

From: drawtustin@tustinca.org <drawtustin@tustinca.org>
Sent: Monday, September 6, 2021 9:18 AM
To: Draw Tustin <DrawTustin@tustinca.org>
Subject: Tustin Districting - New submission from Contact Us

Name
Scott Couchman
Email
[Redacted]
Message
I'm encouraged by the initial information and the commitment to the process that's been identified. I look forward to providing input. I've seen how the community surrounding Tustin High School has been abused and ignored by recent city councils and am hopeful to see that change with representation on the council.

From: Susan Eilenberg <[Redacted](#)>
Sent: Monday, September 6, 2021 3:48 PM
To: Draw Tustin <DrawTustin@tustinca.org>
Subject: Tustin Areas

City of Tustin,

Tustin is not that big. All areas interact already in schools, businesses, and community as do all races and economic levels. Why divide an otherwise unified city? Please don't seek division between economic or racial areas. I disagree with the claim that one race is more underrepresented than another. Every eligible person in the city is given the opportunity to vote. It is important that one district does not carry more weight than another district on any basis other than the right to vote.

But if you were to seek division, which no doubt generates comparing one area, and potentially one race or economic level to another--which I believe should not be the goal of government--I think it could be suggested that there are 3 basic areas of Tustin: (1) Tustin Legacy (2) Tustin Ranch (3) All the rest of Tustin (which is the older part). The basis for these areas is when they were established.

Regards,
Susan Eilenberg
Tustin (The other side of the freeway from Tustin High School)

From: Lee K. Fink
To: Yasuda, Erica; Woodward, Carrie
Cc: Clark, Letitia; Lombard, Austin; Cooper, Barry W; Gallagher, Ryan; Gomez, Rebecca

Subject: City Council Meeting September 7, 2021, Public Input Items 7&8

Date: Tuesday, September 7, 2021 4:40:54 PM

Dear Ms. Yasuda,

Below is my public comment on the two items related to District Elections. Unfortunately, the City e-comment system did not allow for comments this long, and I did not have time to write a shorter letter. Please include this in the record for the public hearing.

Dear Members of the Tustin City Council,

I write to comment on the proposal for districting in Tustin. I acknowledge from the outset that as a person who was a candidate for the City Council in the 2020 elections, my input may seem partial or biased, but I attempt to clarify that. But I also hope that my experience in running in the most competitive city council election that Tustin has seen in years (if not ever) gives me a better perspective on the current situation.

1. The Council Should Not Adopt Districts and Instead Adopt an Alternative Voting System Such as Rank and Add-On

I realize that the Council has considered this option, and in many ways may have its hand forced. But the Council should further push for alternative voting.

District elections under the CVRA are intended to ensure that minority communities are able to elect representatives from their own communities, and elect representatives like them. That goal is laudatory, but has not proven successful. The Tustin Unified School District has adopted districts, and the district that is heavily Hispanic had an uncontested election that did not elect an Hispanic to the City Council. Experience with districts in nearby cities such as Lake Forest and Orange have resulted in similar experiences.

Moving to districts do not promote minority representation for a number of reasons. When there is not significant competition in local elections (and except for 2020, there has been very little competition for City Council seats in Tustin in the last decade, with midterm election cycles each featuring only two candidates on the ballot for two seats). Additionally, gerrymandering by the elected city council (even if done with the best of intentions) can result in less competition. Districts also are likely to be distorted in Tustin as the development of Tustin Legacy continues, since that is likely to be the largest growth in population over the next decade (or longer).

Finally, by moving to districts, minority communities get to exercise their vote only every other major election cycle, potentially reducing their influence in elections.

The Rank and Add-On alternative voting system allows support for candidates from, and candidates supported by, minority communities to obtain support to win election because of

the weighting of votes. Moreover, communities get to exercise their influence in every election cycle. The use of an alternative vote system such as Rank and Add-On ensures competition. Unsuccessful candidates can seek election in the next cycle, just as current Councilman and Mayor Pro-Tem Lumbard did. And the use of Rank and Add-On avoids claims of gerrymandering to protect incumbents—particularly if those incumbents live close by.

Finally, districts present a problem of winners that do not receive a majority of the vote. In first-past-the-post elections, a candidate can win without the majority of the vote. Indeed, candidates can enter just to peel off votes. As a result, candidates with a relatively small vote total can win. Alternative voting systems such as Rank and Add-On can address this.

The City should be working closely with our local legislators to adopt this as either an alternative for all General Law cities or as a pilot program. We know that several local legislators are potentially supportive, if the City would pursue this aggressively.

2. Number of Districts

In the event that the City moves to district-based elections, the minimum number of districts should be five. I believe that no other city in Orange County has district-based elections and only four districts. Buena Park and Lake Forest both have five districts and an at-large Mayor. Orange, Santa Ana, Anaheim, and Costa Mesa all have 6 districts and an at-large Mayor. (Irvine has four councilmembers at-large and an at-large Mayor, so the problems discussed below does not apply to our friends to the East.) Four districts would create districts so large that the very purpose of districts is diluted. Moreover, the district that includes Tustin Legacy would be distorted.

From the practical political standpoint, districts that are too large eliminate the local connection between the councilmember and the constituents. Small compact districts would allow candidates to literally communicated personally with each voter. But as the size increases, that personal communication becomes superficial or even impossible. Thus, adopting four large districts reduces the value of district elections with no corresponding benefit.

Finally, sequencing is a serious problem. Tustin must elect at least two people to the City Council in 2022. If the City were to adopt four districts and an at-large mayor, that would result in replacing one current council seat with an at-large mayor and one with a district election. Assuming these are all four year terms, one district would oddly be electing its councilmember in midterm elections, and a mayor would be elected in all the midterms. That would be an unusual imbalance, creating numerous political problems. Just one example is that majorities could not change with the mayoral election, creating a huge imbalance between public expectations and implementation of policy existing council majorities from the popular will of unpopular decisions, and allowing. A 3-2 split among five council districts works better, with the Mayor remaining a rotating ceremonial position. Or, if the Council adopts an at-large Mayor, having election for 3 council districts and an at-large mayor in 2022 would create an equitable and manageable split, allowing the majority to shift with the mayoral election, matching the electorate's expectation with the reality of the politics.

The Council should therefore adopt either five districts or 6 districts and a Mayor

at-Large. **3. At-Large Mayor**

I do not at this point express a preference for or against an at-large Mayor, but call out only the consequences that the Council should consider.

It is important to note that an at-large Mayor in a City with a Council-Manager system is still largely symbolic. The mayors of Santa Ana, Anaheim, Costa Mesa generally have no more formal power than their peers on the Council. Other than presiding at the Council meetings, their actual political power comes only from the use of the bully pulpit and if they can lead a majority on the Council. While mayors in Santa Ana and Anaheim currently enjoy majority council support, recent mayors (Tait and Pulido) have often been part of the minority bloc on their council. That creates a disconnect between the public—which views the mayor as the leader—and the political reality.

Creating an at-large position that does not have substantially more authority than a councilmember seems an odd decision. It seems to favor someone seeking a title rather than seeking a job to serve the community.

That being said, in a district-based city, the Mayor can be a unifying voice for the City. Additional authority can be given to the mayor (potentially in terms of appointments of commissioners, agenda-setting authority, and other). Those are important things to consider.

If the City adopts a city-wide mayor, mayoral elections should happen during Presidential election years, where there is the highest voter turnout. The Mayor's strongest power will be the bully pulpit. For that bully pulpit to be useful, the Mayor must be elected when voter turnout is highest. For an at-large Mayor elected in 2022, the election should be two-year term.

An at-large Mayor should also be elected with three other city council members. That means that the majority of the Council could, theoretically, shift in the mayoral election. If voters are upset, they can oust the mayor and sufficient councilmembers that will enable a change in policy. If they are satisfied, they can assume safely that the Council direction will continue. This can be implemented by electing 3 councilmembers and a Mayor every Presidential election years, or having a two-year mayoral term and therefore electing 3 councilmembers and a Mayor every year.

I encourage those mayoral elections take place every four years. Irvine and Santa Ana elect their mayor every two years. And while that creates a lot of opportunity to vote, it puts that Mayor in the state of a constant campaign. That is simply not sustainable for candidates and elected officials who have to hold down a job. I know that the time spent as a candidate on a city council election is difficult. Making a mayor, running citywide, do that every two years (while also actually serving as mayor) creates a challenge that would be terrible for any person. Unfortunately, it does mean that the first at-large Mayor would have to be elected to a special two-year term, but the long-term benefits require this.

4. Run-Off Elections

The City Council must address run-off situations. If a candidate does not receive an outright majority, it is unclear that person should be elected to the office. The City could adopt instant run-off voting to address this, either in districts or just the at-large Mayor (if there is one). The Council could also require run-off elections if no one receives a majority, or the Council could set a high but not majority threshold to avoid a run-off (40% or higher, as an example).

This question is particularly acute for the office of an at-large Mayor. Irvine, Anaheim, Santa Ana all have at-large Mayors. And yet none of the mayors elected to those offices received a majority of the vote. Given that the Mayor's strongest power in Council-manager cities is their role as a unifying voice, the lack of a majority-vote mayor is odd, at best. The Council might initiate a runoff or instant runoff only for Mayor.

Thank you for your consideration of these issues, and I look forward to the Council's continued public outreach.

Sincerely,

Lee Fink