

**CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**  
**Study Session Worksheet**

**Presentation Date:** 4/8/14 **Start Time:** 2:30 **Approx. Length:** 60 minutes  
**Presentation Title:** Clackamas County Hamlets and Villages Election Process  
**Department:** Public and Government Affairs and County Counsel  
**Presenters:** Gary Schmidt, Stephen Madkour  
**Other Invitees:** Amy Kyle, Barbara Smolak

**WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Does the Board want to modify the Hamlets and Villages Program elections process in the following ways:

- Create minimum citizen participation requirements for the nomination and election process;
- Require consistent appointment and reappointment processes; and
- Require consistent public notification requirements.

**EXECUTIVE SUMMARY:**

On August 11, 2005, as a result of the Complete Communities process, the Board of County Commissioners (BCC) adopted Ordinance 06-2005, entitled "Community Connections" which "enabled citizens in unincorporated areas of the county to form hamlets and villages as an innovative way for residents to participate in decisions that affect their local communities". That ordinance is contained in Chapter 2.10 of the County Code.

Hamlets and Villages are not local governments, but agents of the county and advisory to the Board of County Commissioners. Currently there are four Hamlets and one Village. They are the Villages at Mt. Hood (formed May 2006), the Hamlet of Beavercreek (formed September 2006), Stafford Hamlet (formed December 2006), the Hamlet of Mulino (formed May 2007) and the Hamlet of Molalla Prairie (formed March 2009).

The interests of the hamlet or village 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 on issues of concern to the hamlet or village. Prior to election, eligibility of candidates for the board of directors shall be approved by the BCC.

Although each entity is responsible for the election notification process to their community, the voting process is conducted by the county. Public and Government Affairs (PGA) staff receives, compiles and forwards with a cover memo to the BCC applications for interested candidates. Per the ordinance, the BCC must approve the nominated candidates before they are placed on the Hamlet or Village ballot. PGA staff drafts, prints and delivers the ballots to the Hamlet or Village Town Hall meeting where the election occurs. Staff counts the votes and retains a copy of the results on file in the PGA office.

**LEGAL/POLICY REQUIREMENTS:**

The Hamlets and Villages follow their bylaws and legal requirements outlined in Chapter 2.10 of the County Code.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

In addition to financial support, Public and Government Affairs staff provides staff support to each of the Hamlets and Villages. Examples of support include: coordination of speakers for meetings, managing the voting at elections, attending meetings, updating County webpages, and quarterly training meetings, to name a few.

**OPTIONS:**

1. Does the Board want to update the ordinance and/or bylaws to require a minimum level of citizen participation in Hamlet and Village elections?
2. Does the Board want to update the ordinance and/or bylaws to implement a consistent public notification process?
3. Does the Board want to amend the process or requirements for the election process for Hamlet and Village board members?
4. Does the Board want to amend Hamlet and Village bylaws and consider other changes to the ordinance at a later date as part of the larger program review?

**RECOMMENDATION:**

Staff recommends option 4, amend the individual Hamlet and Village bylaws and consider other changes to the ordinance at a later date as part of the larger program review.

At the direction of the BCC, staff is preparing a review of the entire Hamlet and Village program and will present those findings to the Board in June. Staff will also conduct a thorough review of Chapter 2.10 of the County Code and seek feedback from the public. At that time, staff will recommend housekeeping items such as: requiring advertised public notices of annual elections and mailed annual election notification to the properties within the boundaries of the Hamlet or Village, using the county's already dedicated funds (to be deducted from the \$2,000 annual payment); requiring each applicant to fill out a new application, including those seeking reappointment, and that the BCC will be briefed on the election process prior to formal appointment.

The county cannot require voting attendance minimums. This would require oversight by the County Elections staff. Hamlet and Village Board members are nominated by members of their community; they are advisory to the BCC and are not elected officials. Making updates or changes can be a lengthy legal process.

**ATTACHMENTS:**

Chapter 2.10 Hamlets and Villages.  
Bylaws from each Hamlet and Village.

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_  
Department Director/Head Approval \_\_\_\_\_ s/Gary Schmidt \_\_\_\_\_  
County Administrator Approval \_\_\_\_\_

**ORDINANCE NO. 03-2007**

**An Ordinance Repealing Chapter 2.10 of the Clackamas County Code, Community Connections, and Adopting a new Chapter 2.10 of the Clackamas County Code Governing the Formation and Operation of Hamlets and Villages in Clackamas County, and Declaring an Emergency**

WHEREAS, it appearing to the Board that on August 11, 2005, it adopted Ordinance 06-2005, entitled "Community Connections" (Title 2, Chapter 2.10, of the Clackamas County Code), which is intended to enable citizens in unincorporated areas of the county to form hamlets and villages, a new and innovative way for residents to participate in decisions that affect their local communities; and

WHEREAS, it further appearing to the Board that Ordinance No. 06-2005 has been actively utilized by county citizens; and

WHEREAS, it further appearing to the Board that based on experience acquired since implementation of said Ordinance, it has become apparent that procedural and substantive changes are necessary to more accurately address the operational needs and requirements of the hamlet and village program; and

WHEREAS, it further appearing to the Board that ORS 203.035(1) grants broad authority to counties to enact ordinances to exercise authority within the county over matters of county concern to the fullest extent allowed by Constitutions and laws of the United States and of this State, and this Ordinance is intended to provide citizens in unincorporated areas of the county a greater ability to participate in decision-making that affects their unique community interests and values, which is a matter of county concern;

NOW, THEREFORE, the Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Chapter 2.10, in Title 2, of the Clackamas County Code, Community Connections, is repealed and a new chapter 2.10 of the Clackamas County Code, Hamlets and Villages, is adopted in lieu thereof, to read as follows:

**2.10.010 Preamble**

A. **Policy objectives.** The Board of County Commissioners is committed to engaging its citizens by encouraging them to participate in decision-making processes that affect their lives. This Chapter is intended to further these policy objectives by creating a legal framework to enhance the connection between county government and its citizens.

B. This Chapter represents the work of citizens, staff, and professional consultants who assisted the county in developing ways to meet these policy objectives. Information was gathered through community meetings and events, random opinion sampling, and mail-back questionnaires. Central to the project were two major phases:

1. **Complete Communities.** The concept of Complete Communities was initiated by the Board of County Commissioners in 1999, and is among the most ambitious public outreach efforts ever conducted by the county. The award-winning *Complete Communities for Clackamas County* project has received state, national and international attention, and was the recipient of the prestigious *2002 Public Education Award* by the American Planning Association, the *2005 National Association of Counties Achievement*

*Award*, and a public engagement award for Completing Connections from the *International Association for Public Participation*.

a). The following purpose of Complete Communities was defined by its 65-member citizen Steering Committee based on broad outreach and involvement:

*“Working together to define our common and unique community values, identify the diverse attributes of complete communities, and guide future policy decisions and actions.”*

b). Through a number of community meetings, including the convening of several widely attended Community Congress events, citizens identified and prioritized countywide recommendations in eleven issue areas. They then identified those recommendations determined to be most effective and easiest to carry out. Central to this process was the overarching recommendation that citizens be able to better connect with the county and be more involved in county decisions that affect their lives.

c). From March 2001 to March, 2002, volunteer citizens and county staff formed work groups under nine areas: Cultural Diversity; Cultural Opportunities; Economy and Employment; Education; Environmental Quality; Growth, Land Use and Infrastructure; Health and Social Services; Housing Choices and Access to Transportation; Parks, Open Space and Recreation; and Public Safety. In July 2002 the Board of Commissioners approved the final report made by the work groups, and allocated funding for further work on the overarching recommendation to develop ways for citizens in unincorporated areas to become more closely involved in decisions that affect their lives. Updates on the various efforts were given at the 2005 Community Congress.

**2. Completing Connections.** Concurrent with the work of Complete Communities, a citizen-based task force was formed. Supported by staff and professional consultants, the task force’s primary purpose was to conduct research and identify organizational and governance frameworks to implement the overarching recommendation to develop ways to better involve residents in unincorporated areas in decisions that affect their lives. As a result of the work of the task force and subsequent discussions at Complete Communities Congresses, the task force recommended two models short of incorporation for communities in Clackamas County: hamlets and villages.

**2.10.020. Purpose; intent; authority.**

A. This Chapter establishes the organizational structure and process for hamlets and villages, which are intended to provide a forum for citizens residing, owning property or having businesses within defined geographic areas. Under this Chapter, citizens may form local hamlets or villages for the purpose of considering and making advisory recommendations to the county concerning a broad range of issues affecting the livability and quality of life in their communities. Hamlets and villages are advisory to the Board of County Commissioners, and are not local governments.

B. It is intended that the powers created by this Chapter be interpreted and applied to enable the broadest exercise of the powers granted by this Chapter, to the extent not pre-empted by state or federal law. Hamlets and villages are intended to be a form of participatory democracy to the extent that they promote the active involvement of citizens in county affairs and provide an opportunity for greater participation in matters affecting their local communities.

C. It is a matter of local concern and a proper subject for county legislation to promote the active involvement of citizens in county affairs so that citizens may have a greater opportunity to participate in matters affecting their local communities.

**2.10.030 Definitions. As used in this Chapter:**

A. “BCC” means the Board of County Commissioners.

B. "Board" means the board of directors of a hamlet or village.

C. "Citizen" means:

1. A person domiciled within the boundaries of a proposed or existing hamlet or village; a person who owns real property within the boundaries of a hamlet or village, but is domiciled outside those boundaries; or

2. A business entity that is established under ORS Chapters 56-70, 554, 748, or that qualifies as a Business Trust under ORS Chapter 128 if the entity or trust owns real property or maintains a business located within a hamlet or village.

To participate in formation activities, sign petitions, vote, or serve on the board of directors of a hamlet or village, a citizen who is an individual must be at least 18 years of age.

D. "Community Planning Organization" (CPO), as described in Chapter 2 (Citizen Involvement) of the Clackamas County Comprehensive Plan, means a community organization which acts in an advisory capacity to the Board of County Commissioners, Planning Commission, and Planning Division on land use matters affecting its area. The CPO program is the method Clackamas County uses to meet Goal 1, Citizen Involvement, of the Statewide Planning Goals.

E. "County Liaison" means the person designated by the County Administrator to facilitate communications among citizens, county staff, and the BCC. The liaison will also render advice and assistance to citizens to accomplish the goals and objectives of this chapter.

F. "Domicile" means the place where individuals have their true, fixed, permanent and principal home.

G. "Hamlet" means an unincorporated area that is an organized forum for citizens to express issues of concern, prioritize activities, and coordinate community-based activities, as may be approved by the Board of County Commissioners. A hamlet is financed primarily through contributions, grants or volunteer fundraising activities.

H. "Village" means an unincorporated area that is an organized forum for citizens to express issues of concern, prioritize activities, and coordinate community-based activities, as may be approved by the Board of County Commissioners and that, after approval by village citizens and the Board of County Commissioners, may be financed through a range of means.

I. "Town hall meeting" means a general meeting of the hamlet or village that is open to the community and provides an opportunity to discuss and decide matters of hamlet or village concern.

**2.10.040 CPO Functions; memoranda of understanding**

A hamlet or village may assume the functions of a CPO upon agreement of the existing CPO, the hamlet or village, and the BCC. If a hamlet or village seeks to assume the functions of a CPO, it must first meet with the CPO to discuss the proposed transfer of responsibility. If the CPO agrees to assumption of its functions by the hamlet or village, a memorandum of understanding shall be negotiated between the CPO and the hamlet or village. The memorandum shall outline how the assumption will take place, the scope of responsibility transferred, the ongoing status of the CPO once the transfer occurs, and how the CPO will resume functioning if the hamlet or village is ever dissolved. The memorandum may be signed by a proposed hamlet or village and CPO prior to formation, but must be approved by the BCC at the final formation hearing and signed by the BCC before going into effect.

**2.10.050 Formation of a Hamlet or Village**

A. **Pre-petition process.** One or more citizens desiring to form a hamlet or village will be known as “chief petitioner(s)” and shall comply with all of the following steps in the formation process:

1. Chief petitioner(s) must hold a public meeting to discuss the proposed formation. Notice of the meeting may be given by publication in a newspaper of general circulation or by any other means reasonably calculated to provide notice to citizens of the affected community.

2. If the proposed hamlet or village has community support, the chief petitioner(s) shall then meet with county staff to discuss the proposal. Terms to be discussed with county staff include, but are not limited to, preliminary purposes, boundaries, activities, name, projected short and long-term needs, and possible methods of financing.

3. Hamlet or village chief petitioner(s) shall communicate their proposal to special districts and cities within three miles of the proposed hamlet or village boundaries prior to circulating a petition for formation.

4. Within 150 days of county staff approval of the proposed hamlet or village, chief petitioner(s) shall complete the hamlet or village application and gather the required number of signatures petitioning for formation of the hamlet or village. Application and petition forms may be obtained from the Clerk of the BCC.

B. **Hamlet petition.** A petition for formation of a hamlet must be signed by at least 10% of the citizens located within the proposed hamlet boundary (based on the latest U.S. census or most recent county-acknowledged survey) or 100 citizens, whichever is the lesser number, and shall state the proposed name, preliminary purposes, preliminary boundaries, and proposed activities.

C. **Village petition.** A petition for a village must be signed by at least 15% of the citizens located within the proposed village boundary (based on the latest U.S. census or most recent county-acknowledged survey) or 150 citizens, whichever is the lesser number, and shall state the proposed name, preliminary purposes, preliminary boundaries, proposed activities, and any proposed methods of financing for the village.

D. **Notice of public hearing.** When a completed application and petition is received by the Clerk of the BCC, the county shall set a public hearing within sixty (60) days on the question of formation. The county shall provide two successive notices in a newspaper of general circulation in the area of the proposed hamlet or village, and shall post a notice of the hearing for the same period of time in at least three public places in the proposed area and notify cities within three miles of the boundaries of proposed hamlet or village.

E. **Public hearing.** At the public hearing, any person having an interest in the matter may appear and support or object to the formation of the hamlet or village. The BCC will consider the application and revise it as it deems appropriate.

F. **Resolution authorizing organizational process to complete formation.** At the conclusion of the public hearing, the BCC may pass a resolution authorizing the chief petitioner(s) to proceed with the organizational steps necessary to complete the formation process as presented, or it may modify or reject the application.

1. The resolution authorizing further organizational steps shall include the hamlet or village name, preliminary purposes, proposed activities, and preliminary boundaries. The resolution may also include the date for a final public hearing on the proposed formation.

2. During the organizational process, the BCC retains discretion to adjust the name, purposes, activities, and boundaries. The BCC may also set or adjust the date of the final public hearing on the proposed formation.

G. **CPO status.** A vote by the BCC on the formation of a hamlet or village does not affect an existing CPO, unless otherwise provided in an approved memorandum of understanding.

H. **Organizational meeting(s).** If the BCC passes a resolution authorizing the organizational steps necessary to complete the formation process, the chief petitioner(s) shall schedule one or more organizational meetings. Notice shall be by publication in a newspaper of general circulation in the affected area, or by other means reasonably calculated to provide notice to potential citizens of the proposed hamlet or village.

1. The chief petitioner(s) shall convene the first organizational meeting no later than sixty (60) days from the date on which the authorizing resolution is signed by the BCC.

2. The chief petitioner(s) shall form one or more work groups for the purpose of developing bylaws, accepting nominations for board of director positions, and conducting other organizational activities, including but not limited to discussion of boundaries, purposes, and activities. Work groups may be formed at any organizational meeting.

3. Candidates for positions on the board of directors of the proposed hamlet or village must be citizens of the proposed hamlet or village. Candidates shall complete an application form indicating their eligibility.

I. **Bylaws and board members.** Bylaws shall define the qualifications, roles and responsibilities of board members, their terms of office, attendance requirements, the manner of filling vacancies, and the grounds and process for removal. A majority of the total number of board members shall constitute a quorum.

1. Bylaws shall also set forth purposes, activities, methods of action, and the process for amending the bylaws. Examples of hamlet or village activities include communications, transportation, CPO functions, and working with other hamlets, villages, cities, CPOs, service providers, other organizations, or the county to achieve community goals.

2. In the case of a village, bylaws shall also expressly address the authority of, and process by which, a recommendation may be made to the BCC for establishment of additional taxes or fees to be paid by citizens of the village. A village has no independent authority to levy taxes or fees.

J. **BCC preliminary approvals.** At least thirty (30) days before a town hall vote, the chief petitioner(s) shall submit proposed bylaws and eligible board candidates to the BCC for preliminary approval at a public work session.

1. Other organizational issues may also be brought to the BCC in public work sessions for discussion and preliminary approvals.

2. Preliminary approvals by the BCC in public work sessions must be ratified at the final public hearing on the question of formation of the proposed hamlet or village.

3. Following preliminary approval by the BCC and prior to final ratification by the BCC, the county shall submit the question of formation of the proposed hamlet or village, the proposed bylaws, and board candidates, to the citizens of the proposed hamlet or village for a vote at one or more town hall meetings.

K. **Town hall voting.** Citizens of a proposed or existing hamlet or village are eligible to vote at a town hall meeting. If a business entity is owned by more than one person, only one person may claim to be a citizen because of such ownership. A non-resident owner of multiple parcels of real property may claim to be a citizen because of such ownership, but may cast only one vote. Multiple non-resident owners of the

same real property may claim citizenship because of such ownership but may cumulatively cast only one vote and hold only one board position based on that property. Business entities and trusts are entitled to one representative vote. If more than one person claims to be the authorized representative of a business or real property, the votes cast by those persons shall be made by provisional ballots.

1. The voting process will be conducted by the county. Since the town hall model is designed to encourage citizen participation, citizens must be present at a town hall meeting to vote during the formation process. At each such meeting, a written agenda shall be available identifying the issues to be voted on to facilitate citizen participation.

2. More than one citizen may be a candidate in an election based on joint ownership of a business or property. Where this occurs, only the candidate receiving the most votes may take office.

3. If a majority of citizens present at the town hall meeting vote to support formation of the proposed hamlet or village, approve the bylaws and choose the board of directors, the chief petitioner(s) shall recommend the formation, bylaws and board, to the BCC for ratification at the final public hearing.

4. If a majority of citizens present at a town hall meeting vote not to support formation of the hamlet or village, the chief petitioner(s) shall so notify the BCC in writing, and the BCC may enter an order rescinding its resolution authorizing formation of the hamlet or village at the final hearing.

5. The outcome of town hall voting is not binding on the BCC. However, the BCC shall consider the voting results as a factor in deciding whether to approve formation of a hamlet or village, or other matters, at the final hearing.

L. **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 town hall meeting who cannot provide proof of hamlet or village citizen 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.

1. 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.

2. 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.

3. Provisional ballots will be examined only upon a determination by the county that a sufficient number have been cast to possibly affect the outcome of the vote. In such event, public notice will be posted on the county's website of the intent to verify provisional ballots.

4. 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 citizens of the proposed hamlet or village 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.

5. Votes shall be counted by county staff or a designee.

M. **Final public hearing on formation and organizational issues.** At the final public hearing, persons may present testimony on any matter relevant to the proposed formation of the hamlet or village. At the conclusion of the public hearing, the BCC shall enter an order approving, approving with modification, or rejecting formation of the hamlet or village. If the Board approves formation, it shall enter an order that includes the approval of the name, purposes, activities, boundaries, initial board members, and bylaws of the hamlet or village.



N. **Hamlet and village boundaries.** There can be only one hamlet or village in any given geographic area. The boundaries of the hamlet or village shall not overlap the boundaries of another hamlet, village or city. To the extent permitted by law, the BCC will not permit encroachment into the hamlet or village boundaries by other entities.

**2.10.060 Post-Formation Management of Hamlet and Village Affairs**

A. **Board of Directors.** The interests of the hamlet or village 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 on issues of concern to the hamlet or village. Prior to election, eligibility of candidates for the board of directors shall be approved by the BCC.

B. **Meetings; public participation; action.** Each hamlet or village board shall meet with citizens at least quarterly at town hall meetings to identify, discuss, and prioritize community issues. All such town hall meetings shall be open to the public.

1. Citizens and non-citizens may attend and speak at town hall meetings.

2. Voting shall be conducted in accordance with Section 2.10.050(K), unless otherwise specified in approved hamlet or village bylaws. Town hall votes by citizens are advisory to the hamlet or village board, and shall guide the board in setting policy direction in hamlet and village affairs.

3. Official hamlet or village action shall be taken only by a vote of the board. If the hamlet or village board takes action contrary to a town hall vote, that action, and the board's reasoning, shall be presented to the county liaison, and to citizens at the next town hall meeting.

C. **Bylaw amendments.** Proposed bylaw 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.

D. **Boundary changes.** Using the process contained in its bylaws, a hamlet or village may request that the BCC modify its boundaries.

E. **Agreements.** Upon approval of the BCC, a hamlet or village may enter into memoranda of understanding with neighboring jurisdictions or other organizations. The county may, on behalf of a hamlet or village, enter into an intergovernmental agreement with other governments.

F. **Activities; changes.** Individual projects to be undertaken within activity areas identified in the hamlet or village bylaws must first be reviewed and approved by the county liaison to ensure consistency with the approved bylaws. Proposed changes to a hamlet or village activity list must first be presented by the board to the BCC for review and approval. If approved by the BCC, the change must also be approved by a majority vote of those citizens of the hamlet or village who are present at the town hall meeting at which approval is sought. If the change is approved, the hamlet or village bylaws must also be amended to reflect the change.

**2.10.070 Financing**

A. **Hamlet.** A hamlet shall be financed primarily through contributions, grants, and volunteer fundraising activities. All such funds must be deposited with and administered by the county on behalf of the hamlet. A hamlet may enter into agreements for the sharing of revenue with the county.

B. **Village.** A village may generate revenue through a range of means, including contributions, grants, and volunteer fund-raising activities. All such funds must be deposited with and administered by the county on behalf of the village. A village may enter into agreements for the sharing of revenue with the county. If approved by a vote of the citizens at a town hall meeting, the board may also request that the BCC take any of the following actions:

1. Fund proposed activities within the boundaries of the village through the establishment of a tax, fee or other charge. The BCC may implement such a recommendation if the tax, fee or charge is permitted by law, the revenue generated is intended to support the delivery of an enhanced level of service, and the level of service would not otherwise be provided from appropriated county funds.

2. Initiate formation of a county service district with a permanent rate limit for operating taxes. If approved by the BCC, formation will be initiated in accordance with ORS Chapter 451, which includes public hearings and a vote on the question of formation by registered voters within the boundaries of the proposed district.

3. Authorize the village to circulate a petition for the formation of a local improvement district pursuant to Chapter 4.02 of the Clackamas County Code pertaining to construction of public roads, sidewalks, traffic-calming, street lighting, and related facilities.

**2.10.080            Dissolution**

A.     **Initiation.** Dissolution of a village or hamlet may be initiated by:

1. A resolution of the BCC; or

2. Filing a petition with the Clerk of the BCC. In the case of a village the petition must be signed by at least 30% of the citizens. In the case of a hamlet, the petition must be signed by at least 20% of the citizens. The latest U.S. census or most recent county-acknowledged survey shall be used to determine if a petition meets the requirements of this section.

B.     **Process.**

1. The hamlet or village shall hold a town hall vote on the question of dissolution from at least thirty (30) days after, but no more than fifty (50) days after, initiation of the dissolution process.

2. Following a town hall vote in favor of dissolution, the BCC shall hold a public hearing on the issue.

3. The BCC may enter an order dissolving the hamlet or village if the BCC finds:

a.) It to be in the best interests of the citizens of the hamlet, village, or the county, to dissolve the hamlet or village;

b.) That the hamlet or village has failed to regularly follow its adopted bylaws; or

c.) That the hamlet or village has failed to meet the requirements of this Chapter.

C.     **CPO status.** Dissolution of a hamlet or village does not affect any existing CPO, except to the extent required by a written memorandum of understanding.

D.     **Disposition plan.** A petition for dissolution of a hamlet or village shall include a plan for disposing of assets and for payment of any indebtedness. In the case of a village, the plan must include a recommendation on whether to dissolve or continue any districts formed to serve the village. 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.

**2.10.090            Public meetings; public records**

A.     **Public meetings.** Meetings of hamlet and village boards, 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.

B. **Public records.** Hamlet and village records are public records subject to disclosure unless exempt. Public record requests must be submitted to the Clerk of the BCC for processing. The hamlet or village shall cooperate with the county in responding to each request.

C. **Records retention.** All original records shall be retained by each hamlet or village as required by law, with copies provided to the Clerk of the BCC. Copies of all meeting minutes shall be submitted to the Clerk of the BCC 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 Clerk of the BCC within thirty (30) days of any changes in bylaws or board members.

#### **2.10.100 Local budget and audit law; charitable contributions; contracts**

A. **Local budget and audit law.** Hamlets and villages 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.

B. **Charitable contributions.** Charitable contributions made for the benefit of a hamlet or village may be paid to Clackamas County. As of the adoption date of this Ordinance, federal tax law provides an income tax deduction for charitable contributions to the county made exclusively for public purposes. Contributions received by the county on behalf of a hamlet or village will be acknowledged in writing with the statement that the contribution is tax-deductible to the full extent allowed by law.

C. **County trust accounts.** Working with the county liaison, a hamlet or village shall open a trust account with the County Treasurer to accumulate contributions described in section "B" above. The account shall be established according to County Treasurer protocol. Authorized requests for funds held by the county in trust for the hamlet or village shall be made in writing to the county liaison.

D. **Imprest petty cash or bank account.** A hamlet or village may maintain an imprest petty cash fund or an imprest bank account in an amount authorized by the BCC for miscellaneous expenditures, if provided in the hamlet or village bylaws. If the hamlet or village 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. Deposits in financial institutions must comply with all requirements of ORS Chapter 295.

1. 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.

E. **County contract authority.** Hamlets and villages 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.

#### **2.10.110 Liability; risk management**

A. **Agency status.** Hamlet and village board members acting within the scope of authority granted by the organization bylaws and county policies are advisory to the BCC and shall be treated as agents of the county for claims against them for purposes of the Oregon Tort Claims Act. When acting in the capacity of a CPO, a hamlet or village board shall not be considered an agent of the county.

B. **Fund-raising activities.** A hamlet or village board must obtain approval from the county Risk Manager prior to staging public fund-raising activities.

C. **Ethical standards.** Directors and officers are public officials subject to Government Standards and Practices laws (Oregon Revised Statutes Chapter 244), and may be removed from office by the BCC if found to be in violation thereof.

**Section 2: Severability**

If any clause, section or provision of this ordinance is declared unconstitutional or invalid for any reason or cause, the remaining portion of this ordinance shall remain in full force and effect and be valid as if the invalid portion had not been incorporated herein.

**Section 3: Savings Clause**

The adoption of this Ordinance does not impair the rights and privileges enjoyed by hamlets and villages previously formed under Ordinance No. 06-2005. However, existing and future hamlets or villages shall henceforth be governed by the provisions of this Ordinance. If bylaws of a previously formed hamlet or village require amending to be in compliance with the requirements of this Ordinance, such amendments shall be made by the hamlet or village within one (1) year from the effective date of this Ordinance.

**Section 4: Emergency Clause**

The Board of Commissioners hereby finds and declares that an emergency exists inasmuch as there is an urgent need to ensure that existing hamlets or villages, and those being formed, proceed under the provisions of this Ordinance to avoid confusion and uncertainty caused by adherence to repealed Ordinance provisions. It is therefore necessary to the public peace that the effective date of this Ordinance not be delayed, but become effective immediately upon its enactment.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

# 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 be a legally defined entity.
2. To promote community identity.
3. To provide members with a forum for dealing with a broad range of issues.
4. To represent the community and be its voice.
5. To enhance livability, sustainability, and functioning of the community and to direct community planning.
6. 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 are quarterly Town Hall meetings, to include expression of concerns, education, deliberation<sup>1</sup>, policy<sup>2</sup> development, and goal setting.
3. Protect the rural character of the area by maintaining a vigilant<sup>3</sup> posture.
4. Represent the Hamlet to other governmental bodies and organizations.

<sup>1</sup> Deliberate = unhurried careful and thorough consideration characterized by awareness of the consequences

<sup>2</sup> Policy = a definite course or method of action selected from alternatives in light of given conditions to guide and determine present and future decisions; a high-level overall plan embracing the general goals and acceptable procedures

<sup>3</sup> Vigilant = watchful

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 Beaver Creek Community Planning Organization, including land use planning.

#### ARTICLE IV: BOUNDARY

**Section 1. Proposed.** The initial boundary of the Hamlet is the boundary of the Beaver Creek 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*).

**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

Membership in the Hamlet of Beaver Creek shall be open to anyone 18 years old or older who is a resident of the Recognized Area, a property owner within the Recognized Area, or a designated representative of a business, corporation, or trust within the Recognized Area. 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.

## ARTICLE VI: BOARD OF DIRECTORS

**Section 1. Nomination.** Nominations may come from members and/or a Nominating Committee. The nominations must be submitted to the Nominating Committee at least ten (10) days prior to the annual Town Hall elections meeting for them to prepare a slate.

**Section 2. Eligibility.** Any Hamlet member shall be eligible for the Board.

**Section 3. Election of Board, including Officers.** The Hamlet's Board of Directors will include seven (7) members: four (4) officers -- Chair, Vice-Chair, Secretary, Treasurer -- and three (3) additional board members. The Chair and Secretary will be elected by direct vote of members and the Board of Directors will select from its numbers the Vice Chair and Treasurer after the election. If nominees do not stand for the post of Chair or Secretary, the number of Board members elected will be increased correspondingly and the Board of Directors will select from its numbers those positions after the election.

At the annual Town Hall elections meeting, first the Chair and Secretary shall be elected from nominees for each position. Those nominees not elected may be added to the slate for Board Members. Then, using a paper ballot, members will vote for their choices for additional board members. Those receiving the highest number of votes will win. Votes will be counted by the Registrar and by two 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 4. Terms of Office.** The term of office for Directors, including the Officers, shall be two (2) years. In even years, four (4) come up for election; in odd years, three (3) board members come up for election.

For the first term of office pursuant to these Bylaws, the Chair, Secretary, and the two (2) Board members receiving the highest number of votes will be elected for two (2) years; the remaining three (3) will be elected for one (1) year.

**Section 5. Duties of Board of Directors.** The duties of the Board of Directors are:

1. 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.
2. 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.
3. Represent the Hamlet to the County Department of Transportation & Development (DTD), the BCC, any other agents or agencies of the County or State governments or other jurisdictions, non-governmental organizations, or other entities.
4. Conduct monthly community meetings of which four are quarterly Town Hall meetings.
5. Prepare an agenda for community and Town Hall meetings.
6. 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.
7. Conduct all appropriate administrative functions of the Hamlet, including minutes, yearly budget, and record keeping.
8. Select a member as Corresponding Secretary to send out letters as directed by vote of the membership or of the Board, to respond to county land use applications, and to perform related tasks.
9. Select a member as Speaker to represent the Hamlet and its positions, proposals, and recommendations before hearings, the County DTD, the BCC, 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.



10. Select a member as Registrar to keep the membership rolls, to verify qualifications for membership, to oversee signing in at meetings, and to supervise and confirm votes at community meetings.
11. File appeals of the action of the County DTD, the BCC, any other agents or agencies of the County or State governments or other jurisdictions, non-governmental organizations, or other entities.

**Section 6. 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<sup>4</sup>; 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<sup>5</sup>; 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<sup>4</sup> if either the chair or treasurer is unable to perform this duty.
- **Secretary:** The secretary will take and report minutes of all meetings of the Hamlet and shall keep accurate records including minutes, attendance, and correspondence for 1 year and until turned over to the Clerk of the Board of County Commissioners. 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<sup>4</sup>. 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 file any legal reports as required by law.

**Section 7. 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<sup>6</sup> from Hamlet community and/or Board meetings and is determined by a majority of the Board (4) 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

<sup>4</sup> Check signers are not to be related.

<sup>5</sup> Such as mail, telephone, and email.

<sup>6</sup> As determined by the Board that the person has vacated the position.

meeting, at which time a majority of members present at the meeting will elect a successor.

**Section 8. 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 (See 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 quorum at a Board meeting shall be a majority of the number of Directors (4). Action will be taken by a quorum vote of the Directors (4).

**Section 9. Removal of a Director.** Any Director may be removed from office at a Town Hall meeting by a two-thirds majority vote of members present. The proposed recall must be announced at the Town Hall meeting prior to the Town Hall meeting when the vote will occur.

**Section 10. 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. 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.

**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 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 members. A minimum of two days notice shall be given by posting in three prominent public places and/or by telephone communication to the membership;

fax or email of notice to the media is encouraged. All actions shall be reported at the next 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 (See 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. Election of Directors will be conducted by paper ballot unless candidates run unopposed. Other votes will be by a show of hands or by roll call, if required by Oregon Law (See 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, subject to Article XII. 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 staff liaison will work with the Hamlet. Other County staff will work with the Hamlet as needed and available.

#### ARTICLE X: LOCAL BUDGET LAW; CONTRACTS

The Hamlet shall cooperate with the County and comply with ORS 294.305 to 294.565, Local Budget Law, to the extent required by law.

The Hamlet has no authority to enter into contracts unless expressly authorized in writing by the BCC or its designee. All Clackamas County contracts are subject to the rules of the Clackamas County Local Contract Review Board.

Any Intergovernmental Agreements between the Hamlet and other governments shall be reviewed and agreed to by the BCC before signing.

## ARTICLE XI: PUBLIC MEETINGS AND PUBLIC RECORDS

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

Notice shall be provided and meetings shall be open in accordance with the Oregon Public Meetings Law.

All records of the Hamlet are County records and considered public unless exempt from disclosure by the Oregon Public Records Law. The Hamlet shall comply with Oregon's Public Records Law. This includes providing adequate notice, opening the meetings to the public, voting, and keeping minutes. All requests for records should be referred to the Clerk of the Board of County Commissioners for processing.

## 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.

The Hamlet Board of Directors must obtain approval from the County Risk Manager 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

Dissolution of the Hamlet may be initiated by a petition of 10% of the members of the Hamlet, filed with the Clerk of the BCC, or by resolution of the BCC following a 3-month communication period with the Hamlet.

Within 30 to 50 days from the initiation of dissolution, the BCC shall hold a public hearing on the issue. If, after the public hearing, the BCC finds that dissolution is in the best interests of the members of the Hamlet or the County, or that the Hamlet has failed to regularly follow its adopted Bylaws or meet the requirements of

County Ordinance No. 06-2005, the BCC may declare the Hamlet dissolved and enter a Board order to that effect.

Dissolution of the Hamlet shall cause the Beaver Creek Community Planning Organization (BCPO) to become active and resume its land use planning role. The boundary of the reactivated BCPO shall be the boundary of the Hamlet at the time of its dissolution.

#### ARTICLE XV: AMENDMENTS TO BYLAWS

These Bylaws may be amended or repealed, and new Bylaws adopted, by a two-thirds vote of the members present at a Town Hall meeting. Any proposed Bylaw amendment shall be read at one Town Hall meeting and voted upon at the next Town Hall meeting. All changes to the Bylaws must be approved by the BCC before they become effective.

#### ARTICLE XVI: SEVERABILITY

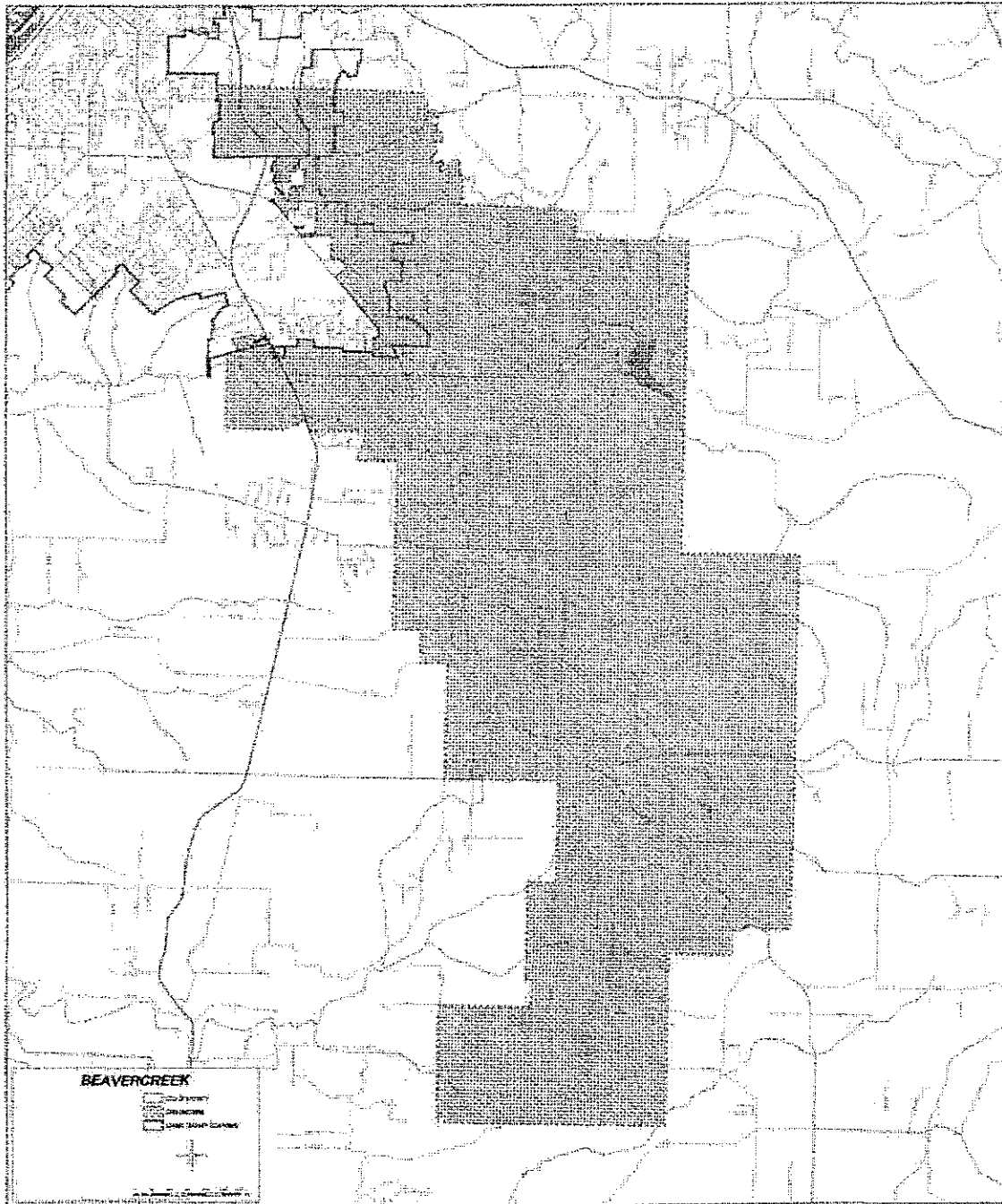
Invalidity or unenforceability of one or more provisions of these Bylaws shall not affect any other provision of these Bylaws.

DATE ADOPTED BY HAMLET MEMBERS: 29 JUNE 2006

DATE RATIFIED BY BCC: 21 SEPTEMBER 2006

DATE OF RATIFIED AMENDMENTS ADOPTION: 28 MARCH 2007

# INITIAL HAMLET BOUNDARY MAP



HAMLET BYLAWS, ADOPTED 29 JUNE 2006 | RATIFIED BY BCC 21 SEPTEMBER 2006  
AMENDED AND RATIFIED 28 MARCH 2007

**HAMLET OF MOLALLA PRAIRIE**  
**BYLAWS**

**ARTICLE I: NAME**

The name of this Hamlet shall be the **Hamlet of Molalla Prairie**.

**ARTICLE II: PURPOSE**

The purpose of the Hamlet of Molalla Prairie is:

1. To be a local, grass roots, non-partisan, organization formed under Chapter 2.10 of the Clackamas County Code.
2. To provide members of the Hamlet a forum for dealing with a broad range of issues including but not limited to matters concerning the rights and interests of local members and land owners, public safety issues, and rural small business development.
3. To represent the interests of the rural community and to work with other organizations, government agencies, rural residents and businesses to advance those interests.
4. To initiate and coordinate activities approved by its members and its Board of Directors.
5. To serve as a hub for information distribution for the rural community.

**ARTICLE III: ACTIVITIES**

The Hamlet shall:

1. Hold Rural Community Meetings. The term "Rural Community Meeting" shall have the same meaning as "Town Hall Meeting" in Clackamas County Ordinance 03-2007.
2. Develop policy in matters of interest and concern to its members.
3. Provide for education and information sharing of, including but not limited to, economic development, agri-tourism, archeological and historical projects, public safety and transportation, emergency planning, and strategic planning for rural community building.
4. Represent the Hamlet membership to governmental bodies and organizations.
5. Develop and maintain active communication with Hamlet members by such means as electronic media (Hamlet website and email) and print media (mailings and newspapers).

## **ARTICLE IV: BOUNDARY**

**Section 1. Proposed.** The boundary of the hamlet is identified on attached map of January 19, 2010 (Exhibit A).

**Section 2. Changes.** The Hamlet Boundary may be changed after discussion with neighboring organizations, jurisdictions, and service providers. Proposed boundary changes must be approved by a majority vote of the Hamlet members at a Rural Community Meeting followed by review and approval by the Clackamas County Board of Commissioners (BCC).

## **ARTICLE V: HAMLET MEMBERSHIP AND VOTING**

**Section 1. Membership.** A Hamlet member is a person at least 18 years of age who is domiciled within the boundaries of the Hamlet or a person who owns real property within the boundaries of the Hamlet, but is domiciled outside those boundaries. A member may also be a business entity that is established under ORS Chapters 56-70, 554, 748, or that qualifies as a Business Trust under ORS Chapter 128 if the entity or trust owns real property or maintains a business located within a Hamlet. To establish membership, a person must present evidence of the above. Members may participate in all activities of the Hamlet.

To participate in formation activities, sign petitions, vote, or serve on the board of directors of the Hamlet, a member who is an individual must be at least 18 years of age.

**Section 2. Voting.** All votes shall be by paper ballot at the Rural Community Meeting, unless otherwise determined. No proxy or absentee votes are allowed. In order to vote at a Rural Community Meeting, members must be present at the meeting.

## **ARTICLE VI: BOARD OF DIRECTORS**

The Hamlet Board of Directors (the Board) is the representative voice of its members and serves in an advisory capacity to the BCC on issues of hamlet concern. Any qualified hamlet member who resides within the Hamlet boundary shall be eligible for the Board. The names of all nominees shall be submitted to the county liaison at least twenty eight (28) days prior to election at a hamlet Rural Community meeting for review and approval by the BCC at a public work session before the election.

**Section 1. Number.** The Hamlet Board shall have a minimum of five (5); a maximum of eight (8) Board members.

**Section 2. Eligibility.** Candidates for positions on the Board shall complete an application form indicating their eligibility.

**Section 3. Duties.** The primary duties of the Board members are to:

- a. Consult with Hamlet members to determine the Hamlet's vision and goals.
- b. Work with members to carry out the Hamlet's activities.
- c. Gather member input on all actions requiring a vote by the Board.



- d. Conduct all appropriate administrative functions of the Hamlet, including yearly budget and record keeping.
- e. Conduct Rural Community and Special meetings as described in Article VIII.
- f. Provide an annual report of activities to the members of the Hamlet, the County's Liaison and the BCC.
- g. Represent the Hamlet to other jurisdictions and the BCC.
- h. Undertake any other duties proposed by the members and approved by the Board, County Liaison, and BCC if necessary.
- i. Consistent with the Clackamas County Ordinance on Hamlets and Villages and subject to the prior approval of the BCC, the Board may enter into Memorandum(s) Of Understanding (MOUs) with any other recognized Governmental entity in accordance with applicable laws.

**Section 4. Term and Elections.** The term of office for Board members shall be two (2) years except for the exception in subparagraph c below. Board members shall be elected by the majority vote of Hamlet members present at the designated annual Rural Community Meeting.

- a. **Nominations:** Nominations for the Board shall be submitted to a Nominating Committee made up of at least two Hamlet members not serving on the Board. All persons nominated must complete a form provided for the purpose by Clackamas County. Completed nomination forms will then be submitted to the BCC staff by the Secretary or Registrar for the BCC to approve or reject. The submittal by the Hamlet to the BCC shall be made at least 28 days prior to the Rural Community elections meeting.
- b. **Voting procedures:** Elections for vacant positions will be conducted once each year as a minimum. Special elections (to fill vacant positions up to a maximum of eight Board members) may be directed by the Board when the Board deems necessary.
- c. **Exception for Initial Election:** In the initial election at the time of the formation of the Hamlet, between five and eight Board positions shall be voted on. The elected Board will determine by a fair and neutral process, which members will serve only an initial one year term in order to ensure long term continuity of the Board via alternating expiration of terms.

**Section 5. Officers.** The Board members shall choose a chair, vice-chair, secretary and treasurer from among themselves. The Board may also choose a Corresponding Secretary, a Registrar, and/or a Sergeant at Arms from remaining Board members.

**Section 6. Duties of Officers.**

- a. **Chair:** The Chair shall: preside over all meetings of the Hamlet of Molalla Prairie and the Board; co-sign, with the Treasurer, for all authorized expenditures; appoint committee chairs; and be responsible for the performance of such duties as prescribed in these bylaws or designated by Hamlet members at a Rural Community Meeting.

- b. **Vice-Chair or Co-Chair:** The Vice-Chair shall 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.
- c. **Secretary:** The secretary shall keep accurate records of all meetings of the Hamlet, including attendance and shall make such records available to the Clerk of the Board of County Commissioners. Any Hamlet member or member of the public may access such records, as required by the Oregon Public Records and Meetings Law (ORS Chapter 192.), by requesting them from the Clerk of the Board of County Commissioners. There may be a production charge for records requests. The secretary shall handle all correspondence of the Hamlet and be responsible for any other duties delegated by the Board.
- d. **Treasurer:** The treasurer shall maintain an accurate record of all income and expenses of the Hamlet and shall co-sign for authorized expenditures. If provided by these bylaws, and in compliance with Chapter 2.10 of the County Code, the treasurer may maintain a bank account, and must present a statement of accounts at every Rural Community Meeting. Any Hamlet member or member of the public may access such records, as required by the Oregon Public Records Law (ORS Chapter 192.), by requesting them from the Clerk of the Board of County Commissioners. There may be a production charge for records requests.

**Section 7. Selection of Officers.** The Board shall select Officers from among its members at the first Board meeting following each designated annual Rural Community Meeting at which Board elections are held. Officers shall be announced at the next Rural Community Meeting.

**Section 8. 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 two unexcused absences from Hamlet Board meetings in a twelve-month period and is subsequently determined by a majority of the Board to have vacated the position. The vacancy shall be filled by appointment by a majority of the remaining Board. The person appointed to fill the vacancy shall serve the remainder of the unexpired term until the next Rural Community Meeting, at which time a majority of members present at the meeting shall elect a successor.

**Section 9. Quorum and Action.** A quorum at a meeting, and the minimum number of concurring votes (affirmative or negative) that must be cast in order to pass or reject a motion by the Board, shall be a majority of the total number of directors, as prescribed by ORS 174.130.

**Section 10. Regular Meetings.** Regular meetings of the Board shall be held at the time and place to be determined by the Board but no less than quarterly. The Hamlet shall provide notice and hold open meetings in accordance with the Oregon Public Meetings Law. The Hamlet Board will meet with members (at least quarterly) at Rural Community Meetings to give members an opportunity to identify, discuss and vote on community issues. All such meetings shall be open, but only members of the hamlet, as defined in Article V of these bylaws, and as set forth in Chapter 2.10 of the County Code, may vote.

**Section 11. Special Meetings.** Special meetings of the Board shall be held at the time and place to be determined by the Board. Notice of such meetings, describing the date, time, place and purpose of the meeting, shall be delivered to each Director personally or by telephone, e-mail or U.S. postal service, not less than five days prior to the special meeting. Special meetings shall be held in accordance with Oregon's Public Meetings Law.

## **Section 12. Public Meetings and Public Records.**

- a. **Records.** All records of the Hamlet are County records and considered public unless exempt from disclosure by the Oregon Public Records Law. The Hamlet shall comply with Oregon's Public Records Law.
- b. **Meetings.** The Hamlet is a Public Body, subject to Oregon's Public Meetings Law. This includes providing adequate notice, opening the meetings to the public, voting, and keeping minutes. This section shall not prohibit the Board from meeting in executive session(s) in accordance with applicable County and State laws and rules.

**Section 13. Compensation.** Directors shall not be paid for services on the Board, but may be reimbursed for any Board-approved expenses related to their Hamlet duties. All requests for reimbursement must be accompanied by a receipt.

**Section 14: Removal of a Director.** Any Director may be removed from office at a Rural Community Meeting by a two-thirds majority vote of Hamlet members present. The proposed recall must be announced at the Rural Community Meeting prior to the meeting when the vote will occur. A Director may also be removed by the Board of County Commissioners for violating the state ethics laws, County Code, or these bylaws.

## **ARTICLE VII: COMMITTEES**

**Section 1. Committees.** The Board of Directors may establish such committees as necessary and desirable to conduct the affairs of the hamlet. Such committees shall be advisory to the Board, and are also subject to Oregon's Open Meetings Law.

## **ARTICLE VIII: QUARTERLY MEETINGS**

**Section 1.** The Board shall hold not less than four quarterly Rural Community Meetings per year for the following purposes:

- a. Election of directors, if appropriate.
- b. Reporting to the members.
- c. Approving activities to be undertaken by the Hamlet.
- d. Other matters as proposed by the members.

Special Meetings may be held to address an urgent topic, if requested by a majority of the Board or by ten or more members. All actions taken at a Special Meeting shall be reported at the next Rural Community Meeting.

**Section 2.** Members shall be notified at least ten days prior to Rural Community Meetings, and at least five days prior to Special Meetings. Meetings shall be publicized through area newspapers, flyers, Internet websites, email, and through other means, as is practical, and in a manner reasonably calculated to provide notice to members and interested persons according to the provisions of Oregon's Open Public Meetings law.

Additional notice shall be in area newspapers, flyers, Internet websites, email and through other means, as is practical.

**Section 3.** The meeting shall be public, but only members of the Hamlet may vote.

**Section 4.** A simple majority of members present at the Rural Community Meeting may conduct all Hamlet affairs as noted in Section 1. Members must be present at Rural Community Meeting meetings to vote.

**Section 5.** All votes shall be by paper ballot at the Rural Community Meetings, unless otherwise determined. Voting by the board must be in compliance with Oregon's Open Meetings Law. No proxy or absentee votes will be allowed.

## **ARTICLE IX: FUNDING**

**Section 1.** The hamlet shall be financed primarily through contributions, grants, and volunteer fundraising activities. All such funds must be deposited with and administered by the County on behalf of the Hamlet. The Hamlet may enter into agreements for the sharing of revenue with the County. The Hamlet shall have no power to request a tax levy or impose any fees on its members.

- a. Charitable contributions. Contributions made for the benefit of the Hamlet may be paid to Clackamas County. Federal tax law provides for a possible income tax deduction for charitable contributions to the County made exclusively for public purposes. Contributions received by the County on behalf of the Hamlet will be acknowledged in writing with the statement that the contribution is tax-deductible to the full extent allowed by law.
- b. County trust accounts. Working with the County liaison, the Hamlet shall open a trust account with the County Treasurer in order to accumulate contributions described in section "a" above. 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.
- c. 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 miscellaneous 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. 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 and/or bank account.

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

## **ARTICLE X: CONFLICT RESOLUTION**

Board members should use all possible means to resolve conflicts or disputes amicably and follow the procedures outlined in the bylaws. Please refer to the suggestions included in the Hamlets and Villages Handbook. If disputes remain unresolved the following procedures may be used.<sup>1</sup>

1. Individuals making an allegation of misconduct against a Hamlet board member must submit the case in writing to each member of the Hamlet board, sending a copy to the Clerk of the Board of County Commissioners and County Liaison.
2. The Hamlet board may place the matter on the agenda of its next regularly scheduled meeting. It may be advertised either as an executive session under ORS 192.660(2)(b) to keep the details confidential, or in open session if requested by the subject board member(s.) The board must go back into open session to make any decision; refer the complainant to the Oregon Governments Standards and Practices Commissions (for alleged ethical violations) if further action is desired; or, appoint a subcommittee to investigate the allegations.
3. The subcommittee appointed must be comprised of at least two disinterested board members and two members of the Hamlet. They will be charged with the responsibility of investigating the merits, if any, of the written allegations.
4. The subcommittee shall report its findings to the Hamlet board within forty-five (45) days of its appointment. If in writing, copies of the report shall be provided to members of the board and Clerk of the BCC at least seven (7) days prior to the scheduled hearing. The report may be presented to the Hamlet board in executive session (ORS 192.660(3)(b), unless an open session is requested by the subject of the investigation.
5. The Hamlet board may discuss the findings of the subcommittee in executive session, but must go back into open session to make a decision.
6. In open session, the board may vote to accept or reject any of the findings made by the subcommittee. This includes exoneration on one or more charges, or removal of the subject board member(s.) The decision by the Hamlet board becomes the basis for a recommendation to the BCC.
7. A vote in favor of removing the subject board member(s) shall not be effective unless and until approved by the BCC. Following action by the Hamlet board, the BCC shall review the Hamlet decision in a public work session, at which time the BCC may accept or reject the Hamlet board's recommendation. If the decision to remove is approved by the BCC, the Hamlet board shall recommend a successor to the BCC, who when approved, shall serve until a new board member is selected by a vote at the next Rural Community Meeting meeting.

8. The BCC may request that County staff also investigate the allegation(s.)

## **ARTICLE XI: ETHICS POLICY**

1. All Hamlet board members are agents of Clackamas County and must comply with applicable rules for conflicts of interest, gifts, and other ethical matters prescribed by the Oregon Government Ethics Commission. Conflicts of interest are actions, decisions or recommendations Hamlet board members make in their official capacity that is or potentially could be of financial benefit or detriment to them, a relative or business with which they are associated.
2. State law sets a yearly gift limit of \$50 from a single source who may have an administrative or legislative interest in Hamlet business directly, or in County decisions that may affect the Hamlet. Relatives and members of the household of board members shall conform to these applicable monetary limits. Board members and their relatives or members of their household, shall not receive a gift of entertainment in any amount from a person who has an administrative or legislative interest in the Hamlet or County decisions.
3. Board members shall contact the County Liaison with questions about how ethics rules may apply in a particular situation.

## **ARTICLE XII: COUNTY HAMLET LIAISON**

A designated County Liaison shall be the primary contact between the County and Hamlet. Other County staff shall work with the Hamlet Liaison as needed and available.

## **ARTICLE XIII: LOCAL BUDGET AND AUDIT LAW; CONTRACTS**

The Hamlet shall cooperate with the County and comply with state law regarding local budget and audit rules to the extent required by law. The Hamlet has no authority to enter into contracts unless expressly authorized in writing by the BCC or its designee. All Clackamas County contracts are subject to the rules of the Clackamas County Local Contract Review board.

## **ARTICLE XIV: LIABILITY; RISK MANAGEMENT**

Hamlet directors acting within the scope of authority granted by the organization's bylaws and 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 Community Planning Organization (CPO), the board will not be considered an agent of the County. The Hamlet board of directors must obtain approval from the County Risk Manager prior to undertaking public fund-raising activities.

## **ARTICLE XV: INDEMNITY**

Hamlet and village board members acting within the scope of authority granted by the organization bylaws and county policies are advisory to the BCC and shall be treated as agents of the county for claims against them for

purposes of the Oregon Tort Claims Act. When acting in the capacity of a CPO, a hamlet or village board shall not be considered an agent of the county.

## **ARTICLE XVI: DISSOLUTION**

Dissolution of the Hamlet may be initiated by:

1. A resolution of the BCC; or
2. Filing a petition with the Clerk of the BCC signed by at least 20% of the Hamlet members. The latest U.S. census or most recent County-acknowledged survey shall be used to determine if a petition meets the requirements of this section. The Hamlet shall hold a Rural Community Meeting to vote on the question of dissolution at least twenty-eight (28) days, but no more than fifty (50) days, after initiation of the dissolution process. Following a Rural Community Meeting vote in favor of dissolution, the BCC shall hold a public hearing on the issue. The BCC may enter an order dissolving the Hamlet if the BCC finds it to be in the best interests of the members of the Hamlet or the County to dissolve the Hamlet, or the Hamlet has failed to regularly follow its adopted bylaws, or if the Hamlet has failed to meet the requirements of County Code, Chapter 2.10. Dissolution of the Hamlet shall not affect any existing CPO.

## **ARTICLE XVII: AMENDMENTS TO BYLAWS**

These bylaws may be amended or repealed, and new bylaws adopted after first being presented to the BCC for review and approval at a public work session scheduled at least twenty-eight (28) days prior to a Rural Community vote on the amendments. Proposed changes must be adopted by a majority vote of the members at a Rural Community Meeting after first being given at least twenty eight (28) days notice of the date, time, and place of meeting at which the proposed amendment is to be considered. Notice of the Rural Community Meeting must comply with the public meetings law and may be given by direct mail, email, website, printable media or other means. The notice shall state that one of the purposes of the meeting is to consider a proposed amendment to the bylaws and shall contain a copy of the proposed amendments. All changes to the bylaws must be approved by the BCC before they become effective.

## **ARTICLE XVIII: SEVERABILITY**

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

Date Adopted: April 21, 2010

# THE BYLAWS OF THE HAMLET OF MULINO

## ARTICLE I: NAME

The name of this hamlet shall be the Hamlet of Mulino.

## ARTICLE II: PURPOSE

The purpose of the Hamlet of Mulino is:

1. To be a local citizen organization formed under Chapter 2.10 of the Clackamas County Code.
2. To promote a positive community identity and direction
3. To provide citizens of the hamlet a forum for dealing with a broad range of issues.
4. To represent the community and be its voice.
5. To enhance livability, sustainability, duration, and functioning of the community and to encourage direct community planning.
6. To promote and clarify issues of community interest.

## ARTICLE III: ACTIVITIES OF HAMLET

The Hamlet shall undertake the following:

1. Involve its citizens in the land use and community planning processes.
2. Hold eight (8) monthly community meetings, and four (4) are quarterly Town Hall meetings to include expressions of concern, education deliberation<sup>1</sup>, policy<sup>2</sup> development, and goal setting. Town Hall votes by citizens are advisory to the Hamlet Board and shall guide the Board in setting policy direction in Hamlet affairs. If the Board takes action contrary to a Town Hall vote, that action, and the Hamlet Board's reasoning, shall be presented to the County Liaison and to citizens at the next Town Hall meeting.

---

<sup>1</sup> Deliberate = unhurried careful and thorough consideration characterized by awareness of the consequences

<sup>2</sup> Policy = a definite course or method of action selected from alternatives in light of given conditions to guide and determine present and future decisions; a high-level overall plan embracing the general goals and acceptable procedures



3. Protect the rural character of the area by maintaining a vigilant<sup>3</sup> posture.
4. Represent the Hamlet to 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, Canby, Metro, Molalla, Port of Portland, 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 community plan which will recommend to the County 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 achieve community goals
10. Assume the functions of the Mulino Community Planning Organization, including land use planning

---

<sup>3</sup> Vigilant = watchful

## **ARTICLE IV: BOUNDARY**

**Section 1. Proposed.** The initial boundary of the Hamlet is the boundary of the Mulino Community Planning Organization, as recognized by the Board of County Commissioners (BCC). (*Map is attached*).

**Section 2. Changes.** The Hamlet Boundary may be changed after discussion with neighboring organizations, jurisdictions, and service providers. Proposed boundary changes must be approved by the BCC and a majority vote of the hamlet citizens at a Town Hall meeting.

## **ARTICLE V: HAMLET CITIZENSHIP**

A hamlet citizen is a person domiciled within the boundaries of the hamlet or a person who owns real property within the boundaries of a hamlet, but is domiciled outside those boundaries. A citizen may also be a business entity that is established under ORS Chapters 56-70, 554, 748, or that qualifies as a Business Trust under ORS Chapter 128 if the entity or trust owns real property or maintains a business located within a hamlet or village.

To participate in formation activities, sign petitions, vote, or serve on the board of directors of a hamlet or village, a citizen who is an individual must be at least 18 years of age.

## **ARTICLE VI: BOARD OF DIRECTORS**

**Section 1. Nomination.** Nominations may come from eligible citizens and/or a Nominating Committee. The nominations must be submitted to the Nominating Committee, who will then submit them to the BCC for approval at least 30 days prior to the annual Town Hall elections meeting for them to prepare a slate.

**Section 2. Eligibility.** Candidates for positions on the board of directors of the hamlet must be citizens of the hamlet, and shall complete an applications form indicating their eligibility.

**Section 3. Election of Board, including Officers.** The Hamlet's Board of Directors will include five (5) members: three (3) officers -- Chair, Vice-Chair, Secretary/Treasurer -- and two (2) additional board members. The Chair, Vice-Chair and Secretary/Treasurer will be elected by the duly elected Board of Directors. The election of the Board of Directors will be by paper ballot.

At the annual January Town Hall elections meeting<sup>4</sup>, Directors shall be elected from nominees for each position that have been approved by the BCC.

Nominations will be made by the Nominating Committee. At the January Town Hall citizens will vote by paper ballots for their choices for Board members. Those five receiving the highest number of votes will win. Votes will be counted by the Registrar and by two representatives of the Nominating Committee; candidates are welcome to provide an observer. In case of a tie vote, if neither winner withdraws, decision for the position will be by lot.

**Section 4. Terms of Office.** The term of office for Directors, including the Officers, shall be two (2) years. In even years, three (3) come up for election; in odd years, two (2) board members come up for election.

For the first term of office pursuant to these Bylaws, the three (3) candidates to receive the highest number of votes will be elected for two (2) years; the remaining two (2) will be elected for one (1) year.

**Section 5. Duties of Board of Directors.** The duties of the Board of Directors are:

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

1. Consistent with a Memorandum of Understanding regarding CPO functions, the hamlet may take a vote of its citizens and Board of Directors on land use actions and report both of the results to Clackamas County. A vote of the citizens that is ratified by the hamlet Board on regional strategic planning issues will be reported to the County.
2. Represent the Hamlet to the County Department of Transportation & Development (DTD), the BCC, any other agents or agencies of the County or State governments or other jurisdictions, non-governmental organizations, or other entities.
3. Conduct monthly community meetings of which four are quarterly Town Hall meetings.

<sup>4</sup> Or February Town Hall meeting if the January Town Hall meeting can not be conducted for any reason, including but not limited to weather conditions.

4. Prepare an agenda for community and Town Hall meetings.
5. Provide a quarterly report of activities to the citizens of the Hamlet to be presented at the Town Hall meetings, and an annual report to the BCC.
6. Conduct all appropriate administrative functions of the Hamlet, including minutes, yearly budget, and record keeping.
7. Consistent with CPO functions, select a citizen as Corresponding Secretary to send out letters as directed by vote of the citizens or of the Board, to respond to county land use applications, and to perform related tasks. The Corresponding Secretary can be the Secretary/Treasurer of the Hamlet if designated by the Hamlet Board.
8. Select a citizen as Speaker to represent the Hamlet and its positions, proposals, and recommendations before hearings, the County DTD, the BCC, 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. The Speaker can be the Chair of the Hamlet and the Vice-Chair can be Speaker in the absence of the Chair of the Hamlet if designated by the Hamlet Board.
9. Select a citizen as Registrar to keep the membership rolls, to verify citizen eligibility, to oversee signing in at meetings, and to supervise and confirm votes at community meetings. The Registrar can be the Secretary/Treasurer if designated by the Hamlet Board.
10. Consistent with CPO functions, file appeals of the action of the County DTD, the BCC, any other agents or agencies of the County or State governments or other jurisdictions, non-governmental organizations, or other entities.

**Section 6. Duties of Officers.** The duties of each are as follows:

- **Chair:** The Chair will preside over meetings of the Mulino Hamlet and the Board; may co-sign, with the Secretary/Treasurer, for all authorized expenditures<sup>5</sup>; 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<sup>6</sup>; ensure notice is given of meetings. The Chair will be an ex-officio member of all committees.
- **Vice-Chair:** The Vice-Chair shall perform the duties of the Chair in his/her absence or incapacity. The Vice-Chair may co-sign for authorized expenditures<sup>5</sup> if either the Chair or Secretary/Treasurer is unable to perform this duty.

<sup>5</sup> Check signers are not to be related.

<sup>6</sup> Such as mail, telephone, and email.

- **Secretary/Treasurer:** The Secretary/Treasurer will take and report minutes of all meetings of the Hamlet and shall keep accurate records including minutes, attendance, and correspondence until turned over to the Clerk of the BCC. The minutes shall be made available to the Clerk of the BCC and to any Hamlet citizen as required by the Oregon Public Meetings Law (ORS 192). The Secretary/Treasurer shall coordinate financial activities so as to comply with County Treasurer requirements, maintain an accurate record of all income and expenses of the Hamlet, and may co-sign authorized expenditures<sup>5</sup>. The Secretary/Treasurer shall maintain a bank account, if applicable, and must present a statement of accounts at every community meeting. The Secretary/Treasurer's report shall be appended to the minutes. The Secretary/Treasurer shall file any legal reports as required by law.

**Section 7. Board Vacancies.** A vacancy will occur when a Director is no longer a citizen of the Hamlet, dies, resigns, is removed, or has more than three (3) unexcused absences<sup>7</sup> from Hamlet community and/or Board meetings and is determined by a majority of the Board (3) to have vacated the position. The vacancy shall be filled by appointment by the majority of the remaining Directors, and approved by the BCC. The citizen appointed to fill the vacancy will serve until the next Town Hall meeting, at which time a majority of citizens present at the meeting will elect a successor selected from a list of nominees that have been approved by the BCC.

**Section 8. 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 (See 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, 48 hours prior to the special meeting. A quorum at any Board meeting shall be a majority of the number of Directors (5). Action will be taken by a quorum vote of the Directors (3).

**Section 9. Removal of a Director.** Any Director may be removed from office at a Town Hall meeting by a two-thirds majority vote of members present. The proposed recall must be announced at the Town Hall meeting prior to the Town Hall meeting when the vote will occur, and shall be designated as an agenda item in the notice of meeting in which the vote will take place.

**Section 10. Compensation.** Directors shall not be paid for services on the Board,

---

<sup>7</sup> As determined by the Board that the person has vacated the position.

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. The Hamlet shall undertake the activities and business of the Hamlet, including identifying, discussing, and voting on community issues; voting on land use actions (CPO function); setting goals to guide the Board, hearing reports of Board actions, and providing feedback; and handling other matters as proposed by the citizens or the Board of Directors.

**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 quarter's activities by the Board and citizens. The Town Hall Meetings can be held concurrently with Community Meetings if noticed as such.

**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 members. A minimum of 48 hours notice shall be given by posting in three prominent public places and/or by telephone communication to the membership; fax or email of notice to the media is encouraged. All actions shall be reported at the next community meeting.

**Section 4. Notification.** At least seven days prior to regular community and Town Hall meetings, citizens shall be notified in a manner reasonably calculated to provide notice to interested persons and to persons requesting notice, according to provisions of Oregon's Open Public Meetings law (See Article XI).

**Section 5. Voting.** Only eligible citizens of the Hamlet may vote, although the meetings are public. A simple majority vote of citizens present at the meeting is required to make an advisory recommendation to the Hamlet Board for official action, except when the vote is to add or remove a director, or when voting as the CPO. Election of Directors will be conducted by paper ballot unless candidates run unopposed. Other votes will be by a show of hands, paper ballot, or by roll call, if required by Oregon Law (See Article XI). No proxy, absentee, or secret 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, subject to Article XII. The Hamlet may also enter into agreements for the sharing of revenue with the County.

a. Charitable contributions made for the benefit of the hamlet may be paid to Clackamas County. Federal tax law provides an income tax deduction for charitable contributions to the county made exclusively for public purposes. Contributions received by the county on behalf of the hamlet will be acknowledged in writing with the statement that the contribution is tax-deductible to the full extent allowed by law.

b. County trust accounts. Working with the county liaison, the hamlet shall open a trust account with the County Treasurer in order to accumulate contributions described in section "a" above. 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.

c. 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 miscellaneous expenditures, if provided in the hamlet bylaws. 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. Deposits in financial institutions must comply with all requirements of ORS Chapter 295.

d. 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 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 staff liaison will work with the Hamlet.

## **ARTICLE X: LOCAL BUDGET AND AUDIT LAW; CONTRACTS**

The Hamlet shall cooperate with the County and comply with State Local Budget and Audit law, to the extent required by law.

The Hamlet has no authority to enter into contracts unless expressly authorized in writing by the BCC or its designee. All Clackamas County contracts are subject to the rules of the Clackamas County Local Contract Review Board.

Any Intergovernmental Agreements between the Hamlet and other governments shall be reviewed and approved by the BCC. If approved, such agreements will be signed by the BCC on behalf of the Hamlet.

## **ARTICLE XI: PUBLIC MEETINGS AND PUBLIC RECORDS**

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

Notice shall be provided and meetings shall be open in accordance with the Oregon Public Meetings Law. All records of the Hamlet are County records and considered public unless exempt from disclosure by the Oregon Public Records Law. The Hamlet shall comply with Oregon's Public Records Law. This includes providing adequate notice, opening the meetings to the public, voting, and keeping minutes. Copies of all meeting minutes shall be submitted to the Clerk of the BCC 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 Clerk of the BCC within thirty (30) days of any changes in bylaws or board members.

All requests for records should be referred by the Hamlet to the Clerk of the BCC for processing.

## **ARTICLE XII: LOCAL BUDGET AND AUDIT LAW; CONTRACTS**

The hamlet shall cooperate with state law regarding local budget and audit, to the extent required by law. The hamlet has no authority to enter into contracts unless



expressly authorized in writing by the BCC or its designee. All Clackamas County contracts are subject to the rules of the Clackamas County Local Contract Review Board.

### **ARTICLE XIII: LIABILITY; RISK MANAGEMENT**

The Hamlet Directors, acting within the scope of authority of their Hamlet functions, as granted by the organization's Bylaws and the County Code, 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. The Hamlet Directors will not be considered agents of the County when acting pursuant to their CPO functions.

The Hamlet Board of Directors must obtain approval from the County Risk Manager prior to undertaking public fundraising activities.

### **ARTICLE XIV: INDEMNITY**

Clackamas County shall indemnify the Directors of the Hamlet to the fullest extent allowed by Oregon law, when acting within the course and scope of their Hamlet functions.

### **ARTICLE XV: DISSOLUTION**

Dissolution of the Hamlet may be initiated by a petition of 20% of the members of the Hamlet, filed with the Clerk of the BCC. The Hamlet may request that the BCC initiate dissolution of the Hamlet, if after a 3-month discussion period, there is a town hall vote in favor of dissolution.

Within 30 to 50 days from the initiation of dissolution, the BCC shall hold a public hearing on the issue. If, after the public hearing, the BCC finds that dissolution is in the best interests of the citizens of the Hamlet or the County, or that the Hamlet has failed to regularly follow its adopted Bylaws or meet the requirements of the County Ordinance, the BCC may declare the Hamlet dissolved and enter a Board order to that effect.

With the formation of the Hamlet the responsibilities of the Mulino Community Planning Agency (CPO) will be subsumed by the Hamlet and its Board of Directors under an approved Memorandum of Understanding. In the event of dissolution of the Mulino Hamlet the Mulino CPO shall be resumed to all its previous bylaws and all other authorities.

## **ARTICLE XV: AMENDMENTS TO BYLAWS**

Following approval by the BCC, these Bylaws may be amended or repealed, and new Bylaws adopted, by a two-thirds vote of the members present at a Town Hall meeting. Any proposed Bylaw amendment shall be read at one Town Hall meeting and voted upon at the next Town Hall meeting. Proposed changes must be adopted by a majority vote of the citizens at a town hall meeting, after first being given at least thirty (30) days notice of the date, time, and place of meeting at which the proposed amendment is to be considered. Notice of the town hall meeting may be given by direct mail, newspaper publication, flyers, publication on Clackamas County website or other means of wide distribution. The notice shall state that one of the purposes of the meeting is to consider a proposed amendment to the bylaws and shall contain a copy of the proposed amendment. All changes to the bylaws must be approved by the BCC before they become effective.

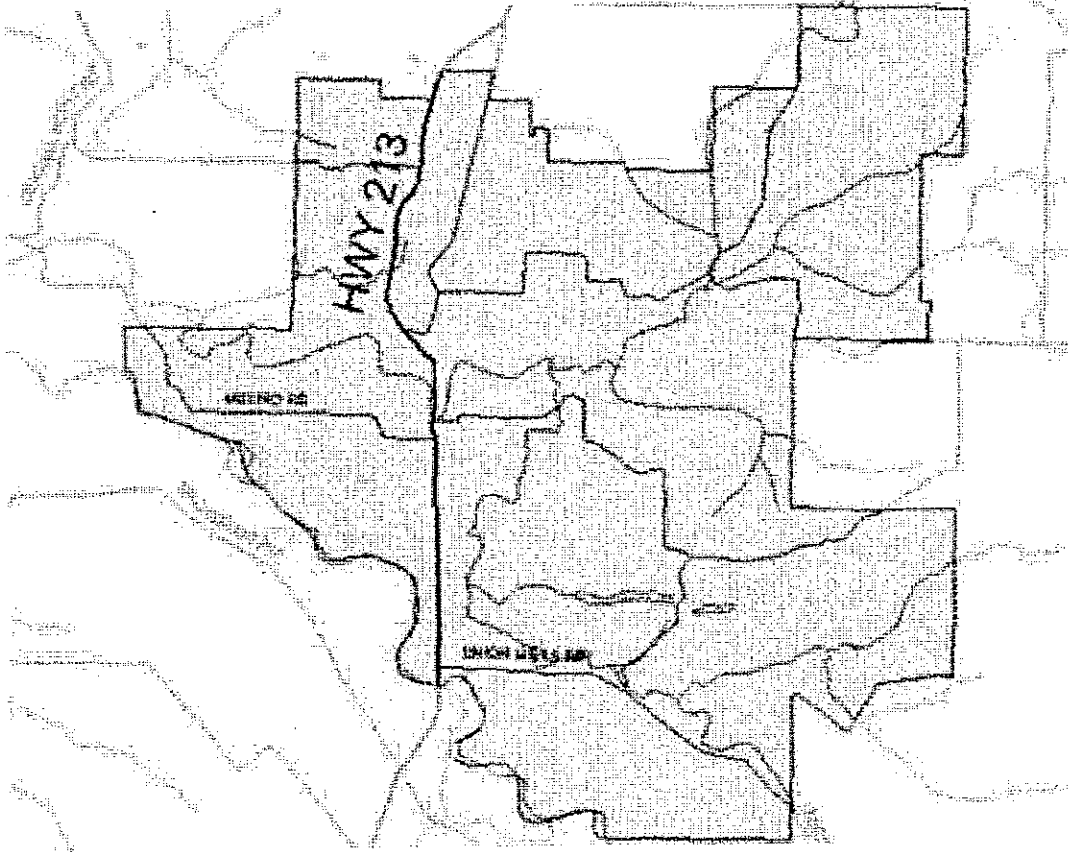
## **ARTICLE XVI: SEVERABILITY**

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

**Date Adopted by Hamlet:**

**Date Ratified by BCC:**

# Mulino Hamlet Boundary Map



**THE BYLAWS of  
STAFFORD HAMLET**

**ARTICLE I: NAME**

The name of this Hamlet shall be **Stafford Hamlet**.

**ARTICLE II: PURPOSE**

The purpose of Stafford Hamlet is:

1. To be a legally defined entity according to Clackamas County Ordinance 03-2007.
2. To promote community identity.
3. To provide community members with a forum to express positions on issues of concern.
4. To be the voice of the community.
5. To provide advice to Board of County Commissioners (BCC), Metro, Cities, Community Planning Organization and the State of Oregon on issues relevant to the Hamlet.
6. To seek equitable representation of the interests of the community members.
7. To enhance livability, sustainability and functionality of the Stafford community.
8. To review and consider long-range governance issues.
9. To handle other community issues within the authority granted to a Hamlet.

**ARTICLE III: ACTIVITIES OF HAMLET**

Stafford Hamlet shall undertake the following:

1. Develop a community vision plan conceived within a grassroots effort from our community that reflects the view of the community, and will be developed in collaboration with Community Planning Organizations, cities, Clackamas County, Metro, the State of Oregon and other groups and districts as appropriate.
2. The community vision plan shall not be construed as a binding land use planning document, but as an effort to reflect the vision of the Hamlet and its community members. The community vision plan will not include land within the adjacent cities' Urban Growth Boundaries or Urban Services Boundaries as defined on November 9, 2006.
3. Address in the community vision plan preliminary considerations regarding, but not limited to, traffic flow, water, sewer, residential and office/commercial development, parks, open spaces and schools. It is the Hamlet's objective to have a community vision plan consistent with the objectives of Oregon Statewide Planning Goal 5, and all other applicable Oregon Statewide Planning Goals.

4. Create an approval process within the Hamlet for the community vision plan that recognizes the interests of, and will be approved in an equitable manner by, resident and non-resident owners of large and small properties, business owners and renters within Stafford Hamlet.
5. Develop a Hamlet budget and build a fund to a level needed for development of the community vision plan and expenses of the Hamlet.
6. Develop and maintain active, two-way communication with the local Community Planning Organization, Cities, Clackamas County, Metro, the State of Oregon and other groups and districts as appropriate.
7. Hold community meetings at least every two months, of which four are quarterly Town Hall meetings
8. Develop and maintain active communication with Hamlet members by such means as electronic media (Hamlet website and email) and print media (mailings and newspapers).

#### **ARTICLE IV: BOUNDARY**

**Section 1. Proposed.** The boundary of the Stafford Hamlet is defined on the south by the north edge of the I 205 right-of-way as it intersects the Stafford-Tualatin Valley CPO and the entire northern boundary of the Stafford-Tualatin Valley CPO. In addition, the boundary shall include the area defined as the Tualatin Loop and the contiguous area of SW Johnson Road, south of I-205. (*Map is attached*).

**Section 2. Changes.** The Hamlet boundary may be changed after discussion with neighboring organizations, jurisdictions, and service providers; a majority vote of members in the area to be changed; a majority vote of the Hamlet members at a Town Hall meeting; and review and approval by the BCC.

#### **ARTICLE V: MEMBERSHIP**

Although participation in meetings and discussions is open to all, only Hamlet members are eligible to vote. Membership in the Stafford Hamlet shall be open to anyone 18 years old or older who is a resident of the Stafford Hamlet, a property owner within the Stafford Hamlet or a designated representative of a business, corporation, or trust within the Stafford Hamlet. The right to vote shall 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 invitation.

## **ARTICLE VI: MEETINGS**

**Section 1. Community Meeting.** The Hamlet shall hold community meetings at least every two months. 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 Hamlet Board, hearing reports of Hamlet Board actions, and providing feedback; and handling other matters as proposed by the members or the Hamlet Board of Directors. Hamlet Board Meetings and Community Meetings may be combined or held consecutively on the same date.

**Section 2. Town Hall Meetings.** At least four of the Community Meetings each year shall be 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 activities by the Board and Hamlet membership since the last Town Hall Meeting.

**Section 3. Board of Director Meetings.** Meetings of the Hamlet 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. Notice of Special Board Meetings shall give the time, place, purpose of the meeting and a list of the principal subjects anticipated to be considered at the meeting, and shall be delivered to each Director personally or by telephone, email with receipt acceptance, or U.S. Postal Service, no less than two (2) days prior to the special meeting.

**Section 4. Special Community Meetings.** Special community meetings may be held to address an urgent topic if called by the Board. The Board shall also call special community meetings, if requested by twenty (20) or more Hamlet members. A minimum of five (5) business days notice shall be given by posting in three (3) prominent public places and/or by telephone or email communication to the membership; fax or email notice to the media is encouraged. All actions shall be reported at the next community meeting.

**Section 5. Public Meetings and Public Records.** The Hamlet shall comply with ORS Chapter 192, Public Records and Meetings, to the extent required by law. This includes providing adequate notice, opening the meetings to the public, voting and keeping minutes. All records of the Hamlet are county records and considered public unless exempt from disclosure by the Oregon Public Records Law. All requests for records should be referred to the Clerk of the Board of County Commissioners for processing.

**Section 6. Notification.** At least ten (10) days prior to regular community and Town Hall meetings, public notice of the meeting will be provided within the boundary of the Hamlet reasonably calculated to give notice of the time and place for the meeting, according to the provisions of the Oregon Public Meetings Law. Hamlet members shall be notified via email. Notification of Hamlet members via newspaper may be as little as five (5) days due to newspaper policy.

## **ARTICLE VII: VOTING**

**Section 1. Voting on the community vision plan.** The approval process for a community vision plan anticipated by Article III of these bylaws shall require the affirmative vote of a majority of each of two categories of Hamlet members present and voting:

- a. Category One shall consist of members who:  
own property totaling five (5) acres or more, or  
are residential renters or occupants of parcels totaling five (5) acres or more, or  
are business owners.
- b. Category Two shall consist of members who:  
own less than five (5) acres of property, or  
are renters or occupants on parcels totaling less than five (5) acres.

**Section 2. All Other Votes.** Only members of the Hamlet may vote, although the meetings are public. Action will be taken by a simple majority vote of members voting. To assure that any action approved by a community or Town Hall Meeting vote meets applicable local and State criteria, the Hamlet Board must officially accept or reject the action and validate same to the Board of County Commissioners. Voting by the Hamlet Board shall be in accordance with Oregon Public Meetings Law (See Article VIII, Section 8—Quorum and Action).

Election of Directors will be conducted by paper ballot unless candidates run unopposed. Other votes will be by a show of hands or by roll call, if required by Oregon Law, unless members request a paper ballot. No proxy or absentee votes will be allowed.

## **ARTICLE VIII: HAMLET BOARD OF DIRECTORS**

The Hamlet Board is the governing body of the Hamlet, the representative voice of its members, and serves in an advisory capacity to the Board of County Commissioners on issues of Hamlet concern. Any Hamlet member shall be eligible for the Hamlet Board.

Prior to the election of the first Hamlet Board of Directors, the pre-Hamlet Conveners shall fulfill any necessary election responsibilities of the Board of Directors as described herein. For the inaugural Town Hall Meeting the 30 day requirement may be adjusted with concurrence by the BCC.

### **Section 1. Composition of the Board and Nomination Process.**

There shall be ten (10) Directors:

- three (3) elected to represent Category One members,
- three (3) elected to represent Category Two members, and
- four (4) elected to represent the membership at large as follows:

- a. Category One Directors -The Nominating Committee shall develop a slate of no less than five (5) candidates to represent this category who are willing to commit to the duties and responsibilities of a Director.
- b. Category Two Directors - The Nominating Committee shall develop a slate of no less than five (5) candidates to represent this category who are willing to commit to the duties and responsibilities of a Director.
- c. At Large Directors - Any member wishing to fill an at-large position on the Board of Directors shall submit a self-nomination to the Nominating Committee.

To assure representation the Board of Directors shall actively and diligently encourage Hamlet members to run for each of the Board positions.

Nominations shall come from members at large and the Nominating Committee as prescribed above. The Hamlet Board of Directors shall create and maintain a nomination form that identifies the nominees by category representation and includes at least the personal contact information, background, contribution to, and role in, Stafford Hamlet. All nominations must be submitted to the Hamlet Board of Directors at least 30 days prior to the annual Town Hall elections meeting to permit Board of County Commissioners approval and preparation of the ballots.

**Section 2. Eligibility.** Any Hamlet member shall be eligible to run for the Hamlet Board. In compliance with the existing ordinance, the eligibility of all candidates with respect to Hamlet membership and category representation shall be affirmed by the Nominating Committee and the Board of County Commissioners prior to elections.

**Section 3. Duties.** The primary duties of the Hamlet Board of Directors are:

- a. Work with members to carry out the Hamlet's activities.
- b. Gather member input on all actions requiring a vote by the Hamlet Board.
- c. Take official action to adopt or reject a vote by Hamlet members.
- d. Conduct all appropriate administrative functions of the Hamlet, including yearly budget and record keeping.
- e. Conduct monthly community meetings.
- f. Provide an annual report of activities to the members of the Hamlet and the BCC.
- g. Represent the Hamlet to other jurisdictions and the BCC.
- h. Undertake any other duties determined by the members.
- i. Appoint a member of the Hamlet as Registrar to keep the membership rolls, verify qualifications for membership, oversee signing in at meetings, and supervise and confirm votes at community meetings.
- j. Serve as the Nominating Committee as prescribed herein.



**Section 4. Term.**

- a. The two (2) Directors representing Category One and the two (2) Directors representing Category Two, who receive the most votes, shall be elected for terms of two (2) years. For the first election, the members of each category receiving the third most votes shall be elected for a term of one (1) year.
- b. The two (2) At Large Directors who receive the most votes shall be elected for terms of two (2) year. For the first election, the At Large Directors who receive the 3<sup>rd</sup> and 4<sup>th</sup> most votes shall be elected for terms of one (1) year.
- c. After the first election, all Directors shall be elected for terms of two (2) years.

**Section 5. Officers.** At the first board meeting after each annual election the Board of Directors shall choose a chair, vice-chair, secretary and treasurer from its members. Officer vacancies within the year shall be filled at the next board meeting.

**Section 6. Duties of Officers.** The duties of each are as follows:

**Chair:** The chair will preside over meetings of the Hamlet and the Board; 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; 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 shall be responsible for any other duties delegated to him/her by the Board of Directors.

**Secretary:** The secretary will take and report minutes of all meetings of the Hamlet and shall keep accurate records including minutes, attendance and correspondence. Copies of the minutes shall be made available to the Clerk of the Board of County Commissioners within thirty (30) days from the date of the meeting, and to any citizen or the public as required by the Oregon Public Records and Meetings law (ORS 192.) The secretary shall be responsible for any other duties delegated to him/her by the Board of Directors.

**Treasurer:** The treasurer shall maintain an accurate record of all income and expenses of the Hamlet and shall primarily sign for authorized expenditures. Any officer may sign for authorized expenditures. Expenditures above \$250.00 must be cosigned by a second officer. The treasurer shall maintain bank accounts, checkbooks, and receipts 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 file any legal reports as required by law.

**Section 7. Vacancies and Resignation.** A vacancy will occur when a Director is no longer a member of the Hamlet, dies, resigns, is removed, or is absent from more than half of Hamlet Board meetings in a calendar year. The vacancy shall be filled by appointment by a majority of the remaining directors. The person appointed to fill the vacancy shall serve the remainder of the unexpired term until the next Town Hall meeting, at which time a majority of members present at the meeting shall elect a successor in accordance with the nomination process set forth in Section 1. The composition of the Hamlet Board, as defined in Section 1, must be maintained.

Any Director may resign at any time by giving written notice to the Chair or Secretary. Unless otherwise specified in the written notice, the resignation shall take effect upon receipt, and the acceptance of the resignation shall not be necessary to make it effective.

**Section 8. Quorum and Action.** A quorum at a Board meeting shall be a majority of the number of Directors (6 of 10 Directors). Action shall be taken by the vote or consensus of the quorum, and noted in the minutes. No proxy or absentee ballots will be allowed.

**Section 9. Removal of a Director.** Any Director may be removed from office at a Town Hall meeting by a two-thirds majority vote of Hamlet members present. The proposed recall must be announced at the Town Hall meeting prior to the Town Hall meeting when the vote will occur.

**Section 10. 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. No officer shall co-sign a check payable to himself/herself.

**Section 11. Committees.** The Hamlet Board of Directors may establish such committees as necessary and desirable to conduct the affairs of the Hamlet. Such committees shall be advisory to the Hamlet Board, and are also subject to the Public Meetings Law.

## **ARTICLE IX: 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, through the voluntary efforts of its members. The Hamlet also may enter into agreements for the sharing of revenue with the county.

**Section 2. County Funding.** Limited funding for Hamlet activities shall be provided by Clackamas County as deemed appropriate and feasible by the Board of County Commissioners.

## **ARTICLE X: COUNTY LIAISON**

**Section 1. County Staff Liaison.** A designated Clackamas County staff liaison shall be the primary contact between the County and the Hamlet. Other county staff shall work through the staff liaison with the Hamlet as needed and available.

**Section 2. Board of County Commissioners.** Members and representatives of the Hamlet Board of Directors and one or more commissioners of the Board of County Commissioners shall hold quarterly, or as needed, "BCC work sessions" at a time and place set by the BCC. The purpose is to provide review and feedback on the progress, plans, activities and directions of the Stafford Hamlet.

## **ARTICLE XI. LOCAL BUDGET LAW; CONTRACTS**

The Hamlet shall cooperate with the county and comply with ORS 294.305 to 294.565, to the extent required by law.

The Hamlet has no authority to enter into contracts unless expressly authorized in writing by the Board of County Commissioners or its designee. All Clackamas County contracts are subject to the rules of the Clackamas County Local Contract Review Board.

Any intergovernmental agreements between the Hamlet and other governments shall be reviewed and agreed to by the Board of County Commissioners, who will sign on behalf of the Hamlet.

## **ARTICLE XII. CONFLICT OF INTEREST**

The Hamlet Board of Directors and any members of the Hamlet shall at all times avoid participating in any actions that represent an actual or perceived conflict of interest. Any member with an actual or potential conflict of interest must declare to the Board the nature of the conflict; and shall not participate in the discussion or deliberate in the decision process except to act as an expert witness to material facts for the Board. The members of the Hamlet Board and all Advisory Committees shall at all times be aware of and conform with Oregon conflict of interest rules as contained in Chapter 244 of the Oregon Revised Statutes, and the Oregon Administrative Rules.

## **ARTICLE XIII. LIABILITY; RISK MANAGEMENT**

The Hamlet Board of Directors, acting within the scope of authority granted by the organization's bylaws and 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 Community

Planning Organization (CPO), the Board of Directors will not be considered an agent of the county.

The Hamlet Board of Directors must obtain approval from the county Risk Manager prior to undertaking public fund-raising activities.

#### **ARTICLE XIV. INDEMNITY**

Clackamas County shall indemnify the Directors of the Hamlet to the fullest extent allowed by Oregon law.

#### **ARTICLE XV. DISSOLUTION**

Dissolution of the Hamlet may be initiated by a petition of 20% of the members of the Hamlet filed with the Clerk of the Board of County Commissioners, or by resolution of the Board of County Commissioners following a 3-month communication period with the Hamlet.

Within 30 to 50 days from the initiation of dissolution, the Board of County Commissioners (BCC) shall hold a public hearing on the issue. If, after the public hearing, the BCC finds that dissolution is in the best interest of the members of the Hamlet or the county, or that the Hamlet has failed to regularly follow its adopted bylaws or meet the requirements of County Ordinance No. 03-2007, and amendments thereto, the BCC may declare the Hamlet dissolved and enter a Board order to that effect.

Dissolution of the Hamlet shall not affect any existing Community Planning Organization (CPO).

#### **ARTICLE XVI. AMENDMENTS TO BYLAWS**

The Hamlet Board of Directors may amend these bylaws to include or omit any provision that it could lawfully include or omit at the time the amendment is made. The process of developing changes or amendments shall at all time be accomplished with an open, community involved process, appropriately advertised and subject to Oregon Open Meetings and Records Law. Upon written notice of at least 14 days, any number of amendments or an entire revision of the bylaws developed by the open process may be submitted and voted upon at a single meeting of the Board of Directors.

If adopted at such meeting by majority vote of the members of the Hamlet Board of Directors, the proposed amendment(s) shall then be submitted to the Board of County Commissioners (BCC) for review and approval. The proposed amendment(s) shall then be referred to the next quarterly Town Hall meeting for approval by a two-thirds (2/3) majority of the members voting. Members shall be provided with a complete draft of the proposed amended bylaws at least 30 days before the schedule meeting.

In the event the proposed amendment(s) does/do not receive the approval of the BCC or does/do not receive a two-thirds (2/3) majority of the members voting at the Town Hall meeting, the existing bylaws shall remain in force.

Under no conditions can changes to the bylaws be applied retroactively.

**ARTICLE XVII. SEVERABILITY**

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

Date Adopted by Stafford Hamlet members: \_\_\_\_\_

Date Approved by the Board of County Commissioners: \_\_\_\_\_

## VILLAGES AT MT HOOD BYLAWS

### ARTICLE I: NAME

The name of this village shall be Villages at Mt Hood.

### ARTICLE II: PURPOSE

The general purpose of the villages in Clackamas County is to give those individuals who live, own property or a business within the geographic boundaries of the Village a forum for considering a broad range of issues affecting the livability and quality of life in their area; and an organized way to express issues of concern and coordinate community-based activities. The specific purpose of Villages at Mt. Hood is to:

- A. Support select causes, projects, and activities –hereafter referred to as Activities.
- B. Provide an organized way for citizens to express positions on issues of concern.
- C. Provide a recognized organizational structure for providing and managing grants and donations for accomplishing activities.
- D. To promote community identity.

### ARTICLE III: ACTIVITIES

The Village shall undertake the following:

- A. Public Transit as needed for village residents, business, and visitors.
- B. Work with other governmental agencies, boards, and committees in planning and developing the village park, trail, recreational and other community needs.
- C. Economic development including supporting other services of the village.
- D. Preservation of the “rural” mountain character, cultural and historical heritage.
- E. Support construction of new community buildings and infrastructure, preserving our historical and cultural heritage.
- F. Enhance communications with other jurisdictions on matters affecting the Villages at Mt. Hood.
- G. Support strategic plans.

### ARTICLE IV: BOUNDARY

**Section 1. Proposed.** The boundary of the Village is congruent with those of the Mt. Hood Corridor CPO and the Rhododendron CPO as determined by Clackamas County.

**Section 2. Changes.** The boundary may be changed after discussion with neighboring organizations, jurisdictions, and service providers, a majority vote of the citizens at a town hall meeting, and review and approval by the Board of County Commissioners (BCC.)

## ARTICLE V: VILLAGE CITIZENSHIP

A Village citizen is a person domiciled within the boundaries of the Village or a person who owns real property within the boundaries of the Village, but is domiciled outside those boundaries. A citizen may also be a business entity that is established under ORS Chapters 56-70, 554, 748, or that qualifies as a Business Trust under ORS Chapter 128 if the entity or trust owns real property or maintains a business located within the Villages.

**Section 1.** To participate in formation activities, sign petitions, vote, or serve on the board of directors of the Village, a citizen who is an individual must be at least 18 years of age.

**Section 2.** A business shall have only one vote. An individual shall have only one vote. No person shall have more than one vote.

## ARTICLE VI: BOARD OF DIRECTORS AND OFFICERS

The Village board is the representative voice of its citizens and serves in an advisory capacity to the BCC on issues of concern. Any Village citizen, as defined in Article V, shall be eligible for the board. The names of all nominees shall be submitted to the county liaison at least thirty (30) days prior to election at a Village town hall meeting for review and approval by the BCC at a public work session before the election.

**Section 1. Number.** Following approval by the BCC, there shall be nine (9) directors elected by a majority vote at an annual town hall meeting.

**Section 2. Eligibility.** Candidates for positions on the board of directors of the Village must be citizens of the village, and shall complete an application form indicating their eligibility.

### **Section 3. Duties.**

The primary duties of the Board of Directors are:

- a. Work with citizens to carry out the Village's activities.
- b. Gather citizen input on all actions that may be voted on by the Board.
- c. Conduct all appropriate administrative functions of the Village, including yearly budget and record keeping.
- d. Conduct quarterly town hall meetings.
- e. Provide an annual report of activities to the citizens of the Villages' town hall meeting and the BCC.
- f. Represent the Village to other jurisdictions and the BCC.
- g. Undertake any other duties determined by the citizens.
- h. Respond to requests by the BCC and County Liaison.

**Section 4. Term and Election.** The term of office for Directors shall be three (3) years. Terms will be staggered so that each year one-third of the terms expire. Board members shall be selected by a vote of eligible Village citizens on an annual basis at a regular town hall meeting, and shall consist of those citizens receiving at least a majority of the votes.

cast. If more than one candidate receives a majority, those receiving the most votes shall be elected. Citizens must be present at town hall meetings to vote, unless otherwise provided by these bylaws. Terms shall commence [immediately upon election].

**Section 5. Officers.** The Board shall choose a chair, vice-chair, secretary and treasurer from its members.

**Section 6. Duties of Officers.** The duties of each are as follows:

- a. **Chair:** The chair shall preside over all meetings of the Villages at Mt Hood and shall co-sign, with the treasurer, all authorized expenditures, appoint committee chairs and be responsible for the performance of such duties as prescribed in these bylaws or designated by citizens at a town hall meeting. The chair shall be an ex-officio member of all committees.
- b. **Vice-Chair:** The vice-chair shall perform the duties of the chair in his/her absence or disability. The vice-chair may co-sign for authorized expenditures if either the chair or treasurer is unable to perform this duty.
- c. **Secretary:** The secretary shall keep accurate records of all meetings of the Village. The minutes shall be made available to the Clerk of the Board of County Commissioners and to any citizen or the public as required by the Oregon Public Records and Meetings Law (ORS Chapter 192.) The secretary shall be responsible for correspondence of the Village and for any other related duties assigned by the Board of Directors. Because of the duties as a voting board member, the Secretary shall have another person at all Village meetings to take accurate meeting notes. This person shall be a non-member of the board.
- d. **Treasurer:** The treasurer shall maintain an accurate record of all income and expenses of the village and co-sign authorized expenditures. If provided by these bylaws, and in compliance with County Code Chapter 2.10, the treasurer may maintain a bank account, and must present a statement of accounts at every meeting. The treasurer's records shall be made available to any citizen or the public as required by the Oregon Public Records Law.

**Section 7. Selection of Officers.** The officers shall be selected by the village Board from among its members.

**Section 8. Vacancies.** A vacancy will occur when a Director is no longer a citizen of the Village, dies, resigns or is removed. If one stays on the board and is only resigning their officer's job, this will be filled from the remaining board members at the next meeting when the majority of the board members are present. If the resignation is from the board, the vacancy shall be filled by appointment by a majority of the remaining Directors. The person appointed to fill the vacancy will have first been approved by the BCC, and shall serve the remainder of the unexpired term until the next town hall meeting, at which time a majority of the citizens present at the meeting shall elect a successor from a list of eligible nominees approved by the BCC.

**Section 9. Quorum and Action.** A quorum at a meeting, and the minimum number of concurring votes (affirmative or negative) that must be cast in order to pass or reject a



motion by the Board of Directors, shall be a majority of the total number of directors, as prescribed by ORS 174.130.

**Section 10. Regular Meetings.** Regular meetings of the Board of Directors shall be held at the time and place to be determined by the Board, but no less than quarterly. The Board shall provide seven (7) days notice and hold open meetings in accordance with the Oregon Public Meetings Law. The village Board will meet with citizens at least quarterly at town hall meetings to give citizens an opportunity to identify, discuss and vote on community issues. All such town hall meetings shall be open to the public, but only citizens of the village, as defined in Article V of these bylaws and as set forth in Chapter 2.10 of the County Code, may vote.

**Section 11. Special Meetings.** Special meetings of the Board of Directors shall be held at the time and place to be determined by the Board. Notice of such meetings, describing the date, time, place and purpose of the meeting, shall be delivered to each Director personally or by telephone, e-mail or U.S. postal service, not less than 24 hours prior to the special meeting. Special meetings shall be held in accordance with Oregon's Public Meetings Law [minimum 24 hours notice].

**Section 12. Public Meetings and Public Records.** All records of the Village are county records and considered public unless exempt from disclosure by the Oregon Public Records Law. The Village shall comply with Oregon's Public Records Law. This includes providing adequate notice, opening the meetings to the public, voting and keeping minutes. All requests for records should be referred to the Clerk of the Board of County Commissioners for processing.

**Section 13. Compensation.** Directors shall not be paid for services on the Board, but may be reimbursed for Board-approved expenses related to their Village duties. All requests for reimbursement must be accompanied by a receipt.

**Section 14. Removal of a Director.**

a. Any Director or officer of the Board of Directors of the Villages at Mt Hood may be removed by the Board of Directors by a vote of 2/3 majority of all the Directors, upon a finding that one or more of the grounds set forth in subsection (2) of this section exist. The matter of removal may be acted upon at any meeting of the Board of Directors. Notice of intention to consider the removal shall be given to each Director at least 14 days prior to the meeting at which the matter of removal is considered.

b. A Director may be removed if the Board of Directors finds that:

1. The Director has not been elected or appointed by the Board of Directors under section 8 of this Article for the term for which the Director is serving.
2. The Director has engaged in activities detrimental to the Villages of Mt Hood purposes, violated Oregon Ethics Standards or been convicted of a felony crime.

## ARTICLE VII: COMMITTEES

**Section 1. Committees.** The Board of Directors may establish such committees as necessary and desirable to conduct the affairs of the village. Such committees shall be advisory to the Board, and are also subject to Oregon's Open Meetings Law.

## ARTICLE VIII: QUARTERLY MEETINGS

**Section 1.** The Board shall meet with citizens at least quarterly at town hall-style meetings for the following purposes:

- a. Election of Directors will be held at the annual town hall meeting.
- b. Report to the citizens.
- c. Approve activities to be undertaken by the Village.
- d. Other matters as proposed by the citizens or the Board of Directors.

**Section 2.** Notice of town hall meeting must comply with the public meetings law and may be given by means including, but not limited to, press releases, flyers, direct mail, electronic mail, and by posting. The law encourages, but does not require, notification of parties known to have a special interest in a meeting. Public notification will include date, time and place of the meeting and a brief description of the principle subjects to be discussed. Notice of town hall meetings will be given seven (7) days before the meeting.

**Section 3.** The meeting shall be public, but only citizens of the Village, as defined in Article V, may vote.

**Section 4.** A simple majority vote of citizens present at the town hall meeting may recommend that the Board take official action on a matter. Citizens must be present at town hall meetings to vote, unless otherwise provided by these bylaws.

**Section 5.** All votes shall be by paper ballot at the town hall meeting, unless otherwise determined. Voting by the Board will be in compliance with the Oregon Public Meetings Law. No proxy or absentee votes are allowed.

**Section 6.** Copies of all meeting minutes shall be submitted to the Clerk of the BCC within forty-five (45) days from the date of the meeting.

## ARTICLE IX: FUNDING

**Section 1.** The village may generate revenue through a range of means, including contributions, grants, and volunteer fund-raising activities. All such funds must be deposited with and administered by the county on behalf of the village. The village may enter into agreements for the sharing of revenue with the county. If approved by a vote of the citizens at a town hall meeting, the board may also request that the BCC take any of the following actions:

a. Fund proposed activities within the boundaries of the Village through the establishment of a tax, fee or other charge. The BCC may implement such a recommendation if the tax, fee or charge is permitted by law. The revenue thus generated is intended to support the delivery of an enhanced level of service, and the level of service would not otherwise be provided from appropriated county funds.

b. Initiate formation of a county service district with a permanent rate limit for operating taxes. If approved by the BCC, formation will be initiated in accordance with

ORS Chapter 451, which includes public hearings and a vote on the question of formation by registered voters within the boundaries of the proposed district.

c. Authorize the Village to circulate a petition for the formation of a local improvement district pursuant to Chapter 4.02 of the Clackamas County Code pertaining to construction of public roads, sidewalks, traffic-calming, street lighting, and related facilities.

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

**Section 3. Financial Administration.**

a. *Charitable contributions.* Charitable contributions made for the benefit of the Village may be paid to Clackamas County. Federal tax law provides an income tax deduction for charitable contributions to the county made exclusively for public purposes. Contributions received by the county on behalf of the village will be acknowledged in writing with the statement that the contribution is tax-deductible to the full extent allowed by law.

b. *County trust accounts.* Working with the county liaison, the Village shall open a trust account with the County Treasurer in order to accumulate contributions described in sub-section "a" above. The account shall be established according to County Treasurer protocol. Authorized requests for funds held by the county in trust for the Village shall be made in writing to the county liaison.

c. *Imprest petty cash or bank account.* The Village may maintain an imprest petty cash fund or an imprest bank account in an amount authorized by the BCC for miscellaneous expenditures. If the Village 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. Deposits in financial institutions must comply with all requirements of ORS Chapter 295.

d. 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.

**ARTICLE X: COUNTY VILLAGE LIAISON**

A designated County staff liaison shall be the primary contact between the county and Village. Other County staff shall work with the Village liaison as needed and available.

## ARTICLE XI: LOCAL BUDGET AND AUDIT LAW; CONTRACTS

The Village shall cooperate with the county and comply with state law regarding local budget and audit rules to the extent required by law. The Village has no authority to enter into contracts unless expressly authorized in writing by the BCC or its designee. All Clackamas County contracts are subject to the rules of the Clackamas County Local Contract Review Board.

## ARTICLE XII: LIABILITY; RISK MANAGEMENT

Village Directors acting within the scope of authority granted by the organization's bylaws and 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 Community Planning Organization (CPO), the Board will not be considered an agent of the county. The Village Board of Directors must obtain approval from the county Risk Manager prior to undertaking public fund-raising activities.

Directors and officers are public officials subject to Government Standards and Practices laws (Oregon Revised Statutes Chapter 244), and may be removed from office by the BCC if found to be in violation thereof. (Adopted by Ord. 03-2007, 2/22/07)

## ARTICLE XIII: INDEMNITY

When acting within the scope of their authorized duties, Clackamas County shall indemnify the Directors of the Village to the fullest extent allowed by Oregon law.

## ARTICLE XIV: DISSOLUTION

Dissolution of the Village may be initiated by:

A. A resolution of the BCC; or

B. Filing a petition with the Clerk of the BCC signed by at least 30% of the Village citizens. The latest U.S. census or most recent county-acknowledged survey shall be used to determine if a petition meets the requirements of this section. The Village shall hold a town hall vote on the question of dissolution from at least thirty (30) days after, but no more than fifty (50) days after, initiation of the dissolution process. Following a town hall vote in favor of dissolution, the BCC shall hold a public hearing on the issue. The BCC may enter an order dissolving the Village if the BCC finds it to be in the best interests of the citizens of the Village or the county to dissolve the Village, or the Village has failed to regularly follow its adopted bylaws, or if the Village has failed to meet the requirements of County Ordinance No. 3-2007. Dissolution of the Village shall not affect any existing CPO.

## ARTICLE XV: AMENDMENTS TO BYLAWS

These bylaws may be amended or repealed, and new bylaws adopted after first being presented to the BCC for review and approval at a public work session scheduled prior to a town hall vote on the amendments. Proposed changes must be adopted by a majority vote of the citizens at a town hall meeting, after first being given at least thirty (30) days notice of the date, time, and place of meeting at which the proposed amendment is to be considered. Notice of the town hall meeting must comply with the Oregon Public Meetings Law and may be given by means including, but not limited to, press releases, direct mail, electronic mail, flyers, or posting. The notice shall state that one of the purposes of the meeting is to consider proposed amendments to the bylaws and shall contain a copy of the proposed amendment. 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: \_\_\_\_\_