

**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

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<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

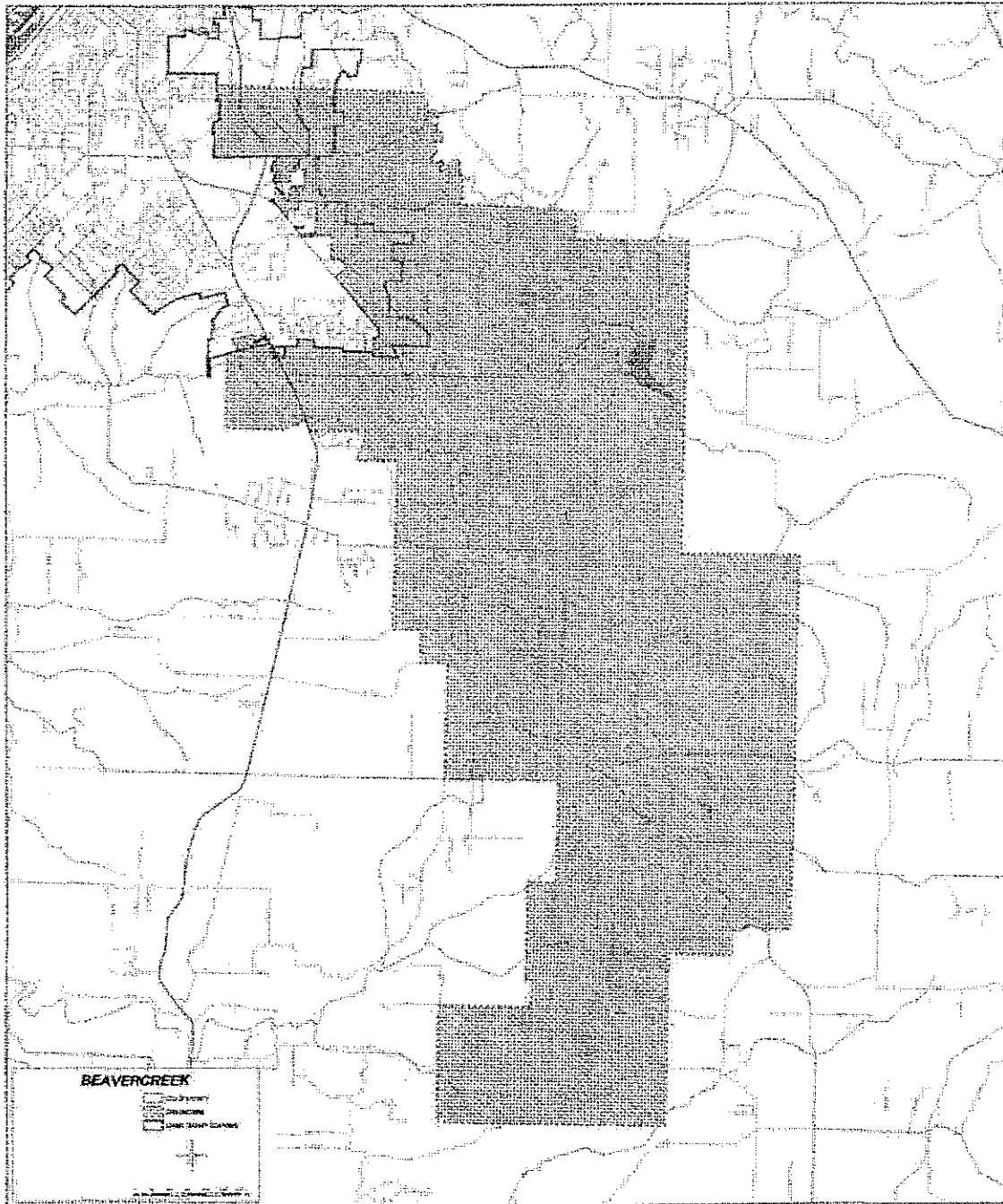
Invalidity or unenforceability of one or more provisions of these Bylaws shall not affect any other provision of these Bylaws.

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 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.