then you would presume that they would proceed with that action at their next Board meeting? Superintendent Stafford responded, we believe they will, that's November 12th and will be held at the Madera County Office of Education at 6:00 p.m., I believe. Superintendent Stafford stated, I see Mr. Forster here, and asked him if there was any comment he would like to offer? Charles Forster, Attorney for the plaintiffs, from Lawyers' Committee for Civil Rights said he would just like to, you know, say that we're appreciative of the revised plan and that it is acceptable to us, and there is no opposition. And also that we find that the new plan, the revised plan is lawful in our estimation and that it does not violate Federal Law. Thank you, he said.

Carlos Uranga, plaintiff, came to the podium to address the Board. He addressed President Westley, members of the Board, Superintendent Stafford, members of the Staff, Mr. Attorney and members of the audience. He said, first of all I'd like to say how much I appreciate the communications that you continue to have with our representatives to resolve this issue. There was no doubt in my mind that as you allowed us to participate through this forum, through the podium, that you people would listen to us and take to heart what our comments were and that meant a lot to me. I have worked with previous Boards and previous Superintendents for many, many years and I have never been let down. I know sometimes the discussions got a little wordy, a little rough, but I do want to express to every single one of you and to you Mr. Adams, I want to say that I'm glad you're back in the fold and being able to compete and go out to the public and allow them the opportunity to judge your work here at the Board. I'm very appreciative to every single one of you, it's meant a lot to me and to you sir and I do appreciate your courtesy that you and your staff extended to me in my quest to gain information from your staff. And to your attorneys, I really do appreciate the courtesy and the professionalism in which they presented themselves. I just want to say thank you. Mr. President, members of the Board, Mr. Stafford, I thank you for this opportunity. Acting President Westley responded, thank you.

MINUTE RECORD OF: Madera Unified School District Board of Education

SPECIAL BOARD MEETING HELD ON THE 5th DAY OF November, 2008

Manuel Nevarez, 29184 Avenue 16 1/4, Madera, California came to the podium to address the Board. He said, first of all I would like to echo what both of these gentlemen said. I'd like to thank the Board for allowing us to slow down, so that we can further address some concerns with the initial map. And I personally would like to voice my approval of the map that we have now. It's a lot better than the original map proposed by the Board. But we could totally deal with this map. I'm personally looking forward to some more extensive changes in 2011, but for now, this is great. This shows that we are on the right path to see eye to eye. It's a good thing. And once again I would like to thank everyone for their job and the great efforts that they are doing. Thank you. Acting President Westley responded, thank you.

Acting President Westley stated that if there is no one else that would like to comment, I would like to bring this to the Board for discussion. Trustee Salvador said that if there is no further discussion, I'm prepared to make a motion. Acting President Westley asked, as written on the agenda? Trustee Salvador responded yes, my motion will be to rescind Resolution No. 26-2008/09 as stated and requesting adoption of Resolution No. 31-2008/09 regarding the Adoption of Trustee Areas as presented in Plan 4. Trustee Janzen seconded the motion. Mrs. Ediger polled the Board and the vote was as follows: Trustee Garibay, yes; Trustee Goodwin, yes; Trustee Janzen, yes; Trustee Salvador, yes; Acting Clerk Adams, yes; Acting President Westley, yes. Unanimously carried with President Seibert absent.

It was moved by Trustee Salvador, seconded by Trustee Janzen, and unanimously carried to adopt Resolution No. 31-2008/09 to Rescind Resolution No. 26-2008/09 and Adoption of Recommendation of New Trustee Areas Plan.

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

8. ADJOURNMENT MOTION NO.50-2008/09

Acting President Westley adjourned the Public Session at 5:50 p.m.

Fritz Ediger

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

Dated: November 5, 2008