

**Charter Review Commission
Independent Redistricting Proposal
July 9, 2020**

Edited 7.2.20 to Address Sections 201-203 – Independent Redistricting Commission Amendment

“ARTICLE II – Boundaries of City and Council Districts.

SECTION 201. - City Boundaries.

The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, but said boundaries may be changed in the manner prescribed by applicable Federal and State law.

SECTION 202. - Council Districts.

The City is hereby divided into six (6) Council districts, to be defined ~~by the City Council~~ as set forth in this Article.

**SECTION 203. - Changes in Boundaries of Council Districts –
Pomona Independent Redistricting Commission Established.**

~~The boundaries of said Council districts, but not the number thereof, may be changed by ordinance adopted by the Council by a five-sevenths (5/7) vote of all its members; provided, that districts established by the Council shall be as nearly equal in population and as compact as practical. Boundaries shall be evaluated within at least one (1) year subsequent to the availability of the information from each decennial United States census or on another basis adopted by five-sevenths (5/7) vote of the total membership of the Council; however, the Council shall not change the boundaries of districts more than once in any two-year period and no such change shall be made within the period of one hundred twenty (120) days preceding a general municipal election. The preceding limitations shall not apply to changes made necessary by changes to the City boundaries. After the Council has once exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by the Council.~~

(a) The exclusive authority to redraw Council district boundaries is vested in the Pomona Independent Redistricting Commission.

(b) The Commission shall:

(1) Be independent of Mayor and City Council control;

(2) Conduct an open and transparent process enabling full public consideration of and comment on the drawing of Council district boundaries;

(3) Comply with the provisions in this article; and

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(4) Conduct itself with integrity and fairness.

(c) The Commission may:

(1) Adopt for itself rules of procedure not in conflict with this article; and

(2) Adopt rules and regulations for the interpretation and implementation of this article.

Section 204 – Power and Duty of Commission to Adopt Council District Boundary Map.

(a) Within nine (9) months of census-block-level population data from a regular United States decennial census being made available to the public the Commission shall adopt a final map establishing new Council district boundaries and a final report explaining its decision. The final map shall include a precise map and written description of the boundaries of each Council district. In the final report, the Commission shall explain the rationale for the Council district boundaries, including, at a minimum, an explanation of how the final map complies with the redistricting requirements and criteria in Section 208 of this article and a reasonable justification for any Council district boundary that does not comply with any redistricting criterion.

(b) A Commission-adopted final map has the force and effect of law and is effective immediately upon adoption, unless on the date of adoption there are less than the number of days set under California Elections Code section 21622 until the next City election, in which case the final map shall not go into effect until after that election and after any applicable run-off election following that election.

(c) If the Commission does not adopt a final map by the deadline in subsection (a), the City Attorney shall immediately petition the Superior Court for an order prescribing new Council district boundaries in accordance with the redistricting criteria and requirements set forth in Section 208. The boundaries prescribed by the Superior Court shall be used for all City Council elections that take place more than six (6) months from the date of the Superior Court's order and shall remain in effect until a later final map is adopted by the commission to replace it.

(d) The Commission shall review and, if required by law, redraw Council district boundaries once per decade as provided in subsection (a), unless the commission is reconvened by a vote of two-thirds of the City Council to address significant population changes, legal challenges, or other issues, or is ordered to do so by a court.

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(e) Any territory that is annexed, consolidated, or otherwise attached to the City shall be allocated to a Council district pursuant to this subsection, effective upon the completion of such annexation, consolidation, or other proceedings. The City Clerk shall update the final map accordingly.

(1) If the territory's boundary is contiguous to the boundary of not more than one Council district, the territory shall be allocated to that Council district.

(2) If the territory's boundary is contiguous to the boundaries of two or more Council districts, the territory shall be allocated to the Council district with which it shares the longest boundary.

(3) If the territory's boundary is not contiguous with the boundary of any Council district, the territory shall be allocated to the closest Council district.

Section 205 – COMMISSION ORGANIZATION.

(a) The commission shall consist of 6 commissioners and 6 alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article. Members of the commission, including alternates, shall serve without compensation.

(b) The term of office of each commissioner begins on April 1 of a year ending in one, and expires on April 1 of the next year ending in one. Sixty (60) days after a final map has been adopted, the commission shall cease to meet, unless reconvened by order of a court of competent jurisdiction, or by the City Attorney to consider settlement options if the final map is legally challenged or by the City Council as provided by Section 204(d) above.

(c) Four (4) commissioners constitute a quorum. The removal of a commissioner or alternate pursuant to Section 207(k); the approval of additional redistricting criteria; and the approval of a proposed final map, final map, and final report require the affirmative votes of four (4) commissioners. All other Commission actions require the affirmative vote of a majority of commissioners present.

(d) At its first meeting, the Commission shall select one commissioner to serve as Chair and one to serve as Vice Chair. The commission may designate other officers from its membership, and may establish subcommittees. Subcommittees shall report on their actions at the next

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meeting of the commission.

**Section 206 – COMMISSIONER QUALIFICATIONS, REQUIREMENTS
AND POST-SERVICE RESTRICTIONS.**

(a) Each commissioner must be a registered voter of the City and must either:

- (1) Have voted in a City election immediately preceding his or her application to be on the commission; or
- (2) Have been a resident of the City for at least two (2) years immediately preceding his or her application to be on the commission.

(b) The following persons are not eligible to be a commissioner:

- (1) A person who, or whose spouse, parent, sibling, child or in-law, within the eight (8) years immediately preceding the date of application to be on the commission, has been elected to or appointed to, or been a candidate for, City elective office;
- (2) A person who, or whose spouse, within the eight (8) years immediately preceding the date of application to be on the commission;, or whose parent, sibling, child or in-law, within the four (4) years immediately preceding the date of application to be on the commission, has:
 - (A) served as an officer of, employee of, or paid consultant or contractor to a campaign committee or a candidate for City elective office;
 - (B) served as an officer of, employee of, or paid consultant or contractor to a political party or as an elected or appointed member of a political party central committee;
 - (C) served as a staff member, paid employee of, a consultant to, or who has contracted with, any currently serving City elected official;
 - (D) been a registered City lobbyist, or someone who was required to be a registered City lobbyist;
 - (E) contributed to any candidate for City elective office, in

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a single year, Five Hundred Dollars (\$500) or more; or

(F) served as a principal officer of an active campaign committee that has made expenditures on candidate elections for a City elective office.

(c) Within 30 days of appointment, an appointed commissioner shall file with the City Clerk a statement of economic interest (FPPC Form 700), or similar financial disclosure statement, as required under the City's conflict of interest code, and shall agree to the City's Code of Ethics and written ethics pledge.

(d) A commissioner shall not do any of the following:

(1) Endorse, work for, volunteer for, or make a campaign contribution to, a candidate for City elective office while serving on the commission. A commissioner choosing to engage in such activity may resign at any time, including after the approval of a final map to ensure that the commissioner no longer serves if the commission is reconvened to redraw districts.

(2) Be a candidate for City elective office or be appointed by the City Council to such office in lieu of an election if either of the following is true:

(A) less than five (5) years has elapsed since the date of the commissioner's appointment to the commission;
or

(B) the election for that City office will be conducted using district boundaries that were adopted by the commission on which the commissioner served, and those district boundaries have not been subsequently readopted by a commission after the end of the commissioner's term.

(3) For four (4) years commencing with the date of the commissioner's appointment to the commission:

(A) accept employment as a staff member of, or consultant to, a City elected official or candidate for City elective office;

(B) receive a noncompetitively bid contract with the City;
or

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(C) register as a City lobbyist.

(e) A commissioner shall be ineligible, for a period of two (2) years beginning from the date of appointment, to be appointed to another City commission.

(f) If a redistricting commissioner is currently serving on another City board or commission, he or she must resign from that board or commission before commencing service with the redistricting commission.

Section 207 – COMMISSIONER SELECTION AND REMOVAL.

(a) The commissioner selection process is designed to produce a commission that is independent and that reasonably reflects the diversity of the City. The commission shall not be comprised entirely of commissioners who are registered to vote with the same political party preference.

(b) The City Clerk shall, no later than January 10, 2021, and by January 10 in each year ending in the number one thereafter, initiate and widely publicize an application process, open to all City registered voters who meet the requirements of Section 206, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. This process shall remain open until March 1, 2021, and until March 1 in each year ending in the number one thereafter.

(c) The City Clerk shall create an application available in English, Spanish and other any applicable language as defined under State law for prospective commissioners, and seek assistance from a broad range of community-based organizations in outreach efforts. Applicants shall attest on the application, under penalty of perjury, that the information provided is true.

(d) Approximately one (1) month prior to the close of the application period, the City Clerk shall report to the City Council and Mayor on applications received up to that point and any additional outreach that is being undertaken or planned to ensure that the applicant pool has a sufficient number of qualified applicants and reasonably reflects the City's diversity.

(e) After the close of the application period, the City Clerk shall review and remove individuals who are disqualified under Section 206 of this article from among the commission applicants. The City Clerk shall maintain a public record of the disqualifications that apply to each person whose application is removed from the applicant pool.

(f) After removing ineligible applicants, but no later than March 10,

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2021 and March 10 of each year ending in the number one thereafter, the City Clerk shall publish and transmit to a screening panel a list with the names of all qualified applicants. For purposes of this section, "screening panel" means:

- (1) The City's Ethics Commission, if that Commission is established by ordinance or under this Charter; or
- (2) If an ethics commission matching the description in paragraph (1) does not exist, a panel of three individuals consisting of the following:
 - (A) one (1) retired judge in good standing who previously served in a California State Court or Federal Court located in California. The retired judge need not be a resident or registered voter of Pomona. The retired judge shall serve as Chair of the screening panel;
 - (B) one (1) law, government, political science or public policy professor currently teaching full time or retired from teaching full time at an accredited college or university in California. The professor need not be a resident or registered voter of Pomona; and
 - (C) one (1) Pomona resident with demonstrated experience in local civic activism and/or community service.

The screening panelists shall be selected by the City Attorney and the City Clerk, based upon the qualifications and experience of each applicant panelist, from a pool of qualified applicants by no later than March 1, 2021 and March 1 of each year ending in the number one thereafter. Panelists shall meet the same qualifications required of commissioners in Section 206, except that the retired judge and professor need not be a resident or registered voter of the City. The City Attorney and City Clerk shall recruit a pool of applicants to serve on the screening panel and the applicants shall be reviewed by City staff beforehand to ensure they meet the qualifications herein.

(g) From the eligible commissioner applicant pool, the screening panel shall, no later than April 1, 2021, and by April 1 in each year ending in the number one thereafter, select six (6) commissioners – one from each Council district - and these six (6) individuals shall serve as the commission. The screening panel, exercising its independent judgment,

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shall make these selections, by majority vote, at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The screening panel may ask additional questions of commissioner applicants at that meeting. The screening panel shall make each selection on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other potential commissioners. The Commission members should reasonably reflect the City's diversity; provided that, other than the requirement of geographic diversity in this section, no quotas, formulas, or ratios may be applied for this purpose.

(h) At the same public meeting as commissioners are selected, the screening panel shall also select six (6) alternates from the remaining applicants to serve on the commission in the event of a vacancy. Each selection requires a majority vote of the screening panel. Using the selection criteria set forth in subsection (g) above, the screening panel shall rank the six (6) alternates in order of preference to replace a commissioner in the event of a vacancy, provided that alternates need not be selected one from each Council district.

(i) The Commission shall be fully established no later than April 1, 2021, and thereafter no later than April 1 in each year ending in the number one. To meet this deadline, the City Clerk may establish other deadlines for the commissioner application and selection process described in this section.

(j) The commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.

(k) If a commissioner resigns or is removed from the commission, an alternate shall replace that commissioner as follows:

(1) If only one alternate represents the Council district of the resigning or removed commissioner, that alternate shall fill the vacancy as a voting commissioner, regardless of how he or she was ranked by the screening panel;

(2) If more than one alternate represents the Council district of the resigning or removed commissioner, the alternate representing that district with the highest screening panel ranking shall fill the vacancy as a voting commissioner; or

(3) If none of the alternates represents the Council district of the resigning or removed commissioner, the alternate with the highest

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screening panel ranking shall fill the vacancy as a voting commissioner.

(l) For purposes of this section, “diversity” includes, but is not limited to, racial, ethnic, gender, and sexual orientation diversity.

Section 208 – REDISTRICTING REQUIREMENTS AND CRITERIA.

(a) The Commission shall draw its final map so that:

- (1) Council districts are substantially equal in population as required by the U.S. Constitution, as based on the total population of residents of the City as determined pursuant to California Elections Code section 21621, or successor statute; and
- (2) The final map complies with the U.S. Constitution; the Federal Voting Rights Act, the California Constitution; and any other requirement of federal or state law applicable to charter cities.

(b) In addition to following the requirements of subsection (a), the Commission shall consider the following criteria when drawing the final map, in order of priority:

- (1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous;
- (2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social, cultural or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates;
- (3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city;
- (4) To the extent practicable, and where it does not conflict with

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the preceding criteria, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations;

(5) Geography and topography – Districts should respect major topographic and geographic features of the City;

(6) All district lines should correspond to census blocks in order to preserve the validity of data and avoid arbitrary boundaries; and

(7) Other Commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section.

(c) Council district boundaries shall not be drawn for the purpose of favoring or discriminating against a political party.

(d) The Commission shall number each Council district such that, for as many residents as practicable, the number of the Council district they reside in remains the same.

(e) The Commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

(f) This Section 208 constitutes the comprehensive and exclusive criteria by which the commission shall evaluate and approve Council district maps under this article.

Section 209 – PUBLIC MEETINGS, PUBLIC COMMENT AND REDISTRICTING MAP APPROVAL.

(a) The commission shall establish and implement an open meeting process for public input and deliberation that is promoted through an outreach program to solicit broad public participation in the redistricting process. Except as set forth herein, the Commission shall comply with the Ralph M. Brown Act and all other applicable State and City requirements for open meetings.

(b) No later than May 1, 2021, and thereafter no later than May 1 in each year ending in the number one, the Commission shall retain the services of a duly certified demographer/redistricting consultant. City staff shall recruit and present to the Commission a list of qualified candidates interested in performing such services for the Commission, along with pricing, qualifications and estimated completion time for each candidate. The Commission's selection of the demographer/consultant shall be final

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and the City shall appropriate the necessary funds to hire the demographer/consultant. The demographer/consultant shall review and analyze the City's population data contained in the most recent United States decennial census and shall prepare one or more draft electoral district maps for the Commission's consideration which are in compliance with applicable Federal and State law for the drawing of such maps.

(c) Prior to adopting a final map, the commission shall hold at least four (4) noticed public hearings, at which the public is invited to provide input regarding the composition of one or more council districts. At least one public hearing shall be held before the commission draws a draft map or maps of the proposed council boundaries. The commission may have city staff, the City's retained demographer or other consultant conduct one or more public workshops in lieu of holding a public hearing prior to drafting the map or maps. At least two public hearings shall be held after the commission has drawn a draft map or maps of the proposed Council district boundaries. At least one public hearing or workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday. At least one public hearing shall be a joint public hearing with the City Council as set forth in subsection (i) below. Public hearing buildings shall be accessible to persons with disabilities.

(d) Notwithstanding the provisions of the Brown Act, notice of the date, time and location for any public hearing or workshop shall be published on the City's Internet website for at least five (5) days before the hearing/workshop; provided that if there are fewer than 179 days until the City's next regular election, the commission may publish the agenda on the City's Internet website for at least three (3) days before the hearing/workshop.

(e) The commission shall establish and implement a process for accepting written public comment, either in writing or electronically, including the submission of draft maps and draft partial maps for the commission's consideration. Each draft map prepared by a member of the commission, by City employees or consultants, or by members of the public shall be accompanied with information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed Council district, to the extent the City has that data.

(f) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone except at a public hearing or meeting or through the process established for accepting written public comment. This subsection does not prohibit:

- (1) communication between commission members, staff, legal counsel, and consultants retained by the commission that is

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otherwise permitted by State and City open meeting requirements; or

- (2) commissioners, staff, legal counsel, or consultants from engaging in public education and outreach, including explaining how the commission functions and encouraging public participation in the redistricting process.

(g) The City shall either record or prepare a written summary of each public comment and commission deliberation made at every public hearing or workshop held pursuant to this article. The City shall make the recording or written summary available to the public within two (2) weeks after the public hearing or workshop.

(h) Any person who is compensated for communicating with the commission or any commissioner, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

(i) A final map may not be adopted by the commission unless and until:

- (1) a proposed final map with substantially similar Council district boundaries has been adopted at least seven days earlier at a prior public hearing;
- (2) a proposed final map has been published on the City's Internet website for at least seven (7) days and made available to the public for at least seven (7) days prior to final adoption; provided that if there are fewer than 179 days until the City's next regular election, the proposed final map may instead be published on the City's Internet website for at least three (3) days; and
- (3) The commission has held at least one joint public hearing with the City Council, at which time it shall submit the proposed final map to the City Council for its consideration. The joint public hearing may be included as part of the fourth required public hearing set forth in subsection (c).
- (A) The City Council may not alter the proposed final map submitted to it by the commission, but shall either approve or disapprove the proposed final map in its entirety.
- (B) If the Council approves the proposed final map, it shall become the final map of the City and shall be implemented upon final vote of the commission.

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(C) If the City Council disapproves the proposed final map, the City Council shall outline the reasons for such disapproval, including any deviations from the criteria for redistricting set forth in this article. The commission shall consider any reasons for such disapproval submitted to it by the City Council and may consider alterations to the proposed final map in response to such reasons. After such consideration, the commission may adopt a final map adopting such alterations, adopting such alterations with amendments, or rejecting such alterations. However, if the Commission, in response to City Council comments, proposes to substantially alter the proposed final map, it shall conduct another public hearing to consider the altered final map and shall publish the altered final map as required by paragraphs (i)(1) and (2) above prior to taking final action on the altered final map. Once the commission approves the final map, it shall become the final map of the City and shall be implemented.

(j) The commission shall establish, and maintain for at least 10 years after the adoption of new Council district boundaries, an Internet web page dedicated to redistricting. The web page may be hosted on the City's existing Internet website or another Internet website maintained by the City. The web page shall include, or link to, all of the following information:

- (1) A general explanation of the redistricting process for the City in English, Spanish and other any applicable language as defined under State law.
- (2) The procedures for a member of the public to testify during a public hearing/workshop or to submit written testimony directly to the commission in English, Spanish and any applicable language.
- (3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subsection (c).
- (4) The notice and agenda for each public hearing and workshop.
- (5) The recording or written summary of each public hearing and workshop.
- (6) Each draft map considered by the commission at a public

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hearing.

(7) The adopted final map of Council district boundaries.

Section 210 – RECORDS AND DATA.

- (a) The commission shall comply with the California Public Records Act, commencing with section 6250 of the California Government Code, or its successor, and any City laws regarding public records, to the degree they require greater disclosure and retention of commission records than is provided in this section.
- (b) The commission and its subcommittees shall keep minutes of all discussion and actions taken at public meetings. The minutes should be adopted at the next public meeting of that body. To the greatest extent practicable, all public meetings of the commission and its subcommittees shall be video recorded.
- (c) To the greatest extent practicable, the commission shall make available to the public a free electronic mapping tool, loaded with relevant population and demographic data, which tool can be used to create draft maps and draft partial maps.

Section 211 – ADMINISTRATION.

- (a) The City Council shall appropriate sufficient funds to recruit commissioners, hire a demographer, meet the operational needs of the commission, and conduct any outreach program to solicit broad public participation in the redistricting process.
- (b) The City Manager, City Clerk, and City Attorney shall assign sufficient staff to support the commission. The commission shall be staffed by no less than three City employees: the City Manager, the City Clerk, and the City Attorney, or their respective representatives. The attorney assigned to the Commission on matters relating to redistricting shall exclusively represent the Commission in such matters.
- (c) The City Clerk and the City Attorney, or their respective representatives, shall, no later than May 1, 2021, and thereafter by May 1 in every year ending in one, train the commissioners on the requirements of this article, federal and state law regarding redistricting, open meeting requirements, and general rules of parliamentary procedure.
- (d) The City Manager and the City Clerk shall, by December 1, 2020, and thereafter by December 1 in every year ending in zero, provide a report to the Mayor and City Council that explains, at minimum, plans for: recruiting

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a qualified applicant pool that reflects the City's diversity; assigning sufficient staff to support the Commission's activities; training commissioners; providing work space and relevant technology to support the Commission's activities; facilitating an open selection process to hire redistricting consultants; identifying and reserving meeting spaces suitable for holding public meetings in each Council district; creating a website for the Commission; and encouraging public participation in the redistricting process.

- (e) Within sixty (60) days after the adoption of a final map, the commission shall transmit a report to the Mayor and City Council recommending any changes, including amendments to this article, that could improve the redistricting process in future years. The City Council may, by two-thirds vote, adopt an ordinance changing the time limits and deadlines imposed by this article that are specifically recommended by the commission.
- (f) No person may threaten, intimidate, coerce, or take adverse action against a commissioner, alternate, or a commission staffer because of their affiliation with the commission, or because of any Council district boundaries that are considered, proposed, or adopted by the commission.

Section 212 – LEGAL CHALLENGE.

- (a) Any registered voter in the City may file a petition for a writ of mandate or writ of prohibition within ninety (90) days after the commission has adopted a final map, to bar the implementation of all or a portion of the new Council district boundaries on the grounds that the final map violates this article. No legal challenge may be brought against the final map under this article after the 90-day period has expired.
- (b) If a legal challenge is successfully brought against the final map, the Court may correct the violation by court order adjusting Council district boundaries consistent with the redistricting requirements and criteria of Section 208; alternatively, if the Court finds the final map requires significant revisions or must be entirely redrawn, the Court may order the commission to reconvene to adjust or adopt new Council district boundaries.
- (c) Any final map adopted under this Article shall be subject to citizens' referendum as otherwise provided in this Charter."