



CITY CLERK'S OFFICE

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February 13, 2020

Kate Spear, Unite Here Local 11
464 Lucas Ave #201
Los Angeles, CA 90065
kspear@unitehere11.org

Sent via Mail & Email

Re: Referendum Against an Ordinance No. 19-3,926 Adopted by the Burbank City Council

Dear Ms. Spear:

I am writing to you in my capacity as City Clerk and Elections Official of the City of Burbank and am directing this communication to you as the representative of Unite Here Local 11, who initiated and sponsored a Referendum Petition (Petition) seeking to overturn Ordinance No. 19-3,926 of the Burbank City Council (Ordinance). As the City's Elections Official, I am required to conduct a ministerial review of your Petition in an impartial manner. It is also incumbent upon me to safeguard the integrity and transparency of this review process. I wanted to assure you that I have complied with those important duties in an independent manner and to the best of my abilities.

The Ordinance, which is subject of the Petition, was adopted by the City Council on December 17, 2019 and attested to by me on December 19, 2019. This Ordinance approved a development agreement, entitlements, and purchase and sales agreement for the development project at 777 N. Front Street, Burbank.

On January 17, 2020, I received from you thirty-four (34) Bankers Boxes containing an estimated six hundred and seven (607) Referendum Petition sections ("RP Sections") against the Ordinance.

The 34 boxes including the six hundred and seven (607) RP Sections were delivered to the Los Angeles Registrar-Recorder/County Clerk, who performed signature verification for the City of Burbank. The results of this verification are contained in the attached letter from the County, who in total verified 8,118 signatures and found 7,814 to be sufficient.

In addition, in my official capacity as the City Clerk and the Elections Official, along with the assistance of other City Clerk office staff members, we conducted a thorough review of each RP Section for compliance with the California Elections Code ("Elections Code").

During the process of this review I found an apparent deficiency in the RP Sections, which based on my training and experience, did not appear to be in compliance with the Elections Code's full text requirement. Upon discovering this deficiency, I consulted with the City Attorney on the nature of the deficiency and my role in making a determination as to the RP Sections compliance with the Elections Code, and she advised me as to the law and my obligations pursuant to it.

The text of an ordinance against which a referendum is sought must be attached to each RP Section. (Elections Code § 9238.) The "text" of an ordinance includes the words of the ordinance itself and all documents that are attached to the ordinance or incorporated by reference. The RP Sections do not comply with Elections Code Section 9238 because the cover page of Exhibit E of the Development Agreement entitled "Exhibit E- Conditions of Approval," which contained the first six conditions of approval, was not attached to any of the RP Sections. (A copy of this page is attached for your reference.) This deficiency was found in each RP Section.

The omission of this cover page of the Conditions of Approval and conditions numbered 1 through 6 was a material defect that rendered the Petition incomplete. The Conditions of Approval set forth the public benefits provided by the Project. As stated in Condition of Approval number 6, compliance with these conditions is expressly deemed necessary to protect the public health and welfare. Without the Exhibit E cover page, neither the potential signers nor the signature gatherers would have been able to clearly identify the Conditions of Approval to consider and evaluate.

Accordingly, in my capacity as the Elections Official for the City of Burbank and after consulting with the City Attorney's Office, I am hereby rejecting each and every Referendum Petition Section submitted to my office on January 17, 2020.

As the Elections Official, it is my obligation to ensure that the voters were presented with a complete Petition package as required by the Elections Code when being requested to sign the Petition. Based on the foregoing, as the Elections Official, I have a ministerial duty to reject each and every of the estimated six hundred and seven (607) Referendum Petition Sections submitted. The RP Sections shall remain in my custody for the time periods set forth in Elections Code Section 17200.

Sincerely,



Zizette Mullins, MMC
City Clerk
Elections Official