

## CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

### Policy Session Worksheet

**Presentation Date:** December 16, 2014      **Approximate Start Time:** 10:30am  
**Approximate Length:** 30 Minutes

**Presentation Title:** Hamlets and Villages Ordinance Amendments

**Department:** Public and Government Affairs

**Presenters:** Gary Schmidt

**Other Invitees:** Amy Kyle, Barbara Smolak

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

Does the Board wish to amend the Hamlets and Villages Ordinance Chapter 2.10 of the county code as presented?

#### **EXECUTIVE SUMMARY:**

At the June 24, 2014 study session Public and Government Affairs presented a report at the request of the BCC evaluating the successes of the Hamlets and Village program. In addition to providing an update on the program, staff recommended potential revisions to the Hamlets and Villages Ordinance of Chapter 2.10 of the County Code.

Potential areas for revisions:

- Elections/Voting
- Financing
- Adding a Code of Conduct for Board of Directors
- General Updates and Clarification

The options presented were:

1. Continue to support the Hamlets and Villages program with no changes
2. Continue to support the Hamlets and Villages program and revise Chapter 2.10 ordinance by clarifying various sections as outlined in the staff report by seeking input from the Hamlets and Villages leaders

The BCC approved the staff recommendation of Option 2.

Subsequent to the June 24, 2014 study session and following the direction of the BCC, PGA staff met with the County Treasurer and staff, Finance and County Counsel to gather feedback

and recommendations on revisions to the ordinance. In addition, PGA received comments from representatives of the Hamlets and Villages at two meetings as well as email suggestions. Based on this feedback the amended Chapter 2.10 Hamlets and Villages Ordinance is presented in Attachment A.

Changes to the Ordinance include:

- Replaced "Clerk of the BCC" with "county staff liaison"
- In Section 2.10.010 removed the history of Complete Communities and Completing Connections
- In Section 2.10.060 removed "Prior to election, eligibility of candidates for the board of directors shall be approved by the BCC"
- Added a "Code of Conduct for Board Members"
- Removed "Charitable Contributions" from Section 2.10.100

**FINANCIAL IMPLICATIONS (current year and ongoing):**

N/A

**LEGAL/POLICY REQUIREMENTS:**

Once the BCC reviews the revisions to Chapter 2.10 and they are approved by County Counsel the amended ordinance must be presented at two public hearings.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

N/A

**OPTIONS:**

1. Accept the revisions to Chapter 2.10 Hamlets and Villages Ordinance as presented in Attachment A with additional revisions if necessary. Direct staff to finalize revisions and coordinate with County Counsel public hearing presentations.
2. Make no revisions to Chapter 2.10

**RECOMMENDATION:**

Staff recommends Option 1, Accept the revisions to Chapter 2.10 Hamlets and Villages Ordinance as presented in Attachment A with additional revisions if necessary. Direct staff to finalize revisions and coordinate with County Counsel public hearing presentations.

**ATTACHMENTS:** Attachment A – An Ordinance Amending Chapter 2.10 of the Clackamas County Code

**Submitted By:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval Jerry Smith

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Barbara Smolak at 503.655.8552

Ordinance No. \_\_\_\_\_

An Ordinance Amending Chapter 2.10, Community Connections,  
of the Clackamas County Code

WHEREAS, Chapter 2.10, Community Connections was adopted in 2005 and substantially amended in 2007; and

WHEREAS, it has become apparent that procedural and substantive changes are necessary to more accurately address the operational needs and requirements of the Hamlets and Villages Program; NOW, THEREFORE,

THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1: Chapter 2.10, Community Connections is hereby amended 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:

**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. AGENTS OF THE COUNTY means that Hamlets and Villages board members acting within the scope of authority granted by the organization bylaws and county policies are advisory to the Board of County Commissioners and shall be treated as agents of the county for claims against them for purposes of the Oregon Tort Claims Act.
- B. BCC means the Board of County Commissioners.
- C. BOARD means the board of directors of a hamlet or village.
- D. 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.
  - 3. 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.
- E. 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.
- F. COUNTY LIAISON means the person designated by the County Administrator to facilitate communications among citizens, county staff, the Board and the BCC. The liaison will also render advice and assistance to citizens to accomplish the goals and objectives of this chapter.
- G. DOMICILE means the place where individuals have their true, fixed, permanent and principal home.

- H. 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.
- 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.
- J. 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.

**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 county staff liaison.
- 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 county staff liaison, the county shall set a public hearing within sixty (60) days on the question of formation. The county shall provide the appropriate public notice as determined by the county's department of Public and Government Affairs.
- 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.
- M. 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.
- N. 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.
- O. 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.
- P. Votes shall be counted by county staff or a designee.
- Q. 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.
- R. 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.
- B. Code of Conduct for Board Members:
  1. Serve the best interest of the hamlet or village as a whole regardless of personal interests.
  2. Conduct open, fair and well-publicized elections.

3. Provide opportunities for the community to comment on decisions facing the hamlet or village.
  4. Perform duties without bias for or against any individual or group.
  5. Act within the boundaries of board authority as advisory to the BCC; and
  6. Comply with all other aspects of Oregon law applicable to public officials, including the public records law, public meeting law, ethics law, and elections laws
- C. Removal of a Board member. Any member of the Board of Directors of a hamlet or village may be removed by a vote of 2/3 majority of all Board members. The matter of removal may be acted upon at any duly noticed meeting of the Board. Notice of intent to consider removal shall be posted publically, and shall be given to each Board member and the county staff liaison at least 14 days prior to the meeting at which removal is to be considered and included on the meeting agenda.
- D. Meetings, public participation, action. Each hamlet or village board shall meet with members 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. Members and non-members 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 members 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 members at the next town hall meeting.
- E. 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.
- F. Boundary changes. Using the process contained in its bylaws, a hamlet or village may request that the BCC modify its boundaries.
- G. 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.

- H. 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.
- I. Annual report. Each hamlet and village shall provide the BCC with an annual report, which will be coordinated by the county staff liaison.

**2.10.070      Financing**

- A. Hamlet. A hamlet shall be financed primarily through contributions, grants, and volunteer fundraising activities. All such funds will be deposited with and administered by the county on behalf of the hamlet.
- B. Village. A village may generate revenue through a range of means, including contributions, grants, and volunteer fund-raising activities. All such funds will 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**

- 1. Initiation. Dissolution of a village or hamlet may be initiated by:
  - A. A resolution of the BCC; or

B. Filing a petition with the county staff liaison. 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 data shall be used to determine if a petition meets the requirements of this section.

C. 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 meeting 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.

D. 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.

E. 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 county staff liaison 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 county staff liaison. Copies of all meeting minutes shall be submitted to the county staff liaison within forty-five (45) days from the date of the meeting. Changes to the bylaws and a list of current board members shall be submitted to the county staff liaison within thirty (30) days of any changes in bylaws or board members.

#### **2.10.100 Local budget and audit law, operating and miscellaneous expenditures, 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. County trust accounts. Working with the county liaison, a hamlet or village shall open a trust account with the County Treasurer to accumulate contributions. The account shall be established according to County Treasurer protocol. Authorized requests for funds held by the county in trust for the hamlet or village shall be made in writing to the county.
- C. 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 operating 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.
  - a. 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.
- D. 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 the Oregon Government Ethics laws (Oregon Revised Statutes Chapter 244), and may be removed from office by the BCC if found to be in violation thereof.

**Section 2:     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 \_\_\_\_\_, 2014.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

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

**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

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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.

**Comment [g1]:** Is this section necessary? Helpful history, but why is it in county code?

**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:**

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- 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.

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J. "Agents of the county" means that Hamlets and Villages 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.

**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

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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 or the county staff liaison.

**Comment [g2]:** We should be consistent throughout: either Clerk of the BCC or county staff liaison

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 or the county staff liaison, the county shall set a public hearing within sixty (60) days on the question of formation. The county shall provide the appropriate public notice as determined by the county's department of Public and Government Affairs, 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.

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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.

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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.

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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. Code of Conduct for Board Members.**

1. ~~Serve the (best) interests of the hamlet or village as a whole regardless of their personal interests~~
2. ~~Conduct open, fair and well-stabilized elections~~
3. ~~Provide opportunities for the community to comment on decisions facing the hamlet or village~~
4. ~~Perform their duties without bias for or against any individual or group~~
5. ~~Act within the boundaries of their authority as advisory to the Board of County Commissioners.~~

C. **Removal of a Director.** Any Director or officer of the Board of Directors of a hamlet or village may be removed by the Board of Directors by a vote of 2/3 majority of all the Directors...

The matter of removal may be acted upon at any meeting of the Board of Directors. Notice of intention to consider the removal (recall) shall be given to each Director and the county staff liaison at least 14 days prior to the meeting at which the matter of removal (recall) is considered and included on the meeting agenda.

~~DD.~~ **Meetings, public participation, action.** Each hamlet or village board shall meet with ~~citizens members~~ 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. ~~CitizensMembers~~ and non-~~citizens members~~ 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 members~~ 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.

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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 members at the next town hall meeting.

**CE. 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.

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

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**FE. 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.

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**FI. 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.

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**I. Annual Report.** Each hamlet and village shall provide the BCC with an annual report, which will be coordinated by the county staff liaison.

#### 2.10.070 Financing

A. **Hamlet.** A hamlet shall be financed primarily through contributions, grants, and volunteer fundraising activities. All such funds must will be deposited with and administered by the county on behalf of the hamlet, private 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 will 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, private with an d 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:  
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1. A resolution of the BCC; or
2. Filing a petition with the Clerk of the BCC county staff liaison. 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 data 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 meeting 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 - county staff liaison 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 county staff liaison. Copies of all meeting minutes shall be submitted to the Clerk of the BCC county staff liaison within forty-five (45) days from the date of the meeting. Changes to the bylaws and a list of current board members shall be submitted to the Clerk of the BCC the county staff liaison within thirty (30) days of any changes in bylaws or board members.

**2.10.100 Local budget and audit law, charitable contributions, operating and miscellaneous expenditures, contracts**

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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.~~

~~CB. **County Trust County-trust Bank accounts.** Working with the county liaison, a hamlet or village will open a trust account with the County Treasurer to accumulate contributions. 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, private. The account will 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. 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.~~

~~DC. **Operating Expenditures.** The hamlet or village may be reimbursed by the county for miscellaneous and operating expenses. These include, but not limited to, printing, postage, website domain purchase and renewals, P.O. Box rental fees, meeting room rental fees, small equipment purchases or rentals (easels, projectors, portable sound system microphones, flip charts, etc), maps from the County GIS department, newspaper print ads (meeting notices, election notices, special events, etc).~~

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~~The hamlet or village may be reimbursed for the above miscellaneous and operating expenses by providing the county receipts with an explanation for the expenditures. The limit of these expenses will be authorized by the BCC during the annual county budget process. These expenditures may not exceed \$500.00 per quarter. Exp Expenditures that may fall outside the usual miscellaneous and operating expenses shall be approved by the county's Public & Government Affairs department prior to the expenditure being made.~~

**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.

**ED. 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.

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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 Savings Clause (Note: Review by County Counsel for removal)

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