

ROCKRIDGE COMMUNITY PLANNING COUNCIL

Proposed amendment to Section 5.1 of the Bylaws

(January 17, 2019)

At the meeting of the Rockridge Community Planning Council (RCPC), to be held on **January 17, 2019, at 7:30 p.m.**, all persons duly qualified for membership in RCPC are invited to vote on a proposed amendment to **Section 5.1** of the RCPC Bylaws (“*Eligibility for Membership*”).

The proposed amendment has been approved by the RCPC Board of Directors, but in order to take effect, will require an affirmative vote of a majority of the members present, voting, and constituting a quorum. In order to cast a ballot, a person must be at least 18 years of age and be able to document residency within the RCPC boundaries.

Summary of the proposal

The proposed amendment would clarify the basic criteria of eligibility for membership in RCPC, and authorize the Board of Directors to provide future guidance for implementing the requirements of Section 5.1, as follows:

- 1) The first sentence of Section 5.1 would be modified. That sentence currently states:

“Membership in the corporation shall be open to any natural person who (1) is at least eighteen years of age, (2) is interested in the promotion of the purposes of this organization, and (3) is a permanent resident within that area of the City of Oakland contained within the following boundaries ...”

The proposed amendment would change the words “*is a permanent resident*” to “*has his or her principal residence.*”

- 2) After the boundaries description, a new sentence would be added, stating:

“For all purposes under these Bylaws, a person’s ‘principal residence’ means a residence which the person has been occupying as his or her primary residence for at least sixty (60) days up to and including the date on which a determination of residency is made.”

- 3) A final sentence would be added, stating: ***“The Board of Directors may from time to time issue specific guidance for implementing the requirements set forth in this section.”***

A copy of the current language of Section 5.1, showing the proposed changes, is attached.

Background

The requirement that an RCPC member must be a “permanent resident” within the boundaries is a traditional provision in the RCPC Bylaws. Over time, however, many have found the phrase to be ambiguous and confusing. The Board now feels that changing the operative phrase to “*principal residence*” (as defined above) would make the residency criterion clearer and easier to apply.

Ordinarily, determinations of membership eligibility are made at the RCPC annual election meeting in April, and at other meetings when members are asked to vote. The proposed amendment should make the residency requirement easier to understand, and is likely to make the process of certifying voters at election time more efficient.

The Board does not expect that the proposed amendment will cause any significant enlargement or diminution of the membership of RCPC. The forms of documentation presented by members at election time will, in most cases, be the same as in the recent past (e.g., California driver license, State of California identification card, PG&E statements). However, the amended language would ease the way for the board to permit certain other forms of documentation as proof of residency or identity, such as college student ID cards.

It is possible there may be a few cases of persons who have exercised rights of membership in RCPC in the past, based on the status of being a “permanent resident,” but who, in a future determination of residency, might be found not to have maintained a “principal residence” within RCPC boundaries during the 60 days before the date of determination. If the proposed amendment is adopted, such persons will be unable to exercise their rights of membership, unless and until they establish (or re-establish) a principal residence within the boundaries set forth in Section 5.1.
