

BEFORE THE
CALIFORNIA BUREAU OF STATE AUDITS (BSA)

In the matter of

Citizens Redistricting Commission (CRC)

Applicant Review Panel (ARP) Public Meeting

555 Capitol Mall, Suite 300

Sacramento, CA 95814

TUESDAY, AUGUST 31, 2010

9:14 A.M.

Reported by:

Peter Petty

APPEARANCES

Members Present

Nasir Ahmadi, Chair

Mary Camacho, Vice Chair

Kerri Spano, Panel Member

Staff Present

Stephanie Ramirez-Ridgeway, Panel Counsel

Diane Hamel, Executive Secretary

Interviewees

Gracie R. Madrid

Stuart Milton Flashman

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PROCEEDINGS

9:14 a.m.

MS. RAMIREZ-RIDGEWAY: Good morning. The hour being 9:14 and a quorum being present, let's go ahead and go back on record.

First, an announcement. I was informed last night that our applicant Nancy Lyons, who was scheduled for an interview this coming Friday at 11:00 a.m. has requested to withdraw from the applicant pool. So we will not have an 11:00 a.m. interview on Friday, September 3rd.

We have a full calendar of interviews today. And our first interviewee is Gracie Madrid. Welcome. How are you?

MS. MADRID: I'm okay.

MS. RAMIREZ-RIDGEWAY: Are you ready to begin?

MS. MADRID: Yes.

MS. RAMIREZ-RIDGEWAY: Please start the clock.

What specific skills do you believe a good Commissioner should possess?

Of those skills, which do you possess?

Which do you not possess and how will you compensate for it?

Is there anything in your life that would prohibit or impair your ability to perform the duties of a Commissioner?

1 MS. MADRID: I think one of the very, very
2 important skills that a Commissioner should have is be
3 able to get along with people and relate to people. In
4 school, many times companies would come and talk to us and
5 that's the first thing they'd say, we can train you to do
6 whatever it is, whatever job we want, but it is very
7 difficult to do it when you can't get along with people.
8 In other words, they can't train you to do that, to like
9 people. So I think that's important. And because
10 Commissioners are going to be out in the field talking to
11 people, I think this is an important skill to have.

12 Another important skill I think should be to be a
13 good listener. I think you're going to be talking to
14 people and you're going to have to be asking questions.
15 You're going to have to process their information. And
16 for that reason, you have to be able to listen to them and
17 listen to them carefully. Sometimes you might do it
18 through translators, which makes it very difficult. But
19 never the less, I think it's important if you want to
20 remember the information.

21 The other thing that I put emphasis on is the
22 ability to be flexible. I think that things don't always
23 go as planned and sometimes you have to go back and redo
24 or undo things that you've worked a lot on and just do it
25 and without getting upset or stressed out. Because I

1 think it's something that's going to work and work better,
2 then it's better just to go ahead and do it.

3 But I would hope that the staff would know and do
4 the math that is needed for us as Commissioners and/or
5 that other Commissioners are math geniuses and that's how
6 I would use their math skills.

7 At the present time, there is nothing that would
8 prohibit or impair my ability to serve as a Commissioner.

9 MS. RAMIREZ-RIDGEWAY: Describe a circumstance
10 from your personal experience where you had to work with
11 others to resolve a conflict or difference of opinion.
12 Please describe the issue and explain your role in
13 addressing and resolving the conflict. If you are
14 selected to serve on the Citizen's Redistricting
15 Commission, tell us how you would resolve conflicts that
16 may arise among the Commissioners.

17 MS. MADRID: Okay. For this question, I went
18 back to when I was principal. The district I was working
19 in was under court order to desegregate. And students had
20 to be bussed across town. And so because a lot of the
21 white families were leaving the district, the district
22 established what they called the back to basics school.
23 And I was the first principal for that school. I had to
24 hire all the staff. I set the curriculum.

25 And one of the things that the teachers wanted

1 was a strict discipline policy. And so when the parents
2 came in, they had to sign a form stating that they agreed
3 with it. They understood it. So naturally when you have
4 a thousand kids walking around a school, you know, they're
5 not always going to follow the rules, right.

6 So the teachers -- some of the teachers at least
7 were angry and saying that there were students that were
8 not following the rules and we should send them back to
9 their neighborhood schools because they were destroying
10 our school by not following the rules.

11 As the principal, I called a meeting. I had
12 maybe 40, 50 staff members, including the classified
13 staff. And I had them -- I played the role as facilitator
14 and I let them discuss the situation, the concern. I had
15 the other teachers get into groups so they could talk in
16 small groups and large groups. And when we got down to
17 discussing who these students were, we found out that the
18 students that were not following the rules were African
19 American students. And because we had a policy that the
20 school had to be ethnically balanced, according to the
21 district population, we thought, well, first of all, we're
22 going -- it's not going to look very positive if our
23 school just gets rid of all our African Americans that
24 don't follow the rules, because they're coming in from
25 other schools. We don't know what they've been taught

1 previously.

2 So after the discussion -- they discussed it for
3 two hours. We went on and on agreeing, disagreeing,
4 saying, well, what can we do. So finally after all of
5 that, we came to a consensus of agreement that we would
6 work with the students and their parents and get them to
7 understand what we meant and what the rules really look
8 like, because sometimes they don't know what it actually
9 looks like. So everything worked out at the end. As a
10 principal, it was difficult to be a facilitator because
11 you want to tell them what to do. But I knew better.

12 How would I resolve conflicts among
13 Commissioners? When I looked at this question I thought,
14 me? I thought no, it can't be just me. I couldn't take
15 it upon myself. I said whatever impact, conflict comes
16 with Commissioners, I think it's it would become something
17 that the whole group, all the Commissioners, would have to
18 deal with, not just me. And it would impact the whole
19 group. And so the thing that I thought I would recommend
20 for the onset is when we first get together is to
21 establish rules and procedures as to how we're going to
22 deal with certain situations so that we don't get stuck
23 right in the middle of it. You could have overwhelmingly
24 consensus rather than by vote establish something. You
25 could have simple rules like don't interrupt when somebody

1 is talking. They seem to be simple. But I work in so
2 many groups that sometimes grownups are worse than kids.
3 So sometimes, you know, don't interrupt is a simple little
4 rule. But people do interrupt. And so maybe stating
5 those at the onset would be beneficial.

6 Now if the conflict is between two Commissioners
7 and it's a personal problem, I think we should be able to
8 have some kind of discussion on how we're going to deal
9 with that. However, personally, I don't think the
10 personal problems have a place in the Commission. And I
11 think that the mission is very clear and I think
12 Commissioners have to remain focused and keep away from
13 side dramas that's going to keep you from doing your job.

14 MS. RAMIREZ-RIDGEWAY: How will the Commission's
15 work impact the state? Which of these impacts will
16 improve the state the most? And is there any potential
17 for the Commission's work to harm the state? And if so,
18 in what ways?

19 MS. MADRID: You know, I had a lot of trouble
20 with this one question. Sounds simple. Anyway, I came up
21 with three things.

22 First of all, I think that we should leave the
23 state better than we found it. I think that the
24 Commission's work will have a huge impact on the people's
25 lives. So therefore, we have to do the best job we can.

1 I think transparency, the way you have handled
2 these proceedings is a must. I don't mean that you should
3 have cameras following you around. But I do think there
4 should be newsletters and things that are going to keep
5 the public informed as to what you're doing. Groups
6 you're meeting with, when the meetings are, and just keep
7 the door of communication open. I just think that
8 transparency is good for the people of California. And
9 therefore, it will have a positive impact. By not having
10 any behind the doors deals is a good thing.

11 The other thing that I think is very important is
12 that the people of California are going to have an
13 opportunity to provide input into the process. And I
14 think this is good. This will be good for the state.
15 You're going to find out where the communities of interest
16 are and possibly this has not been done before. And so
17 those communities of interest could be anywhere. And I
18 think many times these people are going to have the
19 opportunity to come forth and talk to you, whereas before,
20 they didn't. So I think having input into a process will
21 keep voter apathy. Might go away.

22 I work in many campaigns, nonpartisan campaigns.
23 Right now, I'm working in one. I go from door to door.
24 I'm just shocked at people don't consider voting that
25 important. I mean, they just don't see it's going to make

1 any difference in the way things are done.

2 And so I think that the one that I think -- well,
3 transparency is going to be the most important that will
4 impact the state. But I think in giving people an
5 opportunity for input is one that is really going to be
6 helpful. We live in a democracy. And a democracy does
7 give you the opportunity to get involved, to have a say in
8 your future and to participate. And if we don't let
9 people do that, then you don't have much of a democracy
10 and people don't feel very good about themselves. So in a
11 sense, happy people makes for happy California. So I
12 think that's one of the very most important ones.

13 Now, the one that will harm the state, the only
14 thing I could come up with there is that if at the end
15 there is no final map so to speak, redistricting map, and
16 the state Supreme Court has to come in and do our job, I
17 think that would be bad for the state in the sense that a
18 lot of resources would have been wasted and resources that
19 the state of California doesn't presently have. So I
20 think that would be the one that would harm the state the
21 most.

22 MS. RAMIREZ-RIDGEWAY: Describe a situation where
23 you've had to work as part of a group to achieve a common
24 goal. Tell us about the goal, describe your role within
25 the group, and tell us how the group worked or did not

1 work collaboratively to achieve this goal. If you're
2 selected to serve on the Citizens' Redistricting
3 Commission, tell us what you would do to foster
4 collaboration.

5 MS. MADRID: The situation -- I belong to a group
6 called the Mexico Heritage Center and gallery whose
7 mission is to promote the Latino culture and art in the
8 community. I work with about 30 artists. I personally am
9 not an artist. I just belong to the group. And we are a
10 nonprofit organization. We're always looking for funding
11 sources.

12 So I was at a meeting and I came across some
13 information where the district was awarding grants to
14 individuals or organizations to perform services at
15 schools. So I came back and I spoke to the group, because
16 if anybody did the work, it would be the artist doing
17 artwork in the schools. So I presented the situation to
18 them, told them this was an opportunity for us to go ask
19 for a grant if they were willing to put in some work. And
20 they agreed.

21 So about maybe five or six of us went to see the
22 superintendent and I was the spokesperson because it was my idea,
23 they thought. And so when the superintendent said, "How
24 much money do you want? How much are you asking for?" I
25 just said, "\$55,000." And he agreed immediately. And I

1 thought oh, man, I should have asked for more. I thought,
2 well, no sense in being greedy, right? So 55,000 was a
3 lot of money for us.

4 So my responsibility was then to go and work with
5 the school, the principal, get all the schedules together
6 to see when we could go in and do our work. And then I
7 come back to the artist. This was where they had to
8 collaborate because I don't know if you've ever worked
9 with artists, but they are very sensitive people.
10 Creative but sensitive. So we took about -- oh, man,
11 three weeks maybe, give and take. They were giving and
12 taking and all I had to do was remind them, \$55,000 here.
13 So finally, we did. They came up with schedules as to
14 what kind of projects they would do at the school sites
15 and how much time they would put in and what days they
16 would put in it. I would have to go to the teachers and
17 say I have an artist that wants to come and do the work at
18 this time and whatever. So anyway, that was done. And so
19 it worked really fine. Now we're \$55,000 richer.

20 Now things that I would do to foster
21 collaboration among Commissioners, first of all, I think
22 in regard to the Commissioners, I think that it's very
23 important that we treat each other as equal colleagues.
24 You're not above anyone. You're not below them. I think
25 we're all coming in with different backgrounds and I just

1 think that if you treat each other equally that will work
2 out.

3 I think that you need to be honest, even if
4 sometimes what you say isn't the most popular thing to
5 say. You've got to establish an open atmosphere in order
6 to do a good job. You've got to foster collaboration by
7 talking to each other. You talk through the situation
8 without trying to change people's minds.

9 Now, one of the consensus building activities
10 that I like and I've always had success with is a
11 brainstorming activity where you throw out -- depending on
12 what you're talking about, everybody throws out their
13 ideas. And nobody is right. Nobody is wrong. You just
14 throw out whatever has to do with that topic. And then at
15 the end, you really don't know who said what. And then
16 you start putting things in priority order or doing away
17 with some of the things you don't want until by consensus
18 of agreement or by vote when you want then you come up
19 with a decision.

20 MS. RAMIREZ-RIDGEWAY: A considerable amount of
21 the Commission's work will involve meeting with people
22 from all over California who come from very different
23 backgrounds and very different perspectives. If you're
24 selected to serve on the Commission, tell us about the
25 specific skills you possess that will make you effective

1 in interacting with the public.

2 MS. MADRID: I think this is an area that I'm
3 very strong in. I love people. My husband says I always
4 want to be going out and he's the opposite of me. So he
5 stays home and sends me out.

6 I've worked with almost every ethnic group there
7 is. And Stockton is a very diverse place. I worked with
8 Cambodians, Laotians, Vietnamese, Hmong, African American,
9 Indians from India, Native Americans, Chinese, Japanese.
10 You name it, I've worked with them. I just have never had
11 a problem relating to people.

12 Like I said, this is I think my strong forte. I
13 have the ability to connect and build rapport with people.
14 I've been with very affluent people, and I've been with
15 very poor people. As I go out knocking on doors, I go to
16 places that probably nobody wants to go to because it's
17 like going to a third-world country. You have dogs
18 chasing you. You have big dogs. Can't put the little
19 flier there because you're afraid they're going to bite
20 your hand off. And people don't come out. You know
21 they're home, but they don't want to answer the door. So
22 I don't have a problem meeting people.

23 Specific skills you have, I think I'm a friendly
24 person. Think I'm a fairly good listener. Sometimes I
25 have to try real hard. But I have that always in mind to

1 listen to people. I'm not afraid to ask questions, if I
2 don't understand something. I usually like to have eye
3 contact with people. I'd rather talk to people in person
4 than on the telephone. I'm aware of certain body
5 languages as it pertains to different ethnic backgrounds.
6 I respect personal space. Some people don't want you too
7 close to them. Some people don't want you too far from
8 them. And I think I have a good sense of humor.

9 So like I said, I think I have the ability to
10 connect with people and build rapport.

11 MS. RAMIREZ-RIDGEWAY: Mr. Ahmadi.

12 CHAIR AHMADI: Yes, thank you.

13 Good morning, Ms. Madrid.

14 MS. MADRID: Good morning.

15 CHAIR AHMADI: Let me start off with you
16 indicated in response to question number one an area that
17 you don't feel as comfortable, which is math, or math
18 skills. In what way do you think math will be used in the
19 Commission's work?

20 MS. MADRID: You know, I try to think about that
21 and I thought, well, maybe using percentages. I'm okay
22 with percentages. But I really didn't know if you have to
23 do the work of figuring things out or whatever. I know
24 you get the information from the Census, but I don't know
25 if it's going to already come to you or how. I really

1 can't tell you, because I don't know.

2 CHAIR AHMADI: That's fine.

3 MS. MADRID: That's why I had trouble finding
4 that. But I thought I better tell you I'm weak in math.
5 I don't want you having me doing statistics or hard work
6 there.

7 CHAIR AHMADI: I'm sure we would have other
8 Commissioners who are experts on math, maybe. Thank you
9 so much.

10 Let me -- I had a few questions on your
11 application or based on your application materials I
12 wanted to make sure I'm clear on my understanding of the
13 concepts.

14 So let me take you back to 1968 when you came
15 back to California -- or came to California from New
16 Mexico. On your application response to question number
17 three, you provide a very impressive response, an example
18 that you went to the homes of these African American
19 students that you had in the class and this was almost
20 like a culture shock to you, not having been exposed to
21 that segment of -- to that ethnicity based on your
22 application how it's described.

23 How difficult was it and how long did it take you
24 to become -- for you to become comfortable with your
25 class?

1 MS. MADRID: Well, after I visited my students, I
2 had the best class in the school. I mean, the students --
3 I had no discipline problems. That was a time when I came
4 to California, that was a time in the 60s that -- I don't
5 know. One of the -- it was the 60as, you know, the
6 rebels, the hippie movement, which was all to me was a
7 cultural shock.

8 But in Stockton, the Brown Berets and the Black
9 Panthers were there constantly in meetings and all of this
10 was going on. So the students didn't relate to me,
11 especially the black students, because they thought I was
12 white. So naturally white was negative to them at that
13 time.

14 And so I thought that was the best way to go and
15 take care of the problem, go and visit their homes so they
16 could say that I -- first of all, I wanted to work with
17 their students and that I didn't want to have any problems
18 with them. And so that's why I took it upon myself to go.
19 I didn't know of anything else to do other than my job.
20 So I thought that would be the thing to do. It worked out
21 very well.

22 I would say to answer your question directly,
23 maybe three weeks, you know, to really get down to visit
24 everyone, because I only went like on weekends. And many
25 of the people would invite me in. They'd offer me food.

1 They'd offer me beer. They'd offer me wine. And they'd
2 even say "bring your husband in," because my husband would
3 wait outside for me.

4 CHAIR AHMADI: Since you mention -- thank you.
5 Since you mentioned that was the first time you were in
6 close contact with that group, what did you learn from
7 that? Did it change your perspectives on --

8 MS. MADRID: Oh, yes. Yes.

9 CHAIR AHMADI: Could you share that with us?

10 MS. MADRID: I have black friends now that I
11 laugh with because I said really when I first came, I
12 looked at the class you know and I thought these little
13 black faces -- and the first thing that came to my mind is
14 how will I ever remember their names. So that was one of
15 the things that automatically I thought. Now that I look
16 back, it's how ridiculous for me.

17 And I'm sure some other people think the same way
18 of Latinos or other cultures. And I just -- my whole life
19 in New Mexico -- I taught there three years -- I only had
20 one black student in the school. So to come and see a
21 whole class full.

22 Not only that, the color, but also the academic
23 status was so low. Some of them couldn't read and I was
24 teaching sixth grade. So that coupled with the other.
25 And then coupled with the times that were going on, you

1 know, I'm sure their big brothers and sisters were out
2 demonstrating and demonstrations or whatever it was they
3 were.

4 CHAIR AHMADI: What was the mix of the students
5 in the school at that time?

6 MS. MADRID: At the time, it was --

7 CHAIR AHMADI: In terms of ethnicity.

8 MS. MADRID: I think it was predominantly black
9 and Hispanic.

10 CHAIR AHMADI: Okay. So if I heard you
11 correctly, you know, what prompted you to go to the homes
12 of each of the students in the class was more about you
13 trying to reach them out and find out their needs and
14 how -- and what should be done to have them cooperate with
15 the class? I mean, did you have any difficulties with
16 them when you first started your work in that school?

17 MS. MADRID: Well, yes. Like I said, you know,
18 I'm a touchy-feely person. So if I go over and put my arm
19 on their shoulder. Right away they say, "Take your white
20 arm off of me." That was their response. Like I said, it
21 was the times.

22 And I'm not really sure what other white teachers
23 did in that situation. But I was brand-new to the school
24 and I was very young. So I'm sure that was all part of
25 it. But so I had to take care of that. And that was the

1 only way that I could do it. I don't know, to tell you
2 the truth.

3 Like I said, I like people. I've never been
4 afraid of people. So it was easy for me to do. But I was
5 glad I did it.

6 CHAIR AHMADI: That's nice. Thank you so much.

7 Let me ask you a different question. Could you
8 share with the panel what does appreciation for
9 California's diverse demographics and geography mean to
10 you?

11 MS. MADRID: The appreciation means not just
12 getting along with people, but being able to communicate
13 with them at all levels. Going out into the community,
14 into their homes. We have a lot of festivals in Stockton
15 and being able to go there and mingle with the people,
16 being able to go to any meetings that they welcome you to.
17 Being able to bring them into your home and go to their
18 homes. I think that's all appreciation of just accepting
19 them.

20 Trying their food, even if you don't like it
21 sometimes. I know that in the Latino culture they offer
22 you something, it's always better to accept it than to
23 reject it. So I tried to -- I carry that through with all
24 our cultures. Because sometimes I think cultures are
25 more -- there's more similarities than differences. And

1 so that's what I think is appreciation. Just working
2 together.

3 CHAIR AHMADI: How do you think the geographic
4 diversity of the state has -- or relate to the formation
5 of political preferences for different groups of people
6 living at different parts of the state?

7 MS. MADRID: There might be a big difference
8 depending on where you live. I think if you live in an
9 agricultural area opposed to a coastal area, there's going
10 to be lots of difference. You're going to want different
11 things.

12 CHAIR AHMADI: Could you give us some examples or
13 some details on that, please?

14 MS. MADRID: Well, I'm thinking of if you're in
15 an agricultural area, your interests might be water, for
16 instance.

17 I know when I'm driving from Stockton to New
18 Mexico, I pass, you know through all these farmlands and
19 big signs on the road says, "We don't get water, this
20 doesn't happen" by their fields because they get the water
21 from the delta. They don't get the water from the delta,
22 there's no water. So their big thing is agriculture. And
23 that's going to be their interest, to get water, things
24 like that.

25 Whereas, in the coastal area might be more going

1 green for instance or taking care of other things that
2 might -- pollution might be a big deal for them. So this
3 might be the difference.

4 I know that just because you have like Latinos in
5 L.A., Latinos in Stockton, that doesn't necessarily mean
6 they have the same interest. They could be Latinos, but
7 their interests would be two different things.

8 CHAIR AHMADI: What other factors impacts or
9 causes changes in preference other than the geographic
10 location?

11 MS. MADRID: I think education; jobs, if I
12 understand your question correctly, where their families
13 come from; how much English they know; how much culture
14 representation they have.

15 CHAIR AHMADI: So how would you go about trying
16 to identify these communities throughout California?

17 MS. MADRID: Well, I don't see the job of a
18 Commissioner sitting behind a desk. I see the job of a
19 Commissioner going out into the public and looking and
20 seeing what's there. Meeting with the people to see like
21 I said the community of interest. What is their interest.
22 What are their needs; asking them before coming in and
23 making decisions. I think you need to know what is out
24 there. And the needs, not just what is out there because
25 they all have different needs.

1 CHAIR AHMADI: And kind of like you responded my
2 next question, which was about how would you ensure that
3 all segments of California's population are included in
4 this process? So if I heard you correctly, you're
5 planning to go out and visit and talk to people.

6 MS. MADRID: I would love doing that. I like
7 people. I like finding out what makes them tick and what
8 they eat.

9 CHAIR AHMADI: Sure.

10 And so when you're out there trying to gather
11 information, what kind of information would you be looking
12 for?

13 MS. MADRID: I would ask them what their needs
14 are. Is it roads? Is it education? If they were to get
15 money, ask for money, what would they want the money spent
16 on? Because in some areas, some areas you go and the
17 buildings in their educational system are falling down.
18 And in others, they're very nice. And so you know,
19 there's different needs. And it's just interesting to
20 hear what their needs would be. In some areas might be
21 jobs if they don't have any jobs at all. They've been
22 laid off or they're just poor community.

23 CHAIR AHMADI: Okay. Thank you so much.

24 You know, I'm really impressed with your
25 activities and reaching out to people and mainly in the

1 Mexican American area. Is there any other ethnic group
2 that you have been working with?

3 MS. MADRID: Yes. I work with all groups.

4 CHAIR AHMADI: Could you tell us about that as
5 well?

6 MS. MADRID: I'm a people person, like I've said
7 over and over. I work with black groups. We have
8 coalitions where we work with blacks. We work with Asian
9 American people in doing projects for the school district
10 or in doing projects in the city or the county. I work
11 with Caucasian people. Just depends on what the needs are
12 and who calls a meeting and whatever. Like I said, I'm
13 not afraid to go and sit down and meet with anyone.

14 I just the other day we had a Mexico American
15 Hall of Fame. At our table was a young guy. He was 24.
16 He was looking for a girlfriend. He made sure I knew so I
17 could find him one. His name was Amit, A-m-i-t, P-a-l.
18 So found out was from India. Then there was a white lady
19 there that was a lesbian. We're all sitting at the same
20 table. Of course Latinos and there was a black lady that
21 worked with me previously at a school. And I believe
22 there was one that was Asian. I'm not quite sure where
23 all were from.

24 But I sat there thinking, isn't this interesting
25 we're sitting here celebrating Mexican Hall of Fame and

1 look at all the different people that are here. I think
2 that's Stockton. It's a very diversified city.
3 Everywhere you go, I don't think any activity you go to --
4 it could be an all-Latino community, you find all kind of
5 people there. Very seldom do you just go and find Latinos
6 in a Latino place. I think it works the same way for all
7 the ethnic minorities. When they have something,
8 everybody kind of goes and attends.

9 CHAIR AHMADI: Thank you.

10 Are any of these Board memberships or your
11 activities on different commissions and boards appointed
12 positions?

13 MS. MADRID: They were all appointed.

14 CHAIR AHMADI: Sorry?

15 MS. MADRID: They were all appointed. The Civil
16 Service Commission, is that --

17 CHAIR AHMADI: Yeah.

18 MS. MADRID: Yeah, that was an appointment.

19 CHAIR AHMADI: Who appointed --

20 MS. MADRID: The county supervisors.

21 CHAIR AHMADI: So it was a local office?

22 MS. MADRID: Yeah, all local offices.

23 Non-partisan local offices. And the Civil Service, I
24 believe that judges appoint you. Your name is thrown in a
25 pool.

1 CHAIR AHMADI: Can you tell us a little more
2 about that one, the Civil Service?

3 MS. MADRID: Civil Service is a county commission
4 where you hear -- they bring you all kind of policies and
5 regulations regarding the county. Sometimes when
6 employees are dismissed, you hear cases. So you have to
7 listen to both sides as to why the employee is being
8 dismissed and then you have to either say yes, dismiss the
9 employee or not.

10 CHAIR AHMADI: Okay. All right. No more
11 questions. Thank you very much.

12 MS. RAMIREZ-RIDGEWAY: Ms. Camacho.

13 VICE CHAIR CAMACHO: Thank you.

14 Hello, Ms. Madrid.

15 When you were the principal at Martin Luther King
16 Elementary, you improved the test scores for this
17 majority/minority student population school. What plans
18 did you put in place that produced these results and also
19 what did you learn that you could use on the Commission?

20 MS. MADRID: Well, one of the things when I got
21 there, the students were very low in their reading and
22 math skills. And so one day I just -- during a staff
23 meeting I told them I was going to have a meeting to
24 discuss this in particular and I wanted anybody that was
25 interested to come and voice their opinion, because I

1 didn't want to make it a mandatory meeting. I want them
2 to be open and want to come. And so I said if you don't
3 want to come, maybe you can send a representative to tell
4 me why you think our students aren't learning at this
5 particular school. Why aren't they learning to read?
6 They have a brain, so what is it?

7 So I had that meeting. And like I said, there
8 was a lot of give and take. A lot of ideas were thrown
9 out. And this is something that, you know, I can bring to
10 the Commission. I'm open. I'm anything goes as far as
11 getting the job done.

12 So interestingly enough, they came out and gave
13 me the answer that I already knew. But I wasn't going to
14 tell them because that would have been an insult to them.
15 But a lot of teachers don't know how to teach reading.
16 That's very basic. They go to college. They learn
17 whatever they learn. But they come back and don't know
18 how to implement a good reading program.

19 And so I was shocked when they themselves
20 admitted that. And so it didn't surprise me, but I was
21 shocked they admitted it, because sometimes they feel like
22 they follow the text book, and then they do what the text
23 book says. And that's teaching reading, but that's not
24 teaching read implement. So from then on, we decided that
25 all of the resources we would be putting to reading.

1 Teachers would get training. And we did that, and that
2 brought up the test scores.

3 VICE CHAIR CAMACHO: With that in mind, you kind
4 of talked about some of the skills that you learned on
5 there. Are there any other skills that you learned from
6 that experience that you would bring forward to the
7 Commission's work?

8 MS. MADRID: Well, being open. Being open and
9 not really -- sometimes you can ask questions to get the
10 responses you want without really coming out and saying --
11 insulting someone like telling the teachers they don't
12 know how to teach reading. I just got it from them. And
13 it worked out better, that sort of thing. I think working
14 with people, working with people and just trying to find
15 out what they know and working with them with what they
16 know and what you know and putting things kind of
17 together, talking through situations. I'm not sure if I'm
18 answering your question, but --

19 VICE CHAIR CAMACHO: Yeah. Perfect. Thank you.

20 In your application, you state that you went door
21 to door to talk to voters and you kind of talked about
22 there was some politician. Was there any other reasons
23 that you went door to door and what did you learn from
24 that experience that would be beneficial to the Commission
25 going door to door?

1 MS. MADRID: Well, I went door to door for
2 political reasons, because we had a candidate and we were
3 telling them. In another instance, I went door to door
4 because we were trying to find out the needs of the
5 community. Nobody was running, but we wanted to know
6 exactly what were the needs just so that if we did run
7 somebody, we would know what platform to run them on.

8 And then when I was a principal, I sent during a
9 staff day all of my teachers and myself went around the
10 community telling the parents to watch out for our school
11 because there was vandalism going on and graffiti on the
12 walls and whatever. So we went and told them would they
13 keep an eye on our school. That was very positive.

14 And what did I learn from that? Well, that
15 different people have varying perspectives of things. And
16 that you need to clarify things before you can assume.
17 Never assume something. You have to clarify needs in
18 order for a decision to be made. Because sometimes you
19 think that something is one way and then when you really
20 look at it, it really isn't that way. You just think it's
21 that way and it's not. So that's what I would bring, what
22 I would want from the Commissioners. I wouldn't just jump
23 to conclusion. I would ask for try to clarify and see
24 what their commitment is to a certain thing.

25 VICE CHAIR CAMACHO: Did you feel that going door

1 to door was a better mode of giving this information to
2 the people rather than providing them a note about the
3 school and watching or finding out what their needs are
4 for a candidate?

5 MS. MADRID: Well, you have to kind of take a
6 look at the community you're in, and the community we were
7 in was a very low socioeconomic. So I would say the
8 education reading level was about maybe third grade. So
9 sending a note many times didn't work because they didn't
10 read it. And it's easy for them to put aside they don't
11 know what it is so they just throw it away or put it aside
12 and they'll read it later and never come back to it. So
13 going door to door I thought it was more effective.

14 VICE CHAIR CAMACHO: How do you think it would be
15 the best way to reach out to the various communities to
16 ensure that the Commission would receive a varied
17 population at these public meetings?

18 MS. MADRID: Well, I think finding out who the
19 leaders in the communities are and meeting with them,
20 because I thought of that. I thought, well, you walk in a
21 community that's strange. How are you going to let people
22 know you're there. So the best thing I thought, well, you
23 go to the Chamber of Commerce and ask them. You go to
24 other public officials, City Hall, and ask them where the
25 leaders in the community, what are the different groups.

1 And then in that case, you probably would have to use
2 paper and pencil, send out something to the newspaper
3 immediately to say you were having a meeting in order to
4 reach them. And even at that, to tell you the truth,
5 sometimes it's hard to reach people. I mean, as a
6 principal, I tried. And some people you just can't reach.
7 And you have to go get them and bring them. So it's not
8 an easy task is what I'm trying to say.

9 VICE CHAIR CAMACHO: Okay. What are important
10 agenda items related for the Commission's first public
11 meetings? And when and where would you meet and why would
12 you meet there?

13 MS. MADRID: That's a loaded question. You had
14 about three parts.

15 VICE CHAIR CAMACHO: Do you want me to just do
16 the first part?

17 MS. MADRID: Yeah.

18 VICE CHAIR CAMACHO: No problem. What are
19 important agenda item related for the Commission's first
20 public meetings.

21 MS. MADRID: I mentioned transparency in one of
22 my responses. And I think letting the public know what
23 you're going to be doing, what you're doing, and how
24 you're doing it would be probably one of the first things
25 you should address.

1 VICE CHAIR CAMACHO: And then when and where
2 would you meet and why?

3 MS. MADRID: When and where, you know what? I'm
4 not sure of when and where. When; the best time is
5 probably mornings and evenings when people are home from
6 work. If you want to hear -- them to hear you, if they're
7 working, they're not going to be able to know or be there
8 with you. So I would do early in the morning or late in
9 the evening. And usually I have found out that about 6:00
10 or 7:00 is the best time, because they're getting home and
11 getting ready to eat and they don't want to be bothered at
12 5:00, 5:30.

13 VICE CHAIR CAMACHO: Where do you think it would
14 be beneficial to hold these meetings?

15 MS. MADRID: Well, if you want to meet with
16 people of low socioeconomic status and whatever, I would
17 find a center in their area in their neighborhood,
18 churches perhaps or centers, whatever is available. But I
19 would go to them. I wouldn't have them come to a place
20 that they weren't familiar or didn't have a car, you know,
21 someplace where it would be easy for them to have access
22 to.

23 VICE CHAIR CAMACHO: How many meetings do you
24 think the Commission could perform in the time frame that
25 it has to meet the public's needs?

1 MS. MADRID: I would just have as many as you
2 need. Evaluating would just -- not all of you have to go
3 to all of the meetings. You can divide the meetings up so
4 that you hit several of them so that you have 15
5 Commissioners, you could have 15 meetings in one day.
6 Maybe that's a lot. But it's possible. And so you just
7 have to divide the time so that you do get to hear as much
8 as possible.

9 VICE CHAIR CAMACHO: Thank you. That was my last
10 question.

11 MS. RAMIREZ-RIDGEWAY: Ms. Spano.

12 PANEL MEMBER SPANO: Good morning.

13 You mentioned that in the low socioeconomic areas
14 you would probably be more effective in going to them
15 instead of having them come to you. And why could you say
16 that? Can you explain?

17 MS. MADRID: Many times poor people don't have
18 the transportation. Many times in poor areas they don't
19 have bus systems. They don't have the transportation
20 system that, for instance, San Francisco has. You can't
21 just get on BART and just go. That's why it's easier if
22 you go to them. If you want their input and you really
23 want to know and hear from them, you go to them.

24 PANEL MEMBER SPANO: Thank you.

25 When you went -- when you first arrived here from

1 New Mexico and you went out and visited with parents to
2 understand your students' needs and how to teach to them,
3 how did the parents and family initially respond to the
4 visits and what did the principal and teachers think?

5 MS. MADRID: You know, the parents were very
6 happy to see me. They all welcomed me into their homes.

7 PANEL MEMBER SPANO: No resistance?

8 MS. MADRID: No resistance. They were very happy
9 to see me. I think in poor neighborhoods especially they
10 have a lot of respect for teachers. And as a matter of
11 fact, it worked so well that the school started a home
12 visitation program. Instead of report cards, we would go
13 to the homes and give them their report card. And that
14 became part of the whole school community system.

15 PANEL MEMBER SPANO: Did the other teachers felt
16 like you did, that it was important to do this at the
17 time?

18 MS. MADRID: I really don't remember. I think
19 some of them kind of looked and said, you do this? And
20 some of them probably liked it. And when they had to go
21 do it, I guess they didn't have a choice. I guess at the
22 time they didn't like me very much maybe. But everything
23 worked out okay. It became part of the system and it
24 worked out. It really worked out that we had parents --
25 teachers going out to the parents. It was really a

1 positive for the community to see the educators out in the
2 homes.

3 PANEL MEMBER SPANO: Do you think that the parent
4 involvement in your school helped motivate and improve the
5 curriculum and the education of these students?

6 MS. MADRID: Oh, I think it did. Any time you
7 involve parents, there's that connection.

8 PANEL MEMBER SPANO: Did you find it hard to get
9 them involved? Maybe they had busy schedule working
10 multiple jobs?

11 MS. MADRID: Poor areas very seldom -- I don't
12 find that they work. Many times it's a single parent with
13 lots of kids, and a lot of times they're on welfare. So
14 you do have a lot of parents at home. That's not the
15 majority of them.

16 PANEL MEMBER SPANO: But in your experience --

17 MS. MADRID: You find many of that. So to get
18 them to the schools was good because we could educate
19 them. We had a lot of parent meetings where they got
20 trained to do certain things.

21 PANEL MEMBER SPANO: When you were principal in
22 the Stockton Unified School District, did the district
23 engage in any redrawing of its school boundaries and when
24 you were school principal in 1970 through the 2000 census?

25 MS. MADRID: Yeah, they did. This did revamp

1 their school boundaries. I think they did it about three
2 times.

3 PANEL MEMBER SPANO: Three times. Were you
4 involved in that process?

5 MS. MADRID: Vaguely, not directly. But as a
6 principal, you know, we had a say as to what students
7 lived where and how the boundaries -- specifically they
8 cut our school population and we had been working with
9 that population of students and then all of a sudden the
10 boundary was put there so they no longer would come to our
11 school. Then principals had a say in that.

12 PANEL MEMBER SPANO: Did they -- how much of an
13 influence did you have in maintaining the boundaries that
14 you felt were necessary to maintain your district?

15 MS. MADRID: I think pretty much they listened to
16 principals. And so -- yeah. We would point out the work
17 that we had done with a certain population and if it
18 worked out -- of course, sometimes it just wouldn't work
19 out because they didn't want the population to be bigger
20 than others. But if it was close or fairly close, they
21 would listen.

22 PANEL MEMBER SPANO: Did it ever change for the
23 worse?

24 MS. MADRID: I don't think so.

25 PANEL MEMBER SPANO: To what extent was your

1 involvement in your participation in responding to any of
2 the Board's concerns about the boundaries?

3 MS. MADRID: Well, when they did that, they would
4 come and present to the schools and then we would have to
5 present it to the parents. But before that, before we
6 presented it to schools and while they were presenting it
7 to the principals, it wasn't a done deal. They would show
8 us this is what we're planning on doing and we would have
9 our input there. Because once they finished, then it
10 would be up to us to go and explain it to the parents.
11 And we would be in the hot seat with parents if they were
12 upset. So we had to make sure that we felt -- at least me
13 as a principal. I had to make sure I felt very
14 comfortable with what was being done, so I would have the
15 rational to give to the parents in case they asked.

16 PANEL MEMBER SPANO: Did the parents ever
17 challenge you in your decisions or your recommendations
18 for the boundaries, or did they listen to you critically
19 all the time?

20 MS. MADRID: They pretty much listened. I don't
21 remember having problems with it. I think there were
22 programs put in place that parents could if they wanted to
23 go to another school in another area they could, you know.
24 There were ways they could -- or if their students had
25 been in a school for a lot of years and they had one or

1 two years left, I think there were provisions made so they
2 could stay and finish out.

3 PANEL MEMBER SPANO: Okay. Yeah. Okay.

4 How do you feel your experience in that process
5 will help you as you draw state boundaries as a
6 Commissioner?

7 MS. MADRID: Well, it's a small experience in
8 comparison to the California boundaries, but I have some
9 knowledge of why they do it, the rationale that they use
10 and what impact it has or could have if you do it,
11 especially if you do it wrong, because people aren't going
12 to be happy. So it gave me some of that insight.

13 PANEL MEMBER SPANO: Thank you.

14 Let's talk about your University of Pacific
15 Teacher Core Program. What was the nature of this
16 organization?

17 MS. MADRID: Teacher Core Program was a federal
18 program to get minorities to become teachers. And so I
19 think it was my second year in Stockton Unified they asked
20 me if I wanted to be a team leader and train teachers.
21 And so I went into it with -- I had about ten interns that
22 I trained in the school that I was a teacher at. And the
23 teacher program was adults that would go to the
24 university. I think they got a stipend about \$90 a week.
25 And they would do like teacher teaching. They would be

1 assigned to a school and they went to half a day. Half a
2 day they went to the university to do their studies. So
3 they got training and being in the classroom. And I was
4 their supervisor. I put them in with -- assign them with
5 teachers and then just check with teachers to see they
6 were doing okay. I trained them in certain things, if
7 they needed training in a discipline or something like
8 that. And so that's where I think we Stockton Unified got
9 all the minority teachers. Now the teachers are retiring
10 and they don't have too many -- they're lacking now in
11 minorities, because there haven't been any programs like
12 that one since.

13 PANEL MEMBER SPANO: Did it dissipate at some
14 point or --

15 MS. MADRID: The Teacher Core Program ran out of
16 funding. It was a federal program. So I think it was one
17 that Kennedy started. So the funding ran out and they
18 didn't fund it anymore.

19 PANEL MEMBER SPANO: I see. When you were
20 teaching these students, did you -- were these teachers
21 from the low socioeconomic areas also?

22 MS. MADRID: Yes. Yeah. They wouldn't have gone
23 to college otherwise.

24 PANEL MEMBER SPANO: Did you teach them about
25 your experiences going door to door trying to research --

1 MS. MADRID: Yeah, it was at that exact same
2 school I had my team. So they knew. So they had to go
3 out there, too. That was part of the training, going into
4 the community and doing things in the community.

5 PANEL MEMBER SPANO: And you said that a lot of
6 these teachers are retiring now. Do you find that there
7 is a lack of really good solid teachers that can identify
8 with the children in this area still?

9 MS. MADRID: Yes, there is. As a matter of fact,
10 we had -- UOP had a symposium and they want to do outreach
11 with the community. And this was one of the things that
12 we did, Teacher Core. People that were in Teacher Core
13 got together and this is one of the things we proposed to
14 the University of the Pacific that they establish some
15 kind of program such as Teacher Core to get minority
16 teachers. Because I guess if they go into college, they
17 don't automatically go into teaching. So you don't have
18 that many. But yet, the kids are practically minority.
19 Stockton Unified is a minority district.

20 PANEL MEMBER SPANO: Still with a lot of newer
21 immigrants.

22 MS. MADRID: Yes.

23 PANEL MEMBER SPANO: Do you find the needs
24 tougher? I know you've been retired --

25 MS. MADRID: Yes.

1 PANEL MEMBER SPANO: How would you suggest
2 reaching out to the communities and trying to reach that
3 population and get good teachers involved to identify with
4 these students? Pretty difficult?

5 MS. MADRID: It's difficult because everybody
6 needs them. Especially now, they're laying off teachers.
7 And you know if minorities come in, they're the first one
8 to be laid off because they go by seniority. So you're
9 just losing more of them. The times are bad right now to
10 get any anyway.

11 PANEL MEMBER SPANO: Other than educational
12 needs, what are the shared interests of concern in the
13 Stockton area to date?

14 MS. MADRID: Education.

15 PANEL MEMBER SPANO: Other than education

16 MS. MADRID: Other than education; the jobs,
17 housing. Housing is bad. People are just walking away.

18 PANEL MEMBER SPANO: Knowing that you know the
19 Stockton area really well, how do you propose applying
20 what you know about this kind of community working with
21 the immigrant population would impact your understanding
22 as you go all over the state to address the needs of other
23 immigrant populations and lower socioeconomic areas?

24 MS. MADRID: I would want to know if the same
25 thing applies in other communities. It may or it might

1 not, because their needs might be different, even if they
2 have the same situation. I'm sure the schools would be
3 one of their main concerns. Because I know in Stockton
4 our schools are practically all program improvement
5 schools as defined by the state department. And we have
6 about five that are the lowest in the whole state as far
7 as academic performance. So I'm not really sure what's
8 happening. And I'm not sure this same thing exists at
9 other locations. It would be interesting to see what
10 locations are similar and why. Find out why.

11 PANEL MEMBER SPANO: It sounds like during the
12 time that you were principal there were a lot of funding
13 options available to implement programs that help the
14 school district achieve its goals. Do you find that a lot
15 of the needs of the students and the fact that maybe test
16 scores aren't at par are due to lack of funding sources or
17 availability?

18 MS. MADRID: I know people right now are saying
19 it's -- they don't know what they're going to do with the
20 lack of funding.

21 But my response to that is what did you do when
22 the funding was there? Because the schools have always
23 been low. Even when there was a lot of money. So yeah,
24 it's going to get worse. You're going to have to do more
25 with less. But when the money was there, they could have

1 really brought in good programs that worked and for some
2 reason it wasn't done. I think there is a lot of things I
3 think that have to do with it. Part of it is the loss of
4 seniority and all that. You can't get rid of teachers
5 just to -- it just takes a lot. So principals aren't
6 doing it.

7 PANEL MEMBER SPANO: Knowing that there is
8 limited funding available, how do you propose that the
9 Commission works effectively and efficiently within their
10 means?

11 MS. MADRID: Well, I think you're going to have
12 15 people and they're all from different backgrounds and
13 experiences and I think probably we've all experienced the
14 same things. So we're all going to be that much smarter.
15 I mean, at least I would think that I know what's out
16 there so I know what we have to do in terms of or what not
17 to do --

18 MS. HAMEL: Five minutes.

19 MS. MADRID: -- to get the job done. I'm very
20 task oriented.

21 PANEL MEMBER SPANO: You have ideas of
22 streamlining certain tasks and responsibilities?

23 MS. MADRID: Not really. I haven't given it much
24 thought, because I can't use my brain. I'm at the age I
25 have to save everything I have. Because if I use all my

1 electrolytes, I might need them later.

2 Didn't give it much thought, but I'm sure there's
3 ways. And I'm sure that 15 Commissioners coming from
4 different backgrounds and professions, I'm sure we'll be
5 able to work efficiently and effectively. Like I say, I
6 think everybody -- it's a very clear mission. I don't
7 think there is a question as to what our mission will be.
8 So because of that, I don't think you'll be floundering.
9 I think you're going to get down to business and establish
10 time lines, at least that's the way we would do it.
11 Establish time lines and try to meet as many of those as
12 possible.

13 PANEL MEMBER SPANO: I know you said that math is
14 your weak area. I know you mentioned in your application
15 that as you were working towards your doctoral degree you
16 did take statistical courses and you applied statistical
17 portion of the doctoral dissertation successfully when you
18 received your degree in '93. Can you tell me what
19 statistical portion of the doctoral dissertation that you
20 applied?

21 MS. MADRID: Well, you have to gather data and
22 then you have to kind of combine it all together so that
23 it makes some kind of sense, and so that you can come to
24 some conclusion as to what you derived at regarding your
25 question. And mine I think was on retention on students,

1 if you did any good to retain them.

2 PANEL MEMBER SPANO: Retention?

3 MS. MADRID: Not passing from one grade to
4 another.

5 PANEL MEMBER SPANO: Oh.

6 MS. MADRID: Retaining them in grade.

7 PANEL MEMBER SPANO: Oh, okay. So what kind of
8 data did you look at?

9 MS. MADRID: I looked at their academic data.
10 Did they learn any more in the second year than they did
11 when they were retained? And the year, the age, and their
12 relationship to peers and what the embarrassment they had
13 to go through and if that had any effect on their grades.

14 PANEL MEMBER SPANO: The qualitative --

15 MS. MADRID: Yeah. And also their parents, the
16 attitude of their parents. So I had to put all those
17 together statistically and come up with and see what the
18 conclusions it gave me, yeah.

19 PANEL MEMBER SPANO: How large was your data sets
20 do you recall?

21 MS. MADRID: It was the Stockton District. So
22 36,000 students. But not all of them were retained.
23 There is a good portion of them that were though. Many of
24 them minority students.

25 PANEL MEMBER SPANO: Do you find that your work

1 on this will help you more than you thought on the
2 Redistricting Commission?

3 MS. MADRID: Yeah. I know when parents want to
4 retain their students I can tell them why it's not wise to
5 do so.

6 PANEL MEMBER SPANO: Do you feel comfortable
7 conducting analysis on large data sets like the Census
8 data and applying complex areas of law in your analysis in
9 decision making?

10 MS. MADRID: I think I do.

11 PANEL MEMBER SPANO: Are you comfortable working
12 with attorneys?

13 MS. MADRID: Oh, yes. I've worked with a lot of
14 attorneys in my lifetime through the district and the
15 Civil Service Commission, the grand jury.

16 MS. HAMEL: One minute.

17 PANEL MEMBER SPANO: Thanks. Are you comfortable
18 if your work would be legally scrutinized and if you were
19 to be named as a defendant?

20 MS. MADRID: No.

21 PANEL MEMBER SPANO: You're not comfortable with
22 that?

23 MS. MADRID: I'm comfortable with anything.

24 PANEL MEMBER SPANO: You are?

25 MS. MADRID: As long as -- whatever I do, I try

1 to do the right thing. As long as I'm doing the right
2 thing, I'm not afraid to state it wherever I need to. And
3 so as long as I do the honest thing and do it for the
4 right things, I don't think there is anything to be afraid
5 of.

6 PANEL MEMBER SPANO: Thank you.

7 MS. MADRID: I don't have any money they can take
8 from me so --

9 PANEL MEMBER SPANO: Thank you.

10 MS. RAMIREZ-RIDGEWAY: Panelists, are there
11 follow-up questions?

12 CHAIR AHMADI: Not from me.

13 VICE CHAIR CAMACHO: I have one, but I can wait.

14 Ms. Madrid, one of the responses that you asked
15 was in the transparency that you don't think that it's
16 necessary for cameras to follow you around. Can you
17 elaborate on that?

18 MS. MADRID: Well, just in terms of being
19 transparent in the work that you do, I just got to tell
20 you, I didn't expect cameras to be with us every step of
21 the way. Like Paris Hilton, you know. I mean, I don't
22 expect that. So that's what I was trying to say. I don't
23 expect cameras to be -- but if they want to be, I guess
24 that's fine. I don't think we have the money and the time
25 for that. And it's sometimes distracting. But never the

1 less, I think whatever we can do to be transparent and can
2 afford I think should be done.

3 VICE CHAIR CAMACHO: Thank you. That was my only
4 question.

5 MS. RAMIREZ-RIDGEWAY: Ms. Madrid, what do you
6 envision the first 30 days of the Commission's work to be
7 like?

8 MS. MADRID: Very chaotic in terms of trying to
9 figure out what you're going to do and getting schedules
10 together and getting to know the 14 other people. And
11 looking at maps of the state of California and just being
12 bombarded with a lot of information that you really have
13 to go home and take time and study. I mean not take home
14 all the time, but I'm the type to do work at home. I just
15 don't leave it on the job. It's hard for me to leave
16 something if I need to do something, I do take it home and
17 study it. So I just see a lot of that going on.
18 Scheduling.

19 MS. RAMIREZ-RIDGEWAY: Do you have any additional
20 thoughts about what the Commission needs to do in those
21 first 30 days to get going?

22 MS. MADRID: Not really. I haven't really
23 thought about it other than I do see us trying to really
24 fit our lives into this new life of being very busy. And
25 I'm glad I'm retired. I can give all the time that I have

1 to the Commission.

2 MS. RAMIREZ-RIDGEWAY: When you were speaking
3 with Mr. Ahmadi, you said that when you first came to
4 California after having only one African American student
5 in your classroom and you saw that you had a classroom
6 full of sixth graders who were predominantly African
7 American you wondered whether you'd be able to tell them
8 apart. I wondered if that was truly an issue for you.

9 MS. MADRID: Well, the first day, yes. I mean, I
10 looked at them and I just thought, oh, my, you know
11 because I had never really been in a classroom with so
12 many African Americans. Like I said now, I think the
13 whole thing is ridiculous. But yes, it was kind of
14 different and I kind of wondered. And that's why I made
15 the decision I made to go and visit them and get to know
16 them better.

17 MS. RAMIREZ-RIDGEWAY: Have you remained in touch
18 with any -- it sounds like it was a really pivotal year
19 for you and them. Have you remained in touch with any of
20 them?

21 MS. MADRID: Once in a while, I do see some of
22 them. Unfortunately, some of them joined gangs and are no
23 longer with us. And some of them are in prison. But I do
24 remain in touch, especially sometimes with parents that
25 knew them and they know their whereabouts.

1 MS. RAMIREZ-RIDGEWAY: I don't think I have any
2 further questions. Panelists?

3 VICE CHAIR CAMACHO: No.

4 CHAIR AHMADI: Neither do it.

5 PANEL MEMBER SPANO: I know you are a member of
6 the Latino Democratic Club and you received resolutions
7 from Assemblyman Patrick Johnson and Senator John
8 Garamendi in 1981. Do you interact with elected
9 officials?

10 MS. MADRID: Do I what?

11 PANEL MEMBER SPANO: Do you interact or have
12 communications with elected officials?

13 MS. MADRID: No. Only when I see them. I
14 haven't seen Garamendi in a long time. And Patrick
15 Johnson lives in Stockton. I see him once in a while.
16 He's retired.

17 PANEL MEMBER SPANO: Do you -- what kind of
18 relationship do you have? Is it personal? Is it just
19 social? Is it casual?

20 MS. MADRID: Just casual. I might see them --
21 sometimes they have barbecues and I go and they're there.
22 But I don't go to their house like every day. I don't
23 speak to them on a daily basis. Just whenever I happen to
24 see them at some function.

25 PANEL MEMBER SPANO: You're pretty established in

1 your community. Do you feel comfortable if you were
2 approached by an elected official or any of the
3 participants in your organization outside of public
4 meetings about any matters that pertain to redistricting,
5 what would you do?

6 MS. MADRID: Well, you know what, I don't think
7 they would approach me to begin with, because I think they
8 know me. And I don't think that it's something that I
9 would be discussing with them. I just don't see them
10 approaching me. But if they did, I would just say
11 something I wouldn't want to discuss with them at the
12 time, if I'm working on something. Because once you say
13 something, they could misinterpret or go tell somebody
14 else and it becomes a big deal. I would rather not say
15 anything until something is firm.

16 PANEL MEMBER SPANO: Are you familiar with the
17 Open Meeting Act, the Bagley-Keene?

18 MS. MADRID: Yeah.

19 PANEL MEMBER SPANO: Are you comfortable not
20 discussing confidential matters or matters that pertain to
21 the Commission's work outside a meeting?

22 MS. MADRID: I never discuss confidential things
23 anywhere, not even with my husband.

24 PANEL MEMBER SPANO: Thank you.

25 MS. RAMIREZ-RIDGEWAY: We have several minutes

1 left, about 20 minutes left if you'd like to make a
2 closing statement.

3 MS. MADRID: No. I'm just a very dedicated
4 person. Whatever I do, I do with integrity. And I think
5 I've worked very hard to get to where I'm at. And I'm not
6 going to ruin my reputation on anything that is not worth
7 doing. And so I'm a hard worker. I'm focused. I remain
8 on task. And I think I would be an asset to the
9 Commission.

10 MS. RAMIREZ-RIDGEWAY: Thank you so much for
11 coming to visit us.

12 We will recess until 10:59.

13 (Thereupon the Panel recessed at 10:25 a.m.)

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1 10:59 AM

2 MS. RAMIREZ-RIDGEWAY: The hour being 10:59,
3 let's go back on record. Our next applicant is Stuart
4 Flashman.

5 Good morning, Mr. Flashman.

6 MR. FLASHMAN: Good morning.

7 MS. RAMIREZ-RIDGEWAY: Are you ready to begin?

8 MR. FLASHMAN: I am, indeed.

9 MS. RAMIREZ-RIDGEWAY: Please start the clock.
10 What specific skills do you believe a good
11 Commissioner should possess?

12 Of those skills, which do you possess?

13 Which do you not possess and how will you
14 compensate for it?

15 Is there anything in your life that would
16 prohibit or impair your ability to perform the duties of a
17 Commissioner?

18 MR. FLASHMAN: Well, let me start with the last
19 part first. And, no, there is not anything that would
20 impair my ability to perform the duties as a Commissioner.

21 In terms of the skills that are needed, I have to
22 say I found that an extremely interesting question,
23 because when I first applied, I had thought mostly about,
24 well, what do you need to draw lines and essentially to
25 develop a fair set of districts? And as I thought about

1 it more and as the process went forward, I realized it was
2 much more to it than that. And in particular, in
3 preparing this answer, I started thinking about what do
4 you need. And there are a lot of skills. And I'm going
5 to just go through them. But I thought it was an
6 extremely good question, because it raises a lot of the
7 extent to what the Commission is going to be doing and all
8 the different aspects to it.

9 So to start with, the first skill I thought of
10 was analytic skills, which includes the ability to
11 understand and interpret statistical data, mapping data,
12 and demographic data, all of which are going to be very
13 important in understanding how to define the boundaries of
14 a district.

15 A second skill which I hadn't initially thought
16 of, which I realized is very important, is communication
17 skills. The ability to make ones self understood to
18 others and equally important to hear and understand what
19 others say, I think will be important both in dealing with
20 the public and will also be important in dealing with
21 other Commissioners within the Commission.

22 Legal skills, obviously that's something I
23 thought of initially, because one needs to be able to
24 understand and interpret the legal mandates of Prop. 11,
25 of federal and State elections and civil rights law, and

1 the requirements of the U.S. and California Constitution
2 and how all of those will impact on the redistricting
3 process.

4 Apathetic skills, again this is one that I didn't
5 initially think of, but I realized over time, well, it is
6 very important that one be able to put ones self in other
7 people's place, to be able to see how are they going to
8 look at this. Because it's important I think in terms of
9 the success of this Commission's mission that people trust
10 what it does. And that means you have to be able to see
11 this Commission in other people's eyes and see are you
12 looking to them. What are you doing and how does that
13 look to them. Are you being fair from their point of
14 view, not just from your point of view.

15 So -- and obviously given how diverse California
16 is, there are lots of different viewpoints that need to be
17 considered and one needs to be able to put ones self in
18 all the different viewpoints as much as one can.

19 Negotiating skills. I think the Redistricting
20 Commission's contributions are not going to be easy. If
21 they were, we wouldn't have needed to create this
22 Commission. There are going to be -- there are
23 conflicting forces at work in California. And those
24 forces will try to pull the Commission and the
25 Commissioners in different directions. As Commissioners,

1 we will need to understand all these forces and figure
2 out, well, to what extent is it appropriate for us to be
3 pulled in one or another direction and to what extent do
4 we say, wait a second. Let's talk about this. You can't
5 get everything you want. Let's figure out what's the
6 fairest way of dealing with this.

7 Integrity. I think this is an extremely
8 important quality for Commissioners. There's always a
9 temptation to succumb to political pressure in ways that
10 will favor one or another political group. And Commission
11 members are going to need to be willing to stand up and
12 say no, that's not fair. It may be attractive. It may be
13 tempting, but it's not fair and we can't do that.

14 Organizational skills. The Commission is going
15 to need to organize itself and conduct its business
16 efficiently and effectively. And that means organizing
17 itself internally.

18 And lastly, management skills, because the
19 Commission is obviously not going to be able to do all of
20 this work by itself. It's going to need to hire and
21 manage staff to help complete its goal in a timely manner.
22 It's going to need professional staff. It's going to need
23 legal staff. It's going to need clerical and public
24 relations staff. So all of those components need to be
25 pulled together and managed.

1 Given these are all going to be temporary
2 positions, I suspect a lot of that is going to be contract
3 work rather than actual employees. But never the less, we
4 are going to need to have probably some sort of an
5 executive director or manager to keep things going, to
6 organize things, and to work with the Commission in
7 getting the task done. And the Commissioners are all
8 going to have to have some experience and ability to
9 manage that staff either directly or indirectly.

10 And in terms of my having these skills, I think I
11 actually have all of them to some extent. Some I'm
12 stronger in than others.

13 I think I'm very strong in analytic skills.

14 I think I've got good communication skills.

15 Obviously think I have pretty good legal skills.

16 And I've tried over time to develop my empathetic
17 skills.

18 And negotiating skills are extremely important
19 for an attorney.

20 Integrity is frankly something I've been
21 extremely proud of throughout my life, throughout my whole
22 life.

23 Organizational skills, I'd have to say not my
24 strongest suit, but reasonably good.

25 And management skills, again it's not what I

1 consider my best suit, but it's something I can do
2 reasonably well.

3 MS. RAMIREZ-RIDGEWAY: Describe a circumstance
4 from your personal experience where you had to work with
5 others to resolve a conflict or difference of opinion.
6 Please describe the issue and explain your role in
7 addressing and resolving the conflict. If you are
8 selected to serve on the Citizen's Redistricting
9 Commission, tell us how you would resolve conflicts that
10 may arise among the Commissioners.

11 MR. FLASHMAN: Well, it was hard to pick one
12 thing, because as an attorney, I actually often think of
13 an attorney as basically a conflict resolution specialist.
14 So it seems like that's most what I spend my time doing is
15 trying to resolve conflicts one way or another.

16 Sometimes it's in court, but equally often it's
17 by way of negotiations and figuring out if one can come to
18 -- I think there is a book called "Getting to
19 (inaudible)." I think that's a lot of what's involved in
20 negotiating conflict is trying to find a way to get to a
21 point where everyone says maybe I'm not happy, but I am
22 satisfied with where we've gotten to.

23 I can just take one example which was about ten
24 years ago I represented two citizen groups in a lawsuit
25 against the water district involving a major development

1 project. And the judge in the case actually very wisely
2 sent us into mediation, although none of us when we went
3 into mediation were optimistic about it being successful.
4 What I realized was key was that my clients were very much
5 interested not just in this lawsuit, but in a long-term
6 resolution of the issues that brought this lawsuit
7 forward. And so that's where I focused work in the
8 mediation was to say let's look for a long-term solution
9 to this. And essentially all of the different parties
10 were interested in a long-term solution, because otherwise
11 it was just going to be butting heads for the next
12 ten years on repeated situations.

13 So where we actually ended up coming up with and
14 working out was essentially a long-term answer that put
15 together what my client's concerns were and what really
16 the water district's concerns were and what the
17 developer's concerns were and say, okay, how do we put
18 these together in a way that maybe not everybody is happy,
19 but everyone can feel like this will deal with the
20 situation and we won't end up having to come back into
21 court every two years.

22 And I think a lot of dealing with conflicts in
23 the Redistricting Commission are basically getting beyond
24 what people put forward and saying this is what I want and
25 asking what do you really want. What's behind your

1 demand. What's behind your specific question or saying --
2 in other words, get behind the surface and see where they
3 really want to be, where they want to get to. And then
4 see if there is a way of pulling those things together so
5 that one reaches again a solution that is maybe not the
6 best solution from any one standpoint but an acceptable
7 solution.

8 MS. RAMIREZ-RIDGEWAY: We have about ten minutes
9 remaining, eleven minutes.

10 How will the Commission's work impact the state?
11 Which of these impacts will improve the state the most?
12 And is there any potential for the Commission's work to
13 harm the state? And if so, in what ways?

14 MR. FLASHMAN: Well, you know, I'm hopeful --
15 part of the reason why I applied for this position is I
16 think that this Commission has the potential to help the
17 state in one very important way and that is trust. I
18 think one of the things the reasons why Prop. 11 passed
19 was because there has been a lot of distrust within the
20 state about how redistricting happens and how the
21 district's boundaries are formed. And people don't trust
22 the Legislature to basically draw its own boundaries.
23 That's not at all surprising, because it's very hard to
24 draw your own boundaries and be fair about it and not let
25 your self interest get involved. And I think you look at

1 some of the boundaries of the districts that there are
2 now, both the legislative districts and the maybe even
3 more so the Congressional districts, and it's pretty
4 obvious they're gerrymandered. And that's not
5 appropriate. And it makes the citizens feel like, well,
6 we don't trust the whole process.

7 And I think one of the most important things that
8 can come out of this is districts that people look at and
9 say, yep. Those are fair. We can trust that process. We
10 can trust that when we go and vote, it's going to mean
11 something and it will be fair.

12 In terms of the potential downside, I think the
13 biggest downside is if the Commission failed to come up
14 with a set of districts. If there was such conflict
15 within the Commission that we couldn't reach agreement,
16 because obviously we need to have under the rules of Prop.
17 11, we need to have a certain amount of not full consensus
18 but enough consensus to be able to say here's the required
19 numbers from each of the different groups that support
20 this. And if we can't reach that, then it's impasse and
21 that's a problem. It's just as it is up the street right
22 now.

23 The other thing that would be a problem is if the
24 districts that came out didn't seem fair or if there was
25 something really flawed in the process. Hopefully, I'm

1 trusting that you guys are doing your job and we're going
2 to end up with a Commission that people will have some
3 faith in and that we will be able to work together. So
4 I'm hopeful that we're not going to reach either of those
5 problems. But those are to my mind potential problems.

6 MS. RAMIREZ-RIDGEWAY: Describe a situation where
7 you've had to work as part of a group to achieve a common
8 goal. Tell us about the goal, describe your role within
9 the group, and tell us how the group worked or did not
10 work collaboratively to achieve this goal. If you're
11 selected to serve on the Citizens' Redistricting
12 Commission, tell us what you would do to foster
13 collaboration.

14 MR. FLASHMAN: Well, you know, I'm thinking about
15 that I'm currently chair -- and I think I put this in my
16 application. I'm Chair of a local community nonprofit,
17 the Rockridge Community Planning Council. And Rockridge
18 is a part of north Oakland. Has 10,000 residents. And
19 the members of the Board of Directors, as we call the
20 RCPC, are elected by the residents of the area. And the
21 council works on trying to address issues of interest to
22 the local community.

23 One example was a situation that arose last year
24 trying to reserve the retail character of the district's
25 main commercial street. We had someone coming in trying

1 to put a non-retail use in a key area of the street. And
2 the feeling of a lot of us was that this was going to be
3 very damaging to the long-term future of the commercial
4 district.

5 So I ended up pulling together -- basically
6 working with the other members of the Board to get them
7 all first off to agree yes, this was a problem. Come up
8 with a way of addressing the problem in terms of, for
9 example, going out and carrying a petition around to other
10 merchants on the street to show that this was something
11 where all of the merchants in the area agreed that this
12 should stay -- this should stay retail and should not go
13 into a non-retail use. And we were, in fact, successful
14 in getting the owner of the property that was going to
15 rent to this tenant to withdraw their approval for the
16 tenant. I think that collaboration is obviously going to
17 be very important for this Commission.

18 I guess one of the things I'm hoping that you
19 folks are going to be looking for is people who are
20 willing to collaborate and show an interest in working
21 together. But assuming that we have people who are
22 willing to collaborate, I think first off, we need to
23 agree that we have a common goal, and hopefully again that
24 common goal will be coming up with a fair set of district
25 boundaries that people will trust in. And then we just

1 then need to work, agree on a work plan on how we get
2 there.

3 MS. RAMIREZ-RIDGEWAY: A considerable amount of
4 the Commission's work will involve meeting with people
5 from all over California who come from very different
6 backgrounds and very different perspectives. If you're
7 selected to serve on the Commission, tell us about the
8 specific skills you possess that will make you effective
9 in interacting with the public.

10 MR. FLASHMAN: You know, I've thought about this,
11 and I'm not sure if it's a benefit or a curse, but I
12 suppose I have to say that I'm a politician in recovery.
13 I was an elected official in two offices in the Emeryville
14 City Council and on the East Bay MUD Board of Directors
15 for four years there. And in doing that, you had to do a
16 lot of dealing with the public on the Board of Directors
17 for East Bay MUD, we would meet twice a month. And those
18 meetings would be sometimes five and six hours long.
19 Maybe even longer. And there were lots of people from the
20 public showing up at those meetings.

21 It was a pretty contentious time. It was the
22 middle of a drought. We had to adopt regulations to deal
23 with the drought. There was lots of strong feelings
24 within the district and we had to listen to all of those.
25 And basically we also had to come up with a long-term

1 water supply plan, again raised lots of strong feelings.
2 We had lots of different people coming in with different
3 perspectives. We had to listen to all of them.

4 I was actually Chair at the time of that latter
5 decision. And so I had to Chair some of those meetings,
6 which got pretty contentious.

7 But you know, I felt that by being respectful, by
8 getting people to sense that, yes, we were listening to
9 them, that for the most part, people ended up feeling,
10 well, they may not agree with us, but at least they were
11 heard.

12 MS. RAMIREZ-RIDGEWAY: Mr. Ahmadi.

13 CHAIR AHMADI: Thank you.

14 Good morning, Mr. Flashman.

15 MR. FLASHMAN: Good morning.

16 CHAIR AHMADI: Let's go back to your last
17 response just to make sure that I have a clear
18 understanding.

19 Are you currently elected in any public office?

20 MR. FLASHMAN: No.

21 CHAIR AHMADI: No. When was the last time that
22 you were?

23 MR. FLASHMAN: I ran for election in 1994 and did
24 not get re-elected.

25 CHAIR AHMADI: That's your city council?

1 MR. FLASHMAN: No. That was for East Bay MUD.

2 CHAIR AHMADI: Okay. What about city council?

3 MR. FLASHMAN: City council was back in 1985.

4 CHAIR AHMADI: I'm sure you have details in the
5 application, but my memory is running short. Thank you so
6 much.

7 MR. FLASHMAN: That was the Emeryville City
8 Council.

9 CHAIR AHMADI: Okay. Thank you, sir.

10 In response to question number one, you went over
11 all the skills as you described it. You also mentioned
12 negotiating skills. And I agree, but could you share with
13 the panel what are your thoughts about what are some of
14 the concepts or topics that will be subject to
15 negotiations amongst the Commissioners?

16 MR. FLASHMAN: I think one of the key issues that
17 we're going to have to deal with is the question of
18 community of interest and minority communities. Under the
19 Civil Rights Act, we have a duty to ensure that minority
20 interests are fairly represented and particularly that we
21 avoid anything that might be considered voter dilution
22 that we don't -- there have been situations where you have
23 a minority community and politicians will basically carve
24 out sections in terms of setting up districts that
25 minimize the ability of that minority community to be

1 effective politically. And I think there's going to be
2 pressures, you know, because unfortunately sometimes you
3 have minority communities impinging on each other. So the
4 question is do you draw the line here which may benefit
5 this minority community and hurt that one or do you draw
6 it this way. So there's going to be problems in terms of
7 satisfying everybody.

8 And frankly, I suspect -- I looked over the
9 Supreme Court decision and the last set of redistricting
10 in 2000, and it was pretty clear that one of the things
11 they had to deal with were situations where you could draw
12 lines that would benefit one minority community or
13 another, but you couldn't satisfy both. And that's where
14 you're -- that's one of the main things you're going to
15 have to negotiate with.

16 CHAIR AHMADI: How would you approach a situation
17 where the Commission is divided between one way or another
18 way and assuming that both ways are in accordance with the
19 criteria?

20 MR. FLASHMAN: I think what we've got to do is
21 again, I think one of the key things to my mind in that
22 negotiating is getting beyond information and getting to
23 interests and saying what are the interests that people
24 are espousing? What are the things that people are seeing
25 they want to accomplish here? And is there a way of again

1 getting beyond the positions that people have taken?
2 Saying the line has been drawn this way. The line has
3 been drawn that way. Say, okay, let's look at what you're
4 trying to accomplish. Is there a way of accomplishing it
5 other than what you want?

6 I mean, sometimes you get irreconcilable
7 differences and you can't avoid -- if you draw it this
8 way, this community is going to be benefited and this one
9 is going to be hurt. If you draw it the other way, it's
10 going to be the opposite. In some cases, there is no way
11 to avoid drawing a line that hurts someone that is a zero
12 sum game. But more often than not, it's not a zero sum
13 game. More often than not -- they talk about win-win
14 situations. I'm not sure you can always reach a win-win
15 situation, but that's obviously what you want to look for
16 is ways in which you can get out of this box of saying
17 you've got to win and you've got a loss or vice versa.

18 CHAIR AHMADI: So if you can share with us in
19 more detail what factors do you think the Commissioners
20 have to focus on in determining or identifying these
21 communities of interest? Which ones are important?

22 MR. FLASHMAN: I think one of the things you have
23 to ask about is it's true that race and ethnicity are
24 important factors. But you also have to look beyond just
25 race and ethnicity and ask about commonality of interest.

1 So you may have, let's say, for example, two areas that
2 are both let's say Asian community, but may have quite
3 different interests. And thinking that, well, we have to
4 put these two communities together because they're both
5 Asian communities when they their interests might be quite
6 different I think would be a mistake, particularly if it
7 runs against -- for example, if putting these two
8 communities together -- let's say one of them is a rather
9 conservative community and one is more a liberal
10 community, they could end up essentially counteracting
11 each other and essentially diminishing the effectiveness
12 of either community.

13 So you have to ask beyond just the simple labels
14 what are the real interests of these different communities
15 and how do we best try and incorporate those interests
16 rather than looking at just the simple labels, which is
17 not to say that you can ignore race and ethnicity. Those
18 are obviously important factors. But they aren't the only
19 ones.

20 CHAIR AHMADI: Thank you, sir.

21 In your example as part of your response to
22 question number two, you used the example about ten years
23 ago the lawsuit for the water issues. What was the issue?

24 MR. FLASHMAN: The issue was a very large
25 development in Contra Costa Valley called Dougherty

1 Valley. Dougherty Valley is a large area. It's in an
2 arid part of the county. And there was no water district
3 that served that area. And they were talking about
4 putting in 10,000 homes. You've got to have water.

5 So they had reached an agreement with two water
6 districts, one of which was close to the area, the other
7 which was over the border in Alameda County, to have
8 essentially the water come from Alameda County conveyed by
9 the other district, which was Dublin San Ramon services
10 district that covered both counties.

11 My clients who are in Alameda County opposed
12 this, because basically they said you take this water,
13 it's Alameda County water. And you're moving it over into
14 Contra Costa County. You shouldn't be able to do this.
15 This is not water meant to serve Contra Costa County. So
16 that was the issue.

17 CHAIR AHMADI: It was a battle between the county
18 and the city -- I mean the water district?

19 MR. FLASHMAN: It was a battle between people --
20 one of the cities in Alameda County joined in the lawsuit.
21 It was a battle between people in Alameda County and the
22 water district and the developer -- the water district
23 wanted to get this service because the developer was
24 willing to pay to buy additional water or buy water
25 rights. And so the water district says more water

1 wherever it comes from, we don't care. As long as we can
2 get more water, we want it. The people in the county felt
3 differently.

4 CHAIR AHMADI: Thank you, sir.

5 Another follow-up question I have on your
6 response to question number three. If I heard you
7 correctly, you said something about the obvious nature of
8 these districts that are gerrymandered or somehow they
9 appear to be gerrymandered

10 MR. FLASHMAN: Right.

11 CHAIR AHMADI: Could you elaborate on that? What
12 would cause you to say this is gerrymandered and this is
13 not?

14 MR. FLASHMAN: Well, for example, I can recall --
15 I don't remember if this was a legislative district or a
16 Congressional district, but there was a district that
17 started in San Francisco and wound its way up into Marin.
18 There was another district that started -- I think went
19 through either three or four counties. It started off in
20 the San Joaquin Valley and ended up in -- I think in
21 Contra Costa, winding its way through as I say I think
22 three different counties. And it was like a snake.

23 And I don't know if -- back when the term
24 gerrymandered was first invented, it was in Massachusetts
25 there was a Governor who developed a legislative district

1 and it looked a little bit like a salamander. So they
2 called it -- because the Governor's name was Gerry, they
3 called it a gerrymander, which is where the name came
4 from. But I looked at that district and I said boy, this
5 is almost literally a gerrymandered.

6 CHAIR AHMADI: So it's the shape of the district?

7 MR. FLASHMAN: It's the shape. It's the fact
8 there is no obvious way the district holds together.
9 There's no logical reason for drawing a district like
10 that.

11 CHAIR AHMADI: What do you mean by "holding it
12 together"?

13 MR. FLASHMAN: For example, if you draw a
14 district that sort of more or less follows a county line,
15 it's pretty obvious why you're drawing the district
16 boundary that way. If you're drawing a district boundary
17 so it follows a city line or a district line, there's some
18 obvious reasons, because the people in that district or
19 that city have a commonality of interest. And it would
20 make sense to put them together in one district.

21 And even if it's going across county lines -- for
22 example, my current legislative district includes parts of
23 Alameda and Contra Costa County. But it's an area where
24 you walk down the street and you cross from Alameda to
25 Contra Costa County, you wouldn't realize it because it

1 looks the same.

2 There is a common nature to the cities in both of
3 those parts of Alameda and Contra Costa County. So it
4 makes sense to put them together. But when you put areas
5 together that don't have commonality of interest where
6 you're obviously stretching to maybe, for example, make
7 sure it's got a Democratic majority or a Republican
8 majority, I think that something doesn't smell right.

9 CHAIR AHMADI: So to make sure that I got it
10 correct in my mind, you're saying that as long as some
11 other factors can explain the shape of the district,
12 you'll be comfortable with that?

13 MR. FLASHMAN: Well, obviously it makes more
14 sense to have districts be compact, because just from the
15 standpoint of both the candidate and the voters, if you
16 are trying to campaign in a district and the district
17 stretches over, you know, 100 miles, it's a lot harder
18 than if your district was only at a 30-mile radius.

19 And likewise, if you're a voter in a district and
20 you're wanting to talk to other voters if you're all
21 within a 30-mile radius, it's a lot easier for people to
22 talk to each other. And you're less likely to have
23 disparate interests and disparate directions that you want
24 to pull things if you're closely located physically
25 together than if you're spread over a long distance.

1 CHAIR AHMADI: So how would you -- how do you
2 think the Commissioners should go about negotiating or
3 finding a balance where there is some options between
4 criteria and latitude, for example? You mention something
5 about, for example, city and county borders versus the
6 interests of the people who may cross those borders or
7 those lines.

8 MR. FLASHMAN: And it's difficult sometimes. But
9 to take one example, in Contra Costa County, not too far
10 from where I live, there's an area called El Sobrante.
11 And El Sobrante -- part of El Sobrante is unincorporated
12 and part of it's been included into the city of Richmond,
13 mostly because developers have come in and gotten various
14 parts of the El Sobrante area mixed into the city so they
15 can do their developments within the city.

16 But people in that area tend to think of
17 themselves as one area. They don't think of themselves
18 well, "I'm a Richmond person." They think, "I'm an El
19 Sobrante person."

20 This is part of what we need to do when we're
21 going around the state and talking to people is getting a
22 understanding. And to some extent, you can do that by
23 looking at district boundaries, city boundaries. But you
24 need to talk to people and find out what their feelings
25 are, because people may say I'm in this valley and this

1 valley hangs together. And we don't want to be split down
2 the middle. Even though maybe there is a county line that
3 runs down the middle. Well, the county line is an
4 important factor, but what people -- whether people want
5 to be together or not is another important factor.

6 CHAIR AHMADI: Which one is important?

7 MR. FLASHMAN: Well, they're both important. In
8 some cases you're going to have to balance them. And that
9 is going to be part of the negotiating, I'm afraid.

10 CHAIR AHMADI: Okay. Thank you, sir. I'm just
11 curious.

12 MR. FLASHMAN: Sure.

13 CHAIR AHMADI: How did you happen to transition
14 from being a research biologist to an attorney?

15 MR. FLASHMAN: I thought this question might come
16 up.

17 CHAIR AHMADI: I'm just curious.

18 MR. FLASHMAN: I had been working -- again, I
19 started off in academia and then came out to California
20 and was lured here by the biotech industry. And worked
21 for I guess about six and a half years in the biotech
22 industry here. And the company I worked for -- this was
23 in the mid 80s and there was several changes of ownership.
24 And about one point in this whole thing, the company got
25 bought by another company, bought by another company. And

1 the company who ended up owning it found they had two
2 biotech divisions. And they said they don't need two
3 biotech divisions. So we all got laid off.

4 At that point, the type of work we were doing,
5 which was biotechnology, most of it had moved to the
6 Midwest. So if I was going to continue working in
7 agricultural technology, biotechnology, I was going to
8 have to move to the Midwest. I had just gotten married.
9 My wife was doing a residency in internal medicine here in
10 California. And it was not going to be easy.

11 And also I have to say I had gotten myself into a
12 particular narrow area of research that was looking like
13 at least from a commercial standpoint it wasn't going to
14 pan out. So I was probably going to have to retrain
15 anyhow. So I said, well, maybe it's best to go look for a
16 different career. That's what I did.

17 CHAIR AHMADI: Thanks for sharing that with us.

18 As you just mentioned, while you were working as
19 a biotechnologist in the 80s --

20 MR. FLASHMAN: I'm sorry?

21 CHAIR AHMADI: In the 1980s, late 80s --

22 MR. FLASHMAN: Mid 80s.

23 CHAIR AHMADI: Okay. Can you think of other
24 areas of interest or concerns that residents may have as a
25 result of where they live in California?

1 MR. FLASHMAN: Oh, there's lots of different
2 reasons why people have --

3 CHAIR AHMADI: Just an example.

4 MR. FLASHMAN: Well, water is obviously a big
5 one. That's probably one of the biggest ones in the state
6 in terms of people in different parts of the state of very
7 different opinions about how the water should be
8 distributed in the state.

9 It's obvious that the city -- rather the state is
10 pretty divided politically in general. People talk about
11 red state and blue state. And it's pretty clear that
12 along the coastal regions you look at the election
13 results. And along the coast, California is predominantly
14 a blue state. You look in the central valley and it's
15 predominantly a red state. So people have a difference of
16 opinion in terms of Republican, Democrat, conservative,
17 liberal, a lot of different political opinions. And other
18 things that don't necessarily follow strictly the party
19 lines.

20 But never the less, there are lots of different
21 opinions in California. And I think we're a big state.
22 We have people coming from all over the world, not just
23 all over the country to this state. And they bring their
24 own perspectives. And so you've got lots of different
25 perspectives.

1 CHAIR AHMADI: I'll probably have a follow-up
2 question on your comments, but I think I'm running out of
3 time.

4 What other factors other than politics?

5 MR. FLASHMAN: Well, obviously race and ethnicity
6 are big issues in California. I know that there are
7 central areas around Monterey where there were big
8 lawsuits around challenges based on racial issues.

9 And it's pretty clear even in the Bay Area where
10 I live that there are lots of racial and ethnic -- I'm not
11 sure whether it's disputes but divisions. And people
12 often will tend to look at things again from a perspective
13 of their own racial group or their own -- or for that
14 matter, their own local area group, which may or may not
15 be racial. Just within Oakland where I live, there are
16 very clear differences in how people tend to see things
17 depending on what they call -- whether they're in the
18 flats or the hills.

19 CHAIR AHMADI: Okay. Thank you, sir. No more
20 questions at this point.

21 MS. RAMIREZ-RIDGEWAY: Ms. Camacho.

22 VICE CHAIR CAMACHO: Thank you.

23 Hello, Mr. Flashman.

24 MR. FLASHMAN: Hello.

25 VICE CHAIR CAMACHO: Mr. Ahmadi kind of talked to

1 you about the drawing of the lines. I'm concerned -- not
2 concerned. What I'd like to have clarification is on your
3 statement on the public when they look at the lines they
4 might be concerned with how they were drawn. How can you
5 relieve the public's concerns about some of the lines that
6 might have to be drawn?

7 MR. FLASHMAN: I think there is a variety of
8 things that need to be done. And one of the obvious
9 things is to have a very open process. One of the
10 criticisms of the legislative redistricting process was
11 that it's tended to be pretty secretive. Sort of the
12 classic view of the smoked-filled room. I don't know if
13 it's smoke-filled, but never the less going around in the
14 back room and making deals.

15 You know, one of the things that people have said
16 repeatedly about the current district lines is they are
17 incumbent protection for both parties. So people look at
18 the lines and they -- if they feel like this is a line
19 that tends to protect the Democrats who are in their
20 current places and the Republicans who are in their
21 current places, maybe that's not the fairest way to draw
22 the lines.

23 And again, when you see district lines that
24 stretch and you have a district that winds its way around,
25 that doesn't look fair.

1 So an open process is I think one that people
2 will understand as it's going on how it's going and why
3 decisions are being made because they all see them being
4 made.

5 Also I think it's important that we be able to
6 explain the decisions we make and that we do explain the
7 decisions we make. So if we are going to say we're going
8 to put these two areas together, even though in two
9 different counties because there is a racial or ethnic
10 group that's spread across this county border and it's
11 important to keep that group together so they can maintain
12 the political power and have an ability to influence the
13 political process, I think -- if you give that sort of an
14 explanation, people will say, okay, I can understand why
15 you didn't follow the county line here. And I think
16 particularly when we aren't following natural boundaries
17 or we aren't following the obvious political boundaries
18 it's important that the Commission explain why.

19 VICE CHAIR CAMACHO: Okay. You seem to be very
20 familiar with some of the racial disputes that are in the
21 Bay Area. And I know there was another area that you were
22 discussing. How did you become familiar with these racial
23 disputes?

24 MR. FLASHMAN: I guess just by living here. You
25 know, I'm one of these people who tends to follow things

1 pretty closely. I get the newspaper and I read the
2 newspaper every day cover to cover. Maybe not all the
3 sports section, but everything else. And I keep up with
4 things politically.

5 So I'm -- for example, in Oakland I know most of
6 the Oakland City Council members, have met them
7 personally, and stay pretty aware about what sort of
8 things are going on in different parts of the city.

9 Part of that is because I'm on the Board of --
10 Chairing the Board of one of the communities within
11 Oakland. So I need to know what's going on within Oakland
12 both in my community and other communities to see whether
13 there are things that my community would be interested in
14 basically standing up and saying, excuse me, we think this
15 is important, there and here.

16 So those are -- it's kind of partly because it
17 comes with the territory of being in a community and being
18 involved in the community and I just happen to be
19 interested in finding out what goes on.

20 VICE CHAIR CAMACHO: Since you're in charge of
21 one of the communities within Oakland?

22 MR. FLASHMAN: I wouldn't say in charge.

23 VICE CHAIR CAMACHO: Okay. Help out with them --

24 MR. FLASHMAN: Yes.

25 VICE CHAIR CAMACHO: And you interact -- it

1 sounds like you interact with other communities within
2 Oakland.

3 MR. FLASHMAN: Right.

4 VICE CHAIR CAMACHO: How do you interact with
5 them -- why do you interact with them and what have you
6 learned by interacting with all these various communities
7 within Oakland?

8 MR. FLASHMAN: Well, one of the main things that
9 RCPC is concerned with is development issues. And one of
10 the main issues that comes up in development is zoning.
11 Right now, the city is doing a city wide rezoning. And
12 it's looking at redesigning the zoning particularly to
13 conform to a general plan that was adopted some twelve
14 years ago and finally getting around to conforming the
15 zoning to it.

16 But that's meaning making changes in the zoning.
17 And right now they're doing changes city wide. So for
18 example, one of the zones in our area right now is called
19 C-31. Well, C-31 is applied in several places in the
20 city. They are now talking about coming and replacing it
21 with a new zone that will be applied to even more places
22 in the city. Obviously, all of the places in the city
23 where that new zone will be applied have concerns about
24 what's that new zone going to do to our part of the city.
25 So I've been communicating to people to those different

1 parts of the city to talk to them about what things we
2 have in common, to what extent we can agree on what should
3 or shouldn't be part of this new zoning.

4 And other things such as there are parking issues
5 like parking issues like traffic that effect large parts
6 of the city in different ways. And we have -- there's
7 interest that gets shared between different communities
8 and saying we have a shared interest in making sure that
9 the parking doesn't deter people from coming in. The
10 parking meter rates doesn't deter people from coming into
11 our area and sends them elsewhere, for example.

12 VICE CHAIR CAMACHO: These other communities that
13 you're involved with, are they diversified? And if so,
14 how are they diversified?

15 MR. FLASHMAN: They are diversified -- I mean, we
16 have less in common with some communities than others in
17 terms of having common issues. So, for example, there are
18 right now -- Rockridge, for example, has virtually no
19 industrial development in it. Some of the communities in
20 Oakland have a lot of industrial development. For those
21 communities, the boundaries between the industrial and
22 residential areas are extremely important. It probably
23 doesn't -- in fact, it does not have any effect in terms
24 of Rockridge. And I may meet some of those folks because
25 we're all going to the same meetings, but on that

1 particular issue, I probably don't have too much to talk
2 to them about, at least about Rockridge. I may have my
3 own opinions that I talk to them about, but not as a
4 representative of Rockridge.

5 VICE CHAIR CAMACHO: So these various other
6 interest groups are mainly dealing with the development,
7 not how it's going to effect these communities, the people
8 that are living there?

9 MR. FLASHMAN: Oh, it's tremendously concerned
10 about how is this going to effect our residents. Most of
11 these community organizations, although they're commercial
12 organizations, there are retail, you know, groups in
13 different parts of the city, which I also end up talking
14 to. But a lot of these are residential groups.

15 I've also -- I should say I represented the
16 Chinatown community in a lawsuit against Alameda about --
17 well, original lawsuit was seven or eight years ago. And
18 there was a follow-up dispute that happened earlier this
19 year. But so there I was representing the community, one
20 of the Oakland community as a client. But that doesn't
21 happen that often.

22 VICE CHAIR CAMACHO: Okay. Now, from all this
23 knowledge that you've gained being involved in your
24 community, being a city council member, being an East Bay
25 MUD person and I think you were also on the planning

1 Commission --

2 MR. FLASHMAN: Yes.

3 VICE CHAIR CAMACHO: From all that, how will that
4 experience help you to go out into the public and conduct
5 these public meetings and to interact with the various
6 communities of interest?

7 MR. FLASHMAN: There are a variety of ways. I
8 think one of the main ways it will help is because what
9 I've learned over time is it's important as a public
10 official to be a good listener, which is that you listen
11 attentively. You, if necessary, ask questions. You let
12 people know you've heard them.

13 For example, sometimes it helps to essentially
14 repeat back to people what they've told you so that you
15 can assure yourself that what you heard is what they said.
16 And they can confirm, yeah, that's what I meant. As we've
17 had some of these interchanges here where you've said,
18 "I'm not sure I understand you." I think that's an
19 extremely important part of communication. I've realized
20 over time you have to do that when you're in a public
21 setting. You have to make sure your understanding is
22 correctly -- that what you've heard is what they said.
23 Also the fact that you're asking them and making sure of
24 that tells them that they've been heard, which is equally
25 important.

1 VICE CHAIR CAMACHO: With this knowledge that you
2 have for the racial tensions --

3 MR. FLASHMAN: I wouldn't say it's always racial
4 tensions. You know --

5 VICE CHAIR CAMACHO: Racial, ethnic, cultural.

6 MR. FLASHMAN: There are lots of differences
7 within Oakland. And sometimes people work very
8 cooperatively and sometimes there are tensions. But it's
9 not always.

10 VICE CHAIR CAMACHO: Do you think your
11 interactions would be different when you go out to various
12 areas or would they be the same? You would use the same
13 approach to each community of interest? Why or why not?

14 MR. FLASHMAN: Well, you know, we have a lot of
15 different communities here in California. And I'm
16 certainly not going to sit here and say that people in
17 Oakland are exactly the same as people in L.A. or people
18 in Fresno or Chico. There are lots of different parts of
19 the state. People are different in all these different
20 places.

21 But I do think that there are some, if you will,
22 common human nature to all people in terms of what they
23 want and how they expect to be treated or how they'd like
24 to be treated. I think what I've learned in Oakland in
25 terms of that is certainly applicable everywhere.

1 VICE CHAIR CAMACHO: Okay. I noticed in one of
2 your letters of recommendation that you've been involved
3 with the California High Speed Rail Authority.

4 MR. FLASHMAN: Yes.

5 VICE CHAIR CAMACHO: What is your involvement
6 been? What's your role been in that?

7 MR. FLASHMAN: What my role has been, I've been
8 representing various public interests, non-profits, that
9 are interested and concerned about rail and environmental
10 issues. And actually in fact in the last couple of years
11 I've been representing two cities in the Bay Area, and
12 they have had major concerns about how the High Speed Rail
13 Authority is designing the high speed rail system,
14 particularly here in the Bay Area.

15 And I represented these groups in a lawsuit
16 against the High Speed Rail Authority two years ago, which
17 was partially successful. And I've continued to
18 represent -- I represented them during administrative
19 proceedings for about four years before that and I'm still
20 representing them now in administrative proceedings.

21 VICE CHAIR CAMACHO: Okay. Now, did that
22 experience that you had there immerse you in large volumes
23 of complicated information?

24 MR. FLASHMAN: Oh, yes. Very much so.

25 VICE CHAIR CAMACHO: So with all this information

1 that you had to analyze, how would that be similar or
2 different than your work as a Commissioner?

3 MR. FLASHMAN: In some ways, it would be similar.
4 I mean certainly -- and I think I mentioned that I was
5 actually involved in a redistricting when I was on the
6 Board of East Bay MUD. So I have some familiarity with
7 some of the sort of technical aspects of it. And what one
8 has to look at, although I have to say I expect that was
9 about -- well, it was after the 1990 Census. So we
10 were -- but there was software that was being used then.
11 I imagine the software has gotten a lot more
12 sophisticated.

13 But never the less, there is a lot of statistical
14 data. And in terms of the High Speed Rail Authority, one
15 of the things we got and I'm still very involved in is
16 some issues involving mathematical modeling. And that had
17 to involve my interacting with experts on modeling,
18 getting to understand what they're saying about the
19 modeling and being able to put it into terms that I can
20 understand and also terms that I can talk to a judge and
21 make a judge understand who knows nothing about all of
22 that.

23 So it's involved understanding -- learning and
24 understanding some pretty complicated mathematical
25 concepts and pretty complicated in some cases statistics

1 all concepts. And then trying to communicate that
2 knowledge to other people. And I think that's going to be
3 important in the redistricting process.

4 VICE CHAIR CAMACHO: When you were representing
5 your clients for the California High Speed Rail -- against
6 the High Speed Rail Authority, was it just a judge that
7 you had to present this information or was there also a
8 jury that you had to synthesize this information and be
9 able to give it to the ordinary individual?

10 MR. FLASHMAN: All of these proceedings -- most
11 of my legal work is done in front of judges, not juries.
12 It's just the type of law I practice is not a law that
13 goes before juries, which is not to say that I don't end
14 up having to talk to just plain folks and explain things
15 to just plain folks though. A lot of times both in
16 dealing with my client and dealing with groups of people
17 that are interested in a particular issue, I've got to
18 take what I'm doing which is often pretty complicated in
19 legal terms, and bring -- effectively communicate a level
20 where it can be understood by a group of just plain folks
21 as it were.

22 MS. HAMEL: Five minutes.

23 VICE CHAIR CAMACHO: So who are these plain folks
24 that you would give this information to?

25 MR. FLASHMAN: Well, for example, I've often

1 ended up -- I shouldn't say often -- fairly often ended up
2 representing homeowners' association and they will have
3 members of the homeowners' association they'll ask me to
4 come and explain -- maybe I'm doing a lawsuit on their
5 behalf and I have to explain what's going on in the
6 lawsuit, why are we doing this, what I am trying to do in
7 court. What is going to be effective for them what I do
8 in court. And trying to think of other groups.

9 I've been in various other types of community
10 groups that will have community meetings to say what is
11 going on here. You need to tell us what's going on with
12 this lawsuit or what's going on with this administrative
13 process that our group is participating in.

14 VICE CHAIR CAMACHO: Thank you. That was my last
15 question.

16 MS. RAMIREZ-RIDGEWAY: Ms. Spano.

17 PANEL MEMBER SPANO: Good morning.

18 MR. FLASHMAN: Good morning.

19 PANEL MEMBER SPANO: I know you touched a little
20 bit about why you changed careers from a molecular
21 biologist to the work of an attorney. I was curious why
22 you chose the attorney profession.

23 MR. FLASHMAN: That's another interesting story.
24 I moved out here to California. And I guess I've always
25 been a little bit politically active. You know, way back

1 in the 70s, I went and did some door-to-door canvassing
2 for candidates. I remember I did it because I was in
3 graduate school. I was in Somerville, Massachusetts.
4 There was a person running for mayor that I thought was
5 really good. So I went and did door-to-door knocking on
6 doors and talking to people. I've done those sorts of
7 things occasionally in the past.

8 But when I moved to Emeryville, which is where I
9 moved when I first got here to California, there was a
10 huge development project being proposed. And I had been
11 sort of following at a distance, and then there was one
12 decision that the city council made approving the project
13 and it just seemed like in spite of everything that
14 everybody was saying, they were just rolling on forward,
15 which seemed wrong.

16 So I got involved in an effort to try to stop
17 that. And we ended up putting together a referendum and
18 successfully referending the project.

19 And then in the aftermath of that, two city
20 council members were recalled, and actually that's how I
21 ended up on the city council was a result of that recall
22 to fill one of those seats.

23 And in all of this -- so I got myself all of a
24 sudden pretty involved in political stuff in Emeryville.
25 And that, in turn, got me interested in all the

1 development issues.

2 And I remember at one point there was this one
3 development proposal going on, and it just seemed like it
4 wasn't being done right. It just smelled bad. And I
5 started looking into it legally. And it seemed like they
6 were violating state laws, particularly the California
7 Environmental Quality Act. So I got up in front of the
8 city council and I remembered very clearly getting up
9 there and saying, you know, they were violating CEQA in
10 doing this project. And one of the city council members
11 looked down at me and said, "What do you know? You're not
12 a lawyer."

13 So after I had gotten laid off and had been doing
14 various things for six months or a year that came back
15 and -- well, maybe I'll look at that.

16 PANEL MEMBER SPANO: Then you went to law school.
17 What do you enjoy more, being a biologist or
18 being an attorney?

19 MR. FLASHMAN: They're real different. And I
20 like both of them. I have to say there are some things I
21 really loved about biology and doing research. I loved
22 the thinking about complex issues and coming up with
23 theories and then figuring out how do I test that theory.

24 And sometimes it wasn't so much fun to just keep
25 trying to do this test that doesn't work and didn't work

1 and didn't work. You'd end up spinning your wheels for
2 six months trying to approve or disprove something. That
3 was the part I didn't like too much.

4 And I guess maybe it's somewhat similar, because
5 in the law, I find it fascinating to read about the
6 complicated legal issues that come up and trying to figure
7 out how to deal with them. And figuring out what the
8 courts said about this. And does that make sense or is
9 there a problem here in terms of how the courts have dealt
10 with this? If there is a problem, is there a way of
11 correcting that? And there is a lot of really interesting
12 stuff that you deal with in the law. There is also the
13 very mundane things like taking depositions which I have
14 to say is not my favorite part of the law.

15 PANEL MEMBER SPANO: I understand.

16 MR. FLASHMAN: I guess it's sort of like what
17 you're doing right now.

18 PANEL MEMBER SPANO: But you're not under oath.
19 You, as an attorney, litigated election law?

20 MR. FLASHMAN: Yes.

21 PANEL MEMBER SPANO: Can you talk about that?

22 MR. FLASHMAN: Yeah. Most of the work that I've
23 done in election law has to do with ballot measures. And
24 some of it has been just litigating the legality of
25 whether a ballot measure was appropriate to get put on the

1 ballot and the legal arguments about what California law
2 says about what you can or can't put on the ballot.

3 But some of it has also gone into technical
4 issues about -- I remember one case I dealt with about two
5 or three years ago involving a petitioning effort in San
6 Mateo County actually in the city of San Mateo. And the
7 issue really boiled down to questions about well, was this
8 signature on the petition valid or not? So the
9 technicality is what you have to do to have a valid
10 signature on a petition. And you know, when do you have
11 to re-register after you -- and when you move, do you
12 always have to re-register? Are there times when you
13 don't have to re-register? How do you sign the ballot --
14 a petition, it was eye-opening to me in terms of some of
15 the technicalities and the way in which people when they
16 sign a petition they don't realize, you signed that
17 petition, but it may not count.

18 PANEL MEMBER SPANO: Interesting.

19 What changes in the areas of election law
20 practice have you noticed between 1990 and now?

21 MR. FLASHMAN: I haven't noticed I have to say
22 any enormous changes. At least in the parts of election
23 law that I deal with, which again as you say are mostly
24 the ballot measures. I think that -- well, actually, I
25 take that back. There was one major change and ironically

1 I ended up on the wrong side of the change in terms of it
2 happened after it would have helped me.

3 But there were changes in terms of who can
4 petition, who can carry petitions in a ballot measure
5 because it used to be the city could say you have to be a
6 registered voter in the city to carry a petition. And the
7 court said no, you don't have to be a registered voter.
8 You have to be eligible to vote. And then there was a
9 U.S. Supreme Court case that said that if you restricted
10 carrying the petition to city residents, that's not
11 appropriate because you're interfering with the ability of
12 a group wanting to essentially circulate a petition to get
13 it done. And so the Supreme Court threw out the
14 requirement and basically said as long as you're a
15 California resident, you can circulate a petition anywhere
16 in California.

17 PANEL MEMBER SPANO: What is the demographic
18 makeup of the people that are your clients and the needs
19 of them?

20 MR. FLASHMAN: My clients, just generally my
21 clients?

22 PANEL MEMBER SPANO: Yeah.

23 MR. FLASHMAN: It's all over the place. I've
24 represented some black community groups in Richmond. I've
25 represented some individual Hispanic people in Berkeley.

1 I've represented -- I've represented the Chinatown Chamber
2 of Commerce in a group called Asian Hills Service in
3 downtown Oakland -- in the Chinatown section of downtown
4 Oakland.

5 I've represented lots of -- well, I've
6 represented a group that's pretty racially and ethnically
7 mixed in the El Sobrante called El Sobrante Valley Defense
8 Fund. I've represented a group of kind of semi-rural --
9 semi-rural homeowner association in the unincorporated
10 area outside of Vallejo.

11 I'm trying to think what other types of groups.
12 Just a wide variety of different types of groups.

13 PANEL MEMBER SPANO: What types of legal matters?

14 MR. FLASHMAN: Mostly environmentally and land
15 use matters. That's my specialty. Although again, I
16 you've also ended up representing groups on election law.

17 What happened was is my involvement in land use
18 and environmental issues led to my advising groups that
19 wanted to get an environmental or land use measure on the
20 a ballot, usually a local ballot. And that in turn led to
21 me becoming more knowledgeable about ballot measures in
22 general.

23 PANEL MEMBER SPANO: What are the similarities
24 and differences in these diverse groups that you have in
25 clients and the laws that pertain to environmental land

1 use and their issues? Were they similar or different?

2 MR. FLASHMAN: You know, I think in most respects
3 there's more similarity than any differences. They're in
4 different cities. There can be different city laws, city
5 zoning and/or county zoning. More often than not, I'm
6 working with state law though, and that doesn't change
7 from municipality to municipality.

8 But in terms of what types of interests are
9 involved, I would say in general they're pretty commonly
10 what usually I'm doing is I'm trying to step into help.
11 Local community feels like their local government is
12 stepping on them, is not paying attention, is just
13 rim-rodding something through, that is ignoring their
14 interests.

15 PANEL MEMBER SPANO: What kind of interests?

16 MR. FLASHMAN: So I'm basically stepping in to
17 try to defend them.

18 PANEL MEMBER SPANO: What kind of local interests
19 are at the heart of these people?

20 MR. FLASHMAN: You mean what they want to
21 protect?

22 PANEL MEMBER SPANO: Yeah.

23 MR. FLASHMAN: A lot of times it will be the
24 livability of their local community. So it may be, for
25 example, some big development project coming in that they

1 are just worrying is going to overwhelm their local
2 streets with traffic.

3 Or it may be that they have an area that has been
4 used as a park and all of a sudden the city is going to
5 sell it off for development and they're going to lose park
6 space.

7 It may be a situation where the city has been
8 insensitive to them on things like what recreational
9 facilities they have available to them.

10 You know, most often it usually turns out to be
11 something related to is -- people like usually where they
12 live. And when things happen to where they live that make
13 it worse, they don't like it. That's generally what I got
14 involved in.

15 PANEL MEMBER SPANO: What did you learn about the
16 needs of your clients that would assist you on the
17 Commission?

18 MR. FLASHMAN: I think one of the things that
19 I've learned is that people -- again, people want to
20 protect their interest. People feel like -- and people
21 are distrustful of change. And if you're going to
22 convince people that this is a change that's good for you,
23 you really need to be -- you need to be aware that there
24 is a need to do that, that you can't just assume this is
25 going to be good. You'll like it. No. In change, people

1 are generally going to say I'm not sure I trust that. I
2 need it explained to me why this is beneficial for me to
3 get behind it.

4 PANEL MEMBER SPANO: How do you propose to reach
5 the citizens of California who are really disengaged in
6 the electoral process and really have no clue about
7 redistricting and the impact of it?

8 MR. FLASHMAN: It's hard. I mean, I think one of
9 the things that the Redistricting Commission is going to
10 have to do is do some public relations, public spreading
11 public information. Going around and putting out flyers,
12 putting them in local libraries, maybe putting ads on the
13 TV or radio to make the public aware of the importance of
14 what's being done here. And that this is not something to
15 be ignored.

16 I noticed I just got an e-mail a couple of weeks
17 ago from the NAACP that they're putting out a handbook
18 about redistricting for minority communities. I think
19 this is a national handbook. And I certainly think we
20 want to cooperate with groups like the NAACP and other
21 groups that are concerned and worried about redistricting
22 and want people to get involved, particularly in groups
23 that could be adversely effected by redistricting. So I
24 think we want to cooperate with them to spread the word
25 this is an important process that you should be aware of

1 it and should try to be involved in it.

2 PANEL MEMBER SPANO: What do you think the
3 biggest challenges will be for the Commission as they
4 conduct their business?

5 MR. FLASHMAN: I think that will be one of them,
6 just getting people interested. You know, I've noticed
7 there have been a few news items about this Commission.
8 But I think this is for most people, this whole process is
9 under the radar. I don't know that more than maybe five
10 percent of the population probably is even aware that this
11 process is happening.

12 When it gets to the point where the Commission
13 starts functioning, there will be some people who will be
14 more aware. But the Commission is going to have -- a lot
15 of the biggest issues the Commission is going to have to
16 deal with is getting people to realize before the
17 decisions get made that they have to get involved.
18 Because it doesn't do any good if after the decisions are
19 made somebody said, "Hey, that wasn't fair. You didn't
20 let me know about it." You've got to -- in other words,
21 you need to let people know beforehand and try as best you
22 can make sure that they have a chance to be involved. So
23 they can't afterwards say "you never told me."

24 PANEL MEMBER SPANO: You've done a lot of
25 statistical model work and you were a research biologist

1 prior. How difficult do you think it will be for the
2 Commission to make decisions involving qualitative and
3 quantitative analysis?

4 MR. FLASHMAN: I think I'm assuming that not
5 everybody on the Commission is going to be equally adept
6 at handling technical matters. We're going to have some
7 people whose expertise will be on that perhaps and some
8 people who will be -- hopefully nobody who's just totally
9 lost. But we have people I'm sure who are -- my wife, for
10 example -- on computers, my wife is barely adept. She can
11 do simple things on the computer, but if it gets
12 complicated, she'll call me over and say, "Can you help me
13 with this?"

14 So I think we're going to have to -- and
15 obviously we'll need to have technical staff. But I think
16 we need to work with the technical staff to make sure that
17 all of the Commissioners are able to understand the
18 technical aspects of things that can be presented in a way
19 that all the Commissioners can understand it.

20 PANEL MEMBER SPANO: Thank you.

21 You stated in your application indeed while
22 serving on the East Bay MUD Board, specifically on the
23 Board of the Alameda County Mosquito Abatement District
24 for many years you became informally known as the
25 "Guardian of the Brown Act." Can you tell us more about

1 this nickname?

2 MR. FLASHMAN: Well, you know, the Brown Act I
3 think an extremely important law in California. And you
4 know, I know there is going to be an equivalent law that
5 will govern the Commission. It's not the Brown Act that
6 is the particular name. But there is another law that is
7 certainly the same type of law.

8 And one of the things that would occasionally
9 happen, for example, on the Mosquito Abatement District,
10 everybody had e-mail addresses. And there would
11 occasionally be times where someone would send out an
12 e-mail blast to all of the Board members and I would have
13 to caution Board members to say you can't -- you can't
14 spread your opinions around to all of the other Board
15 members via e-mail because that's essentially having a
16 meeting that is not a Brown Act meeting. It's not an
17 appropriate Brown Act meeting. We need to be very careful
18 what we put in e-mails. And just because the manager for
19 the district may send an e-mail to all of us telling us
20 about something, we can't say reply all when we're telling
21 him. Because if we say reply all, we're having a meeting.
22 So that was one of the things that I often ended up doing.

23 It didn't happen actually -- well, it did
24 occasionally happen at East Bay MUD, and it actually
25 happened most I'm afraid when I was in Emeryville on the

1 city council. We would have a closed session and someone
2 would start talking about something that wasn't
3 appropriate for a closed session. I'd have to say, "Wait
4 a second. We can't talk about that. That's not closed
5 session item. If we're going to talk about that, we need
6 to go back out there into open session."

7 So those are the sort of things that I would end
8 up that got me my nickname.

9 PANEL MEMBER SPANO: Do you find that your fellow
10 Committee members or Board members just don't recognize
11 the importance of the Brown Act, or is it just that they
12 forgot that it's very easy to fall into common
13 conversation with people once you get to working with them
14 in closed session?

15 MR. FLASHMAN: I think it's mostly the latter.
16 It also is in part I think sometimes even though there's
17 been more attempts -- particularly recently there's been
18 attempts to make sure that Board members are educated
19 about their responsibility under the Brown Act and under
20 the conflict of interest regulations, which I think has
21 been very good, although I know a lot of Board members
22 resent having to take these extra educational courses on
23 these things.

24 But a lot of times, particularly with new Board
25 members, you have people who just haven't done this before

1 and aren't used to what they can and can't do in terms of
2 what's a meeting and when they can't do something,
3 because, no, you can't do that. It's a meeting. If
4 you're going to have a meeting, the public needs to be
5 able to be there and know what you're going to talk about.

6 So I don't think -- I can think of maybe one or
7 two instances over say 35 years when somebody did
8 something knowing it wasn't the right thing to do.

9 PANEL MEMBER SPANO: I'm sorry.

10 MR. FLASHMAN: When someone would do something
11 that was a violation of the Brown Act and probably knew it
12 was a violation.

13 PANEL MEMBER SPANO: Intentionally?

14 MR. FLASHMAN: Yeah.

15 PANEL MEMBER SPANO: In those circumstances, were
16 you a participant or a member?

17 MR. FLASHMAN: I one time threatened to walk out
18 of a closed session on that basis. And then they
19 basically pulled back.

20 PANEL MEMBER SPANO: Thank you.

21 MS. RAMIREZ-RIDGEWAY: Panelists, are there
22 follow-up questions?

23 VICE CHAIR CAMACHO: No.

24 CHAIR AHMADI: I don't have any.

25 MS. RAMIREZ-RIDGEWAY: Just have a couple of

1 questions for you, Mr. Flashman.

2 Tell me more about your experience redistricting
3 the ward boundaries for MUD.

4 MR. FLASHMAN: Well, we had, as with every type
5 of elected district, you have to have redistricting after
6 every Census. So I had been elected in 1990 and the 1990
7 Census results came out. So the district had to
8 redistrict its wards, which were called wards because it
9 gets confusing you have a district with districts. So the
10 ward boundaries had to be redone.

11 And initially, it was essentially handed over to
12 staff and a consultant. And the -- they came back with
13 some proposals for how to have new ward boundaries. I
14 looked at them and some of them just didn't make sense to
15 me. I mean, some of them seemed like they were -- in some
16 cases seemed like they were intended to protect incumbents
17 and in some cases, they were ignoring what seemed to me to
18 be pretty logical boundaries.

19 And I think there was a tendency for the staff
20 and the consultant to just say let's start with what we've
21 got right now and just make whatever adjustments to
22 whatever boundaries we need to. So if this ward has more
23 people, this ward has less people, we'll just shift the
24 boundary between the two. And that you know, yes,
25 technically that works. But if you're shifting the

1 boundaries and not paying attention to how you're shifting
2 the boundaries and where those boundaries fall, you can be
3 slicing an area in half.

4 Like, for example, El Sobrante. And so I
5 basically said, you know, I'd like to take a look at if
6 there are things that can be done to adjust these
7 boundaries to basically see -- make it fair. And so the
8 staff agreed to let me look -- use the software to come up
9 with some alternative proposals for boundaries. And we
10 basically put together several different alternative
11 proposals and those got presented to the Board. And some
12 of them they accepted, some of them they didn't.

13 MS. RAMIREZ-RIDGEWAY: Did you have to apply any
14 laws to that experience that might be applicable to work
15 as a Commissioner?

16 MR. FLASHMAN: You know, this was -- I just
17 graduated from law school and I was not very conversant, I
18 have to say, with civil rights law.

19 But in terms of the boundaries that we were
20 working with, I don't think any of them involved a
21 minority community. So I don't think there were any
22 issues that came that would have come up under the Voting
23 Rights Act.

24 MS. RAMIREZ-RIDGEWAY: Did you have an
25 opportunity to take public comment?

1 MR. FLASHMAN: Yes. Oh, yes. There was a fair
2 amount of public comment.

3 MS. RAMIREZ-RIDGEWAY: Your clients to your law
4 practice, I don't want to know their names. But I wonder
5 given that you do some election law and you've worked in
6 generally in government law, whether your client roster
7 includes any lobbyist or past or current members of the
8 Legislature, the Board of Equalization, Governors or their
9 staff?

10 MR. FLASHMAN: No. No State officials at all.
11 And at least not that I know of have I ever represented a
12 lobbyist.

13 MS. RAMIREZ-RIDGEWAY: Now, you currently hold an
14 elected position for the Rockridge Planning -- Rockridge
15 Community Planning Commission?

16 MR. FLASHMAN: In theory, it's elected. Our
17 Board gets elected essentially by people who live in
18 Rockridge.

19 And the turnout varies. As I say, there's about
20 10,000 people that live there, of which I would guess
21 maybe half of those are people who would be considered
22 eligible to vote, not being children. And I think the
23 biggest election we had, we had maybe somewhere between
24 500 and 1,000. But more typically it's around 100 or less
25 actually.

1 MS. RAMIREZ-RIDGEWAY: And the Commission
2 generally does what?

3 MR. FLASHMAN: The Rockridge Community Planning
4 Council?

5 MS. RAMIREZ-RIDGEWAY: Uh-huh.

6 MR. FLASHMAN: We deal with a variety of issues.
7 Probably the reason why it got formed was about land use
8 issues. But we deal with other issues like traffic
9 issues, school issues, park issues. We actually were
10 instrumental in establishing a new community park in the
11 area. We helped establish a local branch of the Oakland
12 Public Library in Rockridge. We did the fund-raising for
13 that. We're actually, in fact, now involved in helping
14 doing fund-raising to provide a DVD collection for the
15 library. So a variety of different aspects. Probably
16 land use is one of the more important, and I guess that's
17 how I ended up being chair.

18 MS. RAMIREZ-RIDGEWAY: So do you advise the city
19 council the Board of Supervisors on all issues or only
20 land use issues and then you do other stuff just because
21 you can or --

22 MR. FLASHMAN: We get involved -- I mean,
23 generally one would say we try to represent the Rockridge
24 community before the city council on any matters that
25 affect the Rockridge area. So it could be a lot of times

1 it is land use. But we've also dealt with them on traffic
2 issues. We were part of a coalition of groups that ended
3 up suing Caltrans over a project involving the Caldecott
4 Tunnel, widening the Caldecott Tunnel that we felt was
5 going to be bad for the Rockridge community. And we've
6 worked -- in fact, one of the reasons we did that was
7 because we felt it was going to have a detrimental impact
8 on the schools in the area because the freeway ran right
9 past all of the schools.

10 MS. RAMIREZ-RIDGEWAY: So this is essentially a
11 voice for your community?

12 MR. FLASHMAN: That's right.

13 MS. RAMIREZ-RIDGEWAY: Before the council,
14 unified voice so individuals don't have to show up en mass
15 to a city council meeting, they can delegate that?

16 MR. FLASHMAN: Sometimes we organize that, too.

17 MS. RAMIREZ-RIDGEWAY: Now, this is a 501(c)(3)?

18 MR. FLASHMAN: Yes.

19 MS. RAMIREZ-RIDGEWAY: As you may be aware, the
20 Bureau of State Audits is promulgating some new
21 regulations that implement the provisions of the Voter
22 First Act relating to service in local or appointed
23 positions post-appointment to the Citizens' Redistricting
24 Commission. And given the nature of your organization
25 that it's a nonprofit, I don't think that there's a

1 problem for you. However, it's very fact specific
2 analysis and I won't --

3 MR. FLASHMAN: Okay.

4 MS. RAMIREZ-RIDGEWAY: -- attempt to analyze it
5 here.

6 My question for you is in the event there was a
7 conflict and you are seated for the Commission, what would
8 you do?

9 MR. FLASHMAN: I would -- assuming I got
10 appointed to the Commission and it did appear to be a
11 conflict with my holding the position at RCPC, I would
12 have to try to see if I can find someone to take over my
13 position at RCPC. Although I feel the position I have at
14 RPCP is important for Rockridge, I feel this position is
15 far more important for the state.

16 MS. RAMIREZ-RIDGEWAY: As you may be aware, the
17 first eight Commissioners select the next six. Assuming
18 you're one of the eight whose names are randomly drawn,
19 how would you go about making that selection and what role
20 would diversity play in the process of choosing your next
21 six colleagues?

22 MR. FLASHMAN: I think one of the things I want
23 to do is first to look who are the other people and what
24 are their qualifications? What essentially are their
25 strengths and weaknesses?

1 And then obviously we'd have to sit down together
2 and talk about, well, where are we weak that we want to
3 buttress? Where are we strong we don't need to worry too
4 much about? But again, to the extent that eight does not
5 fully reflect the diversity of California, I think we want
6 to try to reflect that diversity again.

7 It's one thing for people to say I'm looking out
8 for your interest, trust me. It's another thing to
9 actually see that someone on the Commission represents
10 your interest. I think people are going to be more
11 willing to trust the Commission if they see that their
12 group, their whatever it is racial or ethnic or the
13 community of interest, that they have some representation
14 on the group on the Commission.

15 MS. RAMIREZ-RIDGEWAY: Panelists, I don't have
16 any additional questions. Do you?

17 CHAIR AHMADI: No.

18 VICE CHAIR CAMACHO: Neither do I.

19 MS. RAMIREZ-RIDGEWAY: Thank you for coming to
20 see us, Mr. Flashman. You have about eleven minutes left
21 if you'd like to make a closing statement.

22 MR. FLASHMAN: Do want to say a little bit. I
23 want to first off start by thanking you actually I guess
24 the four of you for doing this, because I'm sure it is
25 extremely stressful to be having to -- I mean, I've done a

1 few interviews for people when I've had to hire people in
2 positions. I can't imagine interviewing 120 people. It
3 boggles my mind, and particularly for the Commission
4 that's this important and where there are so many
5 different factors to juggle. I admire you. I'm not sure
6 I envy you.

7 But I do want to say I really appreciate your
8 efforts, and I want to thank you for the questions you've
9 asked today. They've been good questions. And I
10 appreciate the thought that's gone into them.

11 And I don't know whether I'll end up being chosen
12 or not. If I'm chosen, I will be very honored. If I'm
13 not, that's perfectly fine, too. But I'm hopeful -- I
14 guess the one thing I would comment on is I think one of
15 the most important things that you need to look at is to
16 make sure that you've got a Commission that can work
17 together. And that's obviously hard to figure out just
18 interviewing individual Commissioners, potential
19 Commissioners because you're not seeing us in a group
20 setting and you're not seeing how we work in a group
21 setting.

22 And I hope that you are taking into account that
23 what we really need as a Commission is we need commonality
24 of interest. We need people who share a viewpoint in
25 terms of what they would like to come out of this, which

1 is to say they want to see a fair set of boundaries drawn,
2 of boundaries that again reflects and respects the ethnic
3 diversity of California racial and ethnic diversity in
4 California, but can give all Californians a sense that
5 they trust the result that comes out of it.

6 And I was thinking about how would I go about
7 figuring out who's got that. How are we going to do that?
8 I don't have any good clues or suggestions. But I do
9 think it's extremely important. So I wish you the best of
10 luck.

11 CHAIR AHMADI: Thank you, sir.

12 MS. RAMIREZ-RIDGEWAY: Thank you.

13 VICE CHAIR CAMACHO: Thank you.

14 MS. RAMIREZ-RIDGEWAY: Thank you. We'll recess
15 until 12:59.

16 (Thereupon the panel recessed at 12:20 p.m.)

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