

# The Bylaws of The Hamlet of Beavercreek

## **Article I: Name**

The name of this hamlet shall be The Hamlet of Beavercreek.

## **Article II: Purpose**

The purpose of The Hamlet of Beavercreek is:

1. To promote community identity.
2. To provide members with a forum for dealing with a broad range of issues.
3. To represent the community and be its voice.
4. To enhance livability, sustainability, and functioning of the community, and to direct community planning.
5. To handle other community issues.

## **Article III: Activities of Hamlet**

The hamlet shall undertake the following:

1. Involve members in the land use and community planning processes.
2. Hold monthly community meetings, of which four (4) are quarterly town hall meetings, to include expression of concerns, education, deliberation, policy development, and goal setting.
3. Protect the rural character of the area.
4. Represent the hamlet to other governmental bodies and organizations.
5. Develop and maintain active, two-way communication with Clackamas County and other governmental bodies on matters affecting the hamlet.
6. Recommend actions or inactions to Clackamas County and other governmental bodies such as, but not limited to, Oregon City, Metro, and the State of Oregon, on strategic planning, land use, environment, and livability issues including, but not limited to, building a sense of community, zoning, development, transportation, traffic, parks, trails, recreation, rural center beautification, economic development, preservation and enhancement of the natural environment, and hamlet recognition.

7. Develop a hamlet plan, such as a design review process.
8. Develop a hamlet budget to support hamlet objectives, funds may be provided by Clackamas County and voluntary sources.
9. Be responsive to the comprehensive needs of the hamlet and take action to support its objectives.
10. Assume the functions of the Beavercreek Community Planning Organization and the Carus Community Planning Organization, including land use planning.
11. Acknowledge formally the strategic plan adopted by the Board of County Commissioners.

#### **Article IV: Area**

**Section 1. Boundary.** The boundary of the hamlet is the previous boundaries of the Beavercreek Community Planning Organization and the Carus Community Planning Organization, as recognized by the Board of County Commissioners (BCC). The area enclosed by the boundary will be the recognized area. (*Map is attached*). Clackamas County may revise the boundary.

**Section 2. Changes.** The hamlet boundary may be changed after discussion with neighboring organizations, jurisdictions, and service providers; a majority vote of the members at a town hall meeting; and review and approval by the BCC.

#### **Article V: Membership and Voting**

Members 18 years old or older of the hamlet's recognized area are eligible to vote at all meetings. Membership will be granted to all persons upon showing proof of eligibility and signing the official membership/attendance register. Membership will lapse if the member is no longer eligible. Participation is by individual initiative rather than by governmental or hamlet invitation.

Business entities and trusts are entitled to one representative vote. If a business entity is owned by more than one person, only one person may claim to be a member because of such ownership. A non-resident owner of multiple parcels of real property may claim to be a member because of such ownership, but may cast only one vote. Multiple non-resident owners of the same real property may claim membership because of such ownership, but may cumulatively cast only one vote and hold only one board position based on that property. If more than one person

claims to be the authorized representative of a business, trust, or real property, the votes cast by those persons shall be made by provisional ballots.

A provisional ballot is a vote that is conditionally counted as set forth in this section. Provisional ballots shall be given to attendees at a meeting who cannot provide proof of hamlet member status at the time of the meeting, or in the event there is a dispute as to the authorized representative of a business or property.

In the event of a dispute over authorized representative status for a business or property, the burden is on the business or property owners to designate their authorized representative. Until then, the vote will be classified as provisional.

To receive a provisional ballot, individuals must provide their name, address, contact telephone number, and basis for their claim of citizen status. If available, an email address must also be provided.

Provisional ballots will be examined only upon a determination that a sufficient number have been cast to possibly affect the outcome of the vote.

If provisional ballots are to be examined, ballot-casters shall be notified of the need to provide proof of identification or other required information that verifies their status as members of the hamlet who are eligible to cast votes. Voters casting provisional ballots will be given five (5) business days from the date of notification to provide proof of citizenship.

Provisional ballots shall be counted by county staff or a designee.

## **Article VI: Board of Directors**

**Section 1. Board.** The interests of the hamlet are represented by a board of directors. The board is the representative voice of its citizens and serves in an advisory capacity to the BCC and others on issues of concern to the hamlet.

All board members must satisfactorily complete training required by the BCC and provided by county staff. Such training may include, but not be limited to, board rules, procedure and governance, public meetings and public records, elections, and governmental ethics. No board member may participate in board deliberations or voting until completing the training required by this section.

### **Section 2. Code of Conduct for Board Members**

- a. Serve the best interest of The Hamlet of Beavercreek as a whole, regardless of personal interests.
- b. Conduct open, fair and well-publicized meetings.

- c. Provide opportunities for the community to comment on decisions facing the hamlet.
- d. Perform duties without bias for or against any individual or group.
- e. Act within the boundaries of board authority as advisory to the BCC.
- f. Comply with all other aspects of Oregon law applicable to public officials, including the public records law, public meeting law, ethics law, and election law.

**Section 3. Nomination.** Nominations may come from members and/or a nominating committee. The nominations must be submitted to the nominating committee at least one (1) month prior to the annual town hall elections meeting for them to prepare a slate for BCC review.

**Section 4. Eligibility.** Any hamlet member shall be eligible for the board.

**Section 5. Election of Board, including Officers.** The hamlet's board of directors will include no less than seven (7) members but no more than eleven (11) members: four (4) officers; chair, vice-chair, secretary, treasurer, and at least three (3) additional board members. The board of directors will select from its numbers those positions after the election.

A director running unopposed will be considered to have won by acclamation. Otherwise, election of directors will be conducted by paper ballot. Those receiving the highest number of votes will win. Votes will be counted by county staff, the registrar, and by two (2) representatives of the nominating committee; candidates are welcome to observe and/or provide an observer. In case of a tie vote, if neither winner withdraws, decision for the position will be by lot.

**Section 6. Terms of Office.** The term of office for directors, including the officers, shall be two (2) years. In even numbered years, a majority of board members are elected; in odd numbered years, the board members not elected in the previous year are elected.

**Section 7. Duties of Board of Directors.** The duties of the board of directors are:

- a. Work with members to determine the hamlet's vision, goals, and activities, and to carry them out. Following member-established hamlet goals, the board may take action about which it will notify members at the next community meeting. If the board deems it is necessary that the general membership deal with an issue, no action will be taken exclusively by the board.

- b. Take a vote of the members and the board of directors on land use actions and report both of the results to Clackamas County. A combined vote of the members and the board on regional strategic planning issues will be reported.
- c. Represent the hamlet to the BCC, the county's Department of Transportation & Development (DTD), any other agents or agencies of the county or state governments or other jurisdictions, non-governmental organizations, or other entities.
- d. Conduct monthly community meetings of which four (4) are quarterly town hall meetings.
- e. Prepare an agenda for community and town hall meetings.
- f. Provide a quarterly report of activities to the members of the hamlet to be presented at the town hall meetings, and an annual report to the BCC, coordinated by the county liaison.
- g. Conduct all appropriate administrative functions of the hamlet, including minutes, yearly budget, and record keeping.
- h. Select a member as corresponding secretary to send out correspondence as directed by vote of the board, to respond to county land use applications, and to perform related tasks.
- i. Select a member as speaker to represent the hamlet and its positions, proposals, and recommendations before the BCC, at hearings, to the county's DTD, cities, any other agents or agencies of the county or state governments or other jurisdictions, non-governmental organizations, or other entities, and to coordinate the hamlet's activities with the same affecting the hamlet's interests.
- j. Select a member as registrar to keep the membership rolls, to verify qualifications for membership, to oversee attendance at meetings, and to supervise and confirm votes at community meetings.
- k. File appeals of the action of the county's DTD, the BCC, any other agents or agencies of the county or state governments or other jurisdictions, non-governmental organizations, or other entities.

**Section 8. Duties of Officers.** The duties of each is as follows:

- **Chair:** The chair will preside over meetings of the hamlet and the board; may co-sign, with the treasurer, for all authorized expenditures; ensure the hamlet's activities are undertaken; appoint committee chairs and receive and share reports of their committee's activities; ensure communication between the hamlet and other entities; collect and review the hamlet's correspondence; ensure notice is given of meetings. The chair will be an ex-officio member of all committees.
- **Vice-Chair:** The vice-chair will perform the duties of the chair in his/her absence or incapacity. The vice-chair may co-sign for authorized expenditures if either the chair or treasurer is unable to perform this duty.
- **Secretary:** All votes by members and board shall be counted by the secretary or their designee and results shall be announced at the meeting and recorded in the minutes of the meeting. The secretary shall keep accurate records including minutes, attendance, and correspondence for one (1) year or until turned over to the county liaison in compliance with Article XI. The minutes shall be made available on request to the clerk of the Board of County Commissioners and to any hamlet member.
- **Treasurer:** The treasurer shall maintain an accurate record of all income and expenses of the hamlet and may co-sign authorized expenditures. The treasurer shall maintain a bank account, if applicable, and must present a statement of accounts at every community meeting. The treasurer's report shall be appended to the minutes. The treasurer shall regularly inform county staff of all financial transactions and file any legal reports as required by law. Check signers are not to be related.

**Section 9. Board Vacancies.** A vacancy will occur when a director is no longer a member of the hamlet, dies, resigns, is removed, or has more than three (3) unexcused absences from hamlet community and/or board meetings and is determined by a majority of the board to have vacated the position. The vacancy shall be filled by appointment by the majority of the remaining directors. The member appointed to fill the vacancy will serve until the next town hall meeting, at which time a majority of members present at the meeting will elect a successor for the remainder of the director's term.

**Section 10. Board Meetings and Quorum.** Meetings of the board of directors will be held at a time, place, and frequency to be determined by the board. Notice shall be provided and meetings shall be open in accordance with the Oregon Public

Meetings Law in compliance with Article XI. Notice of special meetings, at an unusual time or place, shall describe the time, place, and purpose of the meeting and shall be delivered to each director personally or by telephone, email, or U.S. postal service, two (2) days prior to the special meeting. A majority of directors shall constitute a quorum at a board meeting. Action will be taken by a majority vote of the directors present.

### **Section 11. Removal of a Board Member.**

- a. At a town hall meeting. Any member of The Hamlet of Beaver Creek board of directors may only be removed by a vote of two-thirds (2/3) majority of voting members at a town hall meeting. Notice of intent to consider removal shall be given to each board member and to the county liaison and must be announced at the town hall meeting prior to the town hall meeting when the vote will occur and included on the meeting agenda; or
- b. By the BCC. Any member of The Hamlet of Beaver Creek board of directors may be removed by a vote of the BCC. The BCC may enter an order removing a Board member if the BCC finds any of the following:
  1. It to be in the best interests of the citizens of the hamlet or the county, to remove the board member.
  2. That the hamlet board member has failed to regularly follow The Hamlet of Beaver Creek's adopted bylaws.
  3. That the hamlet board member has failed to satisfy the requirements of Chapter 2.10 of county code.

**Section 12. Compensation.** Directors shall not be paid for services on the board, but may be reimbursed for board-approved expenses related to their hamlet duties. A receipt or invoice must accompany all requests for reimbursement.

## **Article VII: Community Meetings, Including Town Hall Meetings**

**Section 1. Community Meetings.** The hamlet shall hold monthly community meetings when there is business before the hamlet to identify, discuss, and prioritize community issues. All such meetings shall be open to the public.

The hamlet shall undertake the activities and business of the hamlet, including identifying, discussing, and voting on community issues; voting on land use actions; setting goals to guide the board, hearing reports of board actions, and providing feedback; and handling other matters as proposed by the members or the board of directors.

- a. Members and non-members may attend and speak at all meetings.
- b. Votes by members are advisory to the hamlet board, and shall guide the board in setting policy direction in hamlet affairs.
- c. Official action shall be taken only by a vote of the board. If the board takes action contrary to a member vote, that action, and the board's reasoning, shall be presented to the county liaison, and to members at the next town hall meeting.

**Section 2. Town Hall Meetings.** The hamlet shall hold quarterly town hall meetings. In addition to matters usual for community meetings, the town hall meetings will include annual and vacancy elections for directors and/or recall votes, proposals to amend the bylaws, and a report of the prior quarter's activities by the board and membership.

**Section 3. Special Community Meetings.** Special community meetings may be held to address an urgent topic if requested by a majority of the board or by ten (10) members. A minimum of two (2) days-notice shall be given by posting in three (3) prominent public places and/or by electronic communication to the membership; fax or email of notice to the media is encouraged. All actions shall be reported at the next regular community meeting.

**Section 4. Notification.** At least seven (7) days prior to regular community and town hall meetings, members shall be notified according to provisions of Oregon's Open Public Meetings law in compliance with Article XI.

**Section 5. Voting.** Only members of the hamlet may vote, although the meetings are public. Action will be taken by a simple majority vote of members present.

Votes will be by a show of hands or by roll call, if required by Oregon Law in compliance with Article XI, unless members request a paper ballot. No proxy or absentee votes will be allowed.

## **Article VIII: Funding**

**Section 1. Grants and Fundraising.** The hamlet shall have no power to request a tax levy or impose any other fees on its members. The hamlet may accept contributions or raise funds, including grants, in compliance with Article X. The hamlet may also enter into agreements for the sharing of revenue with the county.

**Section 2. County Funding.** Funding for hamlet activities shall be provided by Clackamas County as deemed appropriate and feasible by the BCC.



## **Article IX: County Liaison**

A designated county liaison will work with the hamlet. Other county staff will work with the hamlet as needed and available.

## **Article X: Local Budget Law; Contracts**

**Section 1. Local budget and audit law.** The hamlet may receive financial support from the county or other public or private fund sources, and shall cooperate with the county in complying with the requirements of the local budget and audit laws of the State of Oregon.

**Section 2. County trust accounts.** Working with the county liaison, the hamlet shall open a trust account with the county treasurer to accumulate contributions. The account shall be established according to county treasurer protocol. Authorized requests for funds held by the county in trust for the hamlet shall be made in writing to the county liaison.

**Section 3. Imprest petty cash or bank account.** The hamlet may maintain an imprest petty cash fund or an imprest bank account in an amount authorized by the BCC for operating expenditures. If the hamlet chooses to use an imprest bank account, all banking decisions must be coordinated with the county treasurer or delegate. In addition, the county treasurer or delegate must be an authorized signatory on the account and copies of all bank statements and reconciliations must be forwarded to the county treasurer's office as requested. Deposits in financial institutions must comply with all requirements of ORS Chapter 295.

As used in this section, "imprest" means a petty cash fund or a bank account into which a fixed amount of money is placed for the purpose of making minor disbursements for small, routine operating expenses. As disbursements are made, a voucher is completed to record the date, amount, nature, and purpose of the disbursement. The total of cash and the substantiating vouchers must always equal the total fixed amount of money set aside in the imprest fund or account.

**Section 4. County contract authority.** The hamlet shall not enter into contracts unless expressly authorized in writing by the BCC or its delegate. All Clackamas County contracts are subject to the Clackamas County Local Contract Review Board rules.

## **Article XI: Public Meetings and Public Records**

The hamlet shall comply with ORS 192, Public Reports and Meetings, to the extent required by law.

**Section 1. Public meetings.** Meetings of hamlet board, including town hall meetings where a quorum of the board is in attendance, are public meetings under the Oregon public meetings law. The requirements for public meetings include, but are not limited to, providing adequate meeting notice, opening the meetings to the public, recording votes, and keeping minutes.

**Section 2. Public records.** Hamlet records are public records subject to disclosure unless exempt. Public record requests must be submitted to the county liaison for processing. The hamlet shall cooperate with the county in responding to each request.

**Section 3. Records retention.** All original records shall be retained by the hamlet as required by law, with copies provided to the county liaison. Copies of all meeting minutes shall be submitted to the county liaison within forty-five (45) days from the date of the meeting. Changes to the bylaws and a list of current board members shall be submitted to the county liaison within thirty (30) days of any changes in bylaws or board members.

## **Article XII: Liability; Risk Management**

The hamlet directors, acting within the scope of authority granted by the organization's bylaws and the county policies, are considered agents of the county for claims made against the organization, officers, or members for the purposes of the Oregon Tort Claims Act, ORS 30.260 to 30.302. When acting in the capacity of a CPO, the hamlet board shall not be considered an agent of the county.

The hamlet board of directors must obtain approval from the county risk manager through the county liaison prior to undertaking public fundraising activities.

## **Article XIII: Indemnity**

Clackamas County shall indemnify the directors of the hamlet to the fullest extent allowed by Oregon law.

## **Article XIV: Dissolution**

**Section 1. Initiation.** Dissolution of the hamlet may be initiated by:

- a. An order of the BCC.
- b. Filing a petition with the county liaison. The petition must be signed by a majority of a quorum of the directors present at a properly noticed meeting of the board of directors.

**Section 2. Process.** The BCC may enter an order dissolving the hamlet if the BCC finds any of the following:

- a. It to be in the best interests of the citizens of the hamlet or the county, to dissolve the hamlet.
- b. That the hamlet board members have failed to regularly follow its adopted Bylaws.
- c. That the hamlet board members have failed to meet the requirements of Chapter 2.10.

**Section 3. CPO status.** Dissolution of the hamlet shall cause the Beaver Creek Community Planning Organization (BCPO) and Carus Community Planning Organization (CCPO) to become active and resume its land use planning role. The boundary of the reactivated BCPO shall be the boundary of the BCPO prior to the creation of The Hamlet of Beaver Creek. The boundary of the reactivated CCPO shall be the boundary of the CCPO prior to incorporation into The Hamlet of Beaver Creek.

**Section 4. Disposition plan.** An order for dissolution of the hamlet shall include a plan for disposing of assets and for payment of any indebtedness. A BCC order approving dissolution shall include a plan for dissolution. If the order requires the dissolution of any districts, the dissolution of such districts shall be conducted in accordance with state and local law.

## **Article XV: Amendments to Bylaws**

These bylaws may be amended or repealed, and new bylaws adopted, by a two-third (2/3) vote of the members present at a town hall meeting. Any proposed bylaws amendment shall be read at one town hall meeting and voted upon at the next town hall meeting. Proposed bylaws amendments shall be presented to the BCC for review and approval at a public work session scheduled at least thirty (30) days prior to a town hall vote on the amendments. All changes to the bylaws must be approved by the BCC before they become effective.

## **Article XVI: Severability**

Invalidity or unenforceability of one or more provisions of these bylaws shall not affect any other provision of these bylaws.

**Date Adopted By Hamlet Members: 29 June 2006**

**Date Ratified By BCC: 21 September 2006**

**Date of Ratified Amendments Adoption: 28 March 2007**

**Date Amended By Hamlet Members: 24 April 2013**

**Date Amended By Hamlet Members: 25 April 2018**

**Date Amended By Hamlet Members: 28 July 2021**

**Date Ratified By BCC: 5 December 2023**

Add map here from County Website