

STAFF REPORT



CITY ATTORNEY'S OFFICE

DATE: June 30, 2026

TO: Justin Hess, City Manager

FROM: Joseph H. McDougall, City Attorney
BY: Jill Vander Borght, Chief Assistant City Attorney

SUBJECT: Review of Potential Options for Sequencing of Elections in Map 130;
Adoption of a Resolution Assigning Sequence of Elections in Districts
Depicted in Map 130; and Direction to Staff

RECOMMENDATION

1. Review potential options for sequencing of elections in Map 130 (Attachment 1).
2. Adopt A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK SETTING THE SEQUENCE OF ELECTIONS FOR AN ORDINANCE ADDING A NEW ARTICLE 3 TO TITLE 2 OF THE BURBANK MUNICIPAL CODE TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY COUNCIL MEMBERS AND ESTABLISHING DISTRICT BOUNDARIES TO BE SUBMITTED TO THE VOTERS OF BURBANK AT THE NOVEMBER 3, 2026 CONSOLIDATED STATEWIDE ELECTION, AND MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Attachment 2a or 2b¹).

BACKGROUND

2022 CVRA Demand

On August 23, 2022, the City received notice of a potential violation of the California Voting Rights Act (CVRA) on behalf of a Latino voter (Plaintiff) in the City of Burbank. (Elec. Code §§14027-14032.) On January 24, 2023, Council adopted a Resolution of Intent to Initiate a Transition to District Elections and authorized staff to retain National

¹ There are two versions of this Resolution to accommodate Council's choice in assigning sequencing.

Demographics Corporation (NDC), proven expert demographers serving local governments in California in successful districting, to guide the process.

In consultation with NDC, staff developed a robust timeline of workshops and public hearings for the districting process. Also directed by Council, staff and a communications partner delivered substantial and wide-reaching outreach to the community regarding the process and opportunities to engage.

Council held two pre-map public hearings on March 14, 2023, and April 11, 2023, with three community forums on March 30, April 6, and April 8. Prior to the initial June 2nd deadline, 26 draft maps were submitted along with 14 submissions in a “Draw Your Neighborhood” tool. On June 14, 2023, Council held its first public hearing to consider maps submitted by the June 2 deadline. At that hearing, Council considered the maps submitted and provided direction to staff and the demographer on specific focus maps. At Council’s direction, the City hosted five additional community forums on June 15, 22 (one virtual and one live), 24 and 29 to allow constituents multiple opportunities to discuss and debate Council’s five “focus” maps and other direction provided at the June 14 hearing. The City received thirteen additional maps and one more “Draw Your Neighborhood” submission by the second July 7 deadline.

Council held a fourth public hearing July 18, 2023 at which it considered the additional submissions. At that hearing, Council directed the demographer to create two variations of Map 130. The demographer created four variations, two more than Council requested to allow for discussion of the potential consequences of Council’s directions. Each variation included a proposed sequencing in which the districts depicted in the map would be up for election, either in the presidential election year or in the gubernatorial election year. Map 130 and its variations with corresponding sequencing proposals were posted on Burbank’s redistricting website on July 28, 2023. (Additional information on the districting process, community forums, public hearings, and more is available on the City’s districting website at <https://burbankcouncildistricting.squarespace.com/>.)

August 23, 2023 Public Hearing And Consideration of Map 130

Council considered Map 130 and its variants at a public hearing on August 23, 2023. Council did not assign a final sequencing of elections in the districts of Map 130 or of any of its variations. Rather, Council directed staff to return for future discussion following the outcome of the California Supreme Court decision in the *Pico Neighborhood Ass’n v. City of Santa Monica* case. On August 24, 2023 the Court issued its opinion.

Considering the Supreme Court’s expansive discussion of alternative electoral systems as remedial options in a CVRA case, on October 3, 2023, the City Council unanimously declined to adopt a districting ordinance and directed staff to evaluate the availability and

impact of cumulative voting within the City's existing at-large election system. A unanimous motion gave the following instructions to staff:

- a. Contact the Los Angeles County Clerk regarding the feasibility of cumulative voting for residents and return with a first-step report on cumulative voting that addresses any expected impact on voter representation in Burbank.
- b. Direct the Charter Review Committee to consider the size and composition of the City Council, consider various iterations of districts, the possibility of a separately elected Mayor, and a re-districting process.
- c. Invite the prospective plaintiff who sent the City the August 23, 2022 notice of a potential violation of the CVRA to participate in the future discussion to ensure any potential outcome address the concerns posed by the initial notice.

Before staff could execute the direction, the plaintiff filed litigation.

2023 CVRA Lawsuit & Settlement

Plaintiff filed a lawsuit against the City on October 19, 2023, alleging two causes of action, for violation of the CVRA and for violation of the Equal Protection Clause of the California Constitution. The cause of action for violation of the Equal Protection Clause of the California Constitution was subsequently dismissed with prejudice.

On February 23, 2026, the City participated in court-ordered pretrial mediation, resulting in a settlement of the CVRA lawsuit. Relative to the actions that are the subject of this report, the terms of the agreement include:

1. Place a charter amendment measure on the November 2026 ballot to permit the Council or the voters to determine by ordinance the method of election of council members. (Council will consider such resolution July 21, 2026.)
2. Place an ordinance to enact Map 130 from the 2023 districting process on the November 2026 ballot. Map 130 is depicted in Attachment 1 to this report.
3. Council to decide sequencing of elections for Map 130 districts.
4. Provide that if voters approve **both** the charter amendment measure **and** the ordinance for district elections using Map 130, district elections will be held for City Council members in 2028 and 2030. Thereafter, Council or the voters have the authority to change the method of election to any legally permissible system.
5. Relieve City of further obligations under the settlement if the voters reject either measure, and bars this plaintiff from suing Burbank again under the CVRA.

DISCUSSION – PUBLIC HEARING & SEQUENCING OF ELECTIONS IN MAP 130

Settlement Requirements Regarding Sequencing

On July 21, 2026, Council will consider resolutions placing the measures in #1 and #2, above, on the November 2026 ballot for voter approval or rejection. Voters must approve **both** the Charter amendments **and** the Ordinance adopting Map 130 for district elections to become the system for Burbank Council member elections in 2028 and 2030.

The CVRA settlement requires the Ordinance for by-district elections with Map 130 (Item #2, above) to include a sequence in which the districts will appear on the ballot when the Ordinance is submitted to voters. Sequencing is at Council’s discretion. This agenda item permits Council to assign a sequence of elections in the districts of Map 130.

Considerations in Assigning the Sequence of Elections in Map 130 Districts

Elections Code § 10010(b) specifies two criteria for “consideration” in setting sequencing. Those criteria are giving 1) “consideration to the purposes of the California Voting Rights Act” and 2) “tak[ing] into account the preferences expressed by members of the districts.” There is no judicial guidance about either. CVRA advocates contend the first provision requires the district with the highest percent of citizens of voting age who are Latino be placed on the ballot in the presidential election cycle. However, assigning an election cycle based predominantly on the race of voters in the district presents potential constitutional issues. In practice, cities transitioning to by-district elections have not followed a uniform approach. Some cities have considered the length of time since a resident of those neighborhoods has been elected to the City Council. The second criterion is similarly ambiguous but probably means the City Council should take into consideration the views of the public expressed at a public hearing.

In addition to the considerations required by section 10010(b), cities commonly consider:

a. Completion of the terms of incumbents elected at-large. For example, a council member whose term ends in 2030 serves out the full four-year term even if that member resides in the same district as an incumbent whose term ends in 2028 and that district is placed on the 2028 ballot.

b. Scheduling elections in a particular district based on the expiration of the term of office of the incumbent who resides in the district. For example, a district in which an incumbent resides with a term ending in 2028 could be on the ballot in 2028. A district in which two incumbents reside with respective terms ending in 2028 and in 2030 could be placed on the ballot in 2028 or 2030. If in 2030, the incumbent with a term ending in 2028 would be out of office after the 2028 elections but could run again in 2030 for the district seat in which he or she resides. If the district is placed on the ballot in 2028, the incumbent with a term ending in 2030 would serve out the term of office but could also run in 2028 and resign an at-large spot if elected to the district.

c. Scheduling elections in a district in which no current incumbent resides in the earlier election cycle consistent with maintaining the appropriate number of council

members. For example, if two seats are up for election and a district has two incumbents with terms ending in 2028 and that district is assigned an election cycle starting with 2028, and there are also two districts that do not have a resident incumbent, only one of the latter would be placed on the ballot in 2028.

d. Some cities have required all incumbents to run in the first by-district elections and adopted a method to assign short and long terms to maintain staggered terms of office thereafter.

Examples of Sequencing

The following schematics demonstrate the impact of alternative sequencing in Map 130. Again, sequencing is at the discretion of the City Council, it is not bound by proposed sequencing published with draft Map 130 in 2023.

In the schematics below, the name & number in parentheses = Council member residing in district and year term ends. X = district up for election in year indicated at left. In sum, Council Member Anthony’s and Council Member Rizzotti’s terms end in 2028. They reside respectively in District 3 and District 4 in Map 130. Council Member Perez and Mayor Takahashi have terms ending in 2030². Both reside in District 4. Vice Mayor Mullins’s term also ends in 2030; she resides in District 5.

Sequencing Option 1 – Districts on Ballot When First Incumbent’s Term Ends.

Election	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Council Members after Elect.	Notes
2028 Presidential 2 seats open			X (Anthony 28)	X (Rizzotti 28) (Perez 30) (Takahashi 30)		D3 – New D4 – New Perez, Takahashi, and Mullins complete at-large terms to 2030.	Perez and Takahashi can choose to run for D4 seat in 2028. If elected, that person can resign from at-large seat and thereafter serve as CM for D4. The vacancy would then be filled by appointment.
2030 Gubernatorial	X	X			X (Mullins 30)	D1 – New D2 – New D3 – Filled in 2028	

² 2030 assumes for the sake of discussion that each of Perez, Takahashi and Mullins is reelected in November 2026.

						D4 – Filled in 2028 D5 – New	
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Sequencing Option 2 – Diversifying Geographic Representation.

Election	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Council Members after Elect.	Notes
2028 Presidential		X	X (Anthony 28)			D2 – New D3 – New Perez, Mullins &Takahashi complete at-large terms to 2030.	Rizzotti whose term ends in 2028 resides in D4, which is not on the ballot in 2028. Rizzotti may run again in 2030.
2030 Gubernatorial	X			X (Perez 30) (Takahashi 30)	X (Mullins 30)	D1 – New D2 – Filled in 2028 D3 – Filled in 2028 D4 – New D5 – New	

Sequencing Option 3 – No Incumbents on Ballot in 2028.

Election	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Council Members after Elect.	Notes
2028 Presidential	X	X				D1 – New D2 – New Perez, Mullins &Takahashi complete at- large terms to 2030.	Anthony resides in D3. His at-large term ends 2028. Rizzotti resides in D4. His at-large term ends 2028.
2030 Gubernatorial			X	X (Perez 30) (Takahashi 30)	X (Mullins 30)	D1 – Filled in 2028 D2 – Filled in 2028 D3 –New D4 – New D5 – New	

Sequencing Option 4 – All Districts on Ballot in 2028.

Election	Dist. 1	Dist. 2	Dist. 3	Dist. 4	Dist. 5	Council Members after Elect.	Notes
2028 Presidential	X	X	X (Anthony 28)	X (Rizzotti 28) (Perez 30) (Takahashi 30)	X (Mullins 30)	D1 – New D2 – New D3 – New D4 – New D5 – New	All incumbents can run but only one can be elected per district. District term lengths staggered.
2030 Gubernatorial	X			X		D1 – New D2 – Filled in 2028 D3 – Filled in 2028 D4 – New D5 – Filled in 2028	Districts with initial short terms on ballot again in 2030.

ENVIRONMENTAL REVIEW

This activity involves organizational and administrative activities of the government related to election procedures and eligibility requirements, and such internal procedural and eligibility changes have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. As such, this action is not a “project” subject to the requirements of the California Environmental Quality Act (CEQA) 14 Cal. Code Regs § 15378.

FISCAL IMPACT

None.

CONCLUSION

The Ordinance for by-district elections using Map 130 (Attachment 1) will include a section for specifying the sequence of elections in the map’s districts. Council should proceed as follows:

- Hold public hearing to hear public comment on sequencing.
- Council discussion.
- Adopt a Resolution (Attachment 2a or 2b) specifying the sequence of elections and direct staff to add selected sequencing to the Ordinance for by-district elections using Map 130.

ATTACHMENTS

Attachment 1 – Map 130

Attachment 2a – Resolution Assigning Sequencing of Elections in Districts of Map 130

Attachment 2b – Resolution Assigning Sequencing of Elections in Districts of Map 130

Correspondence