



Hamlets and Villages



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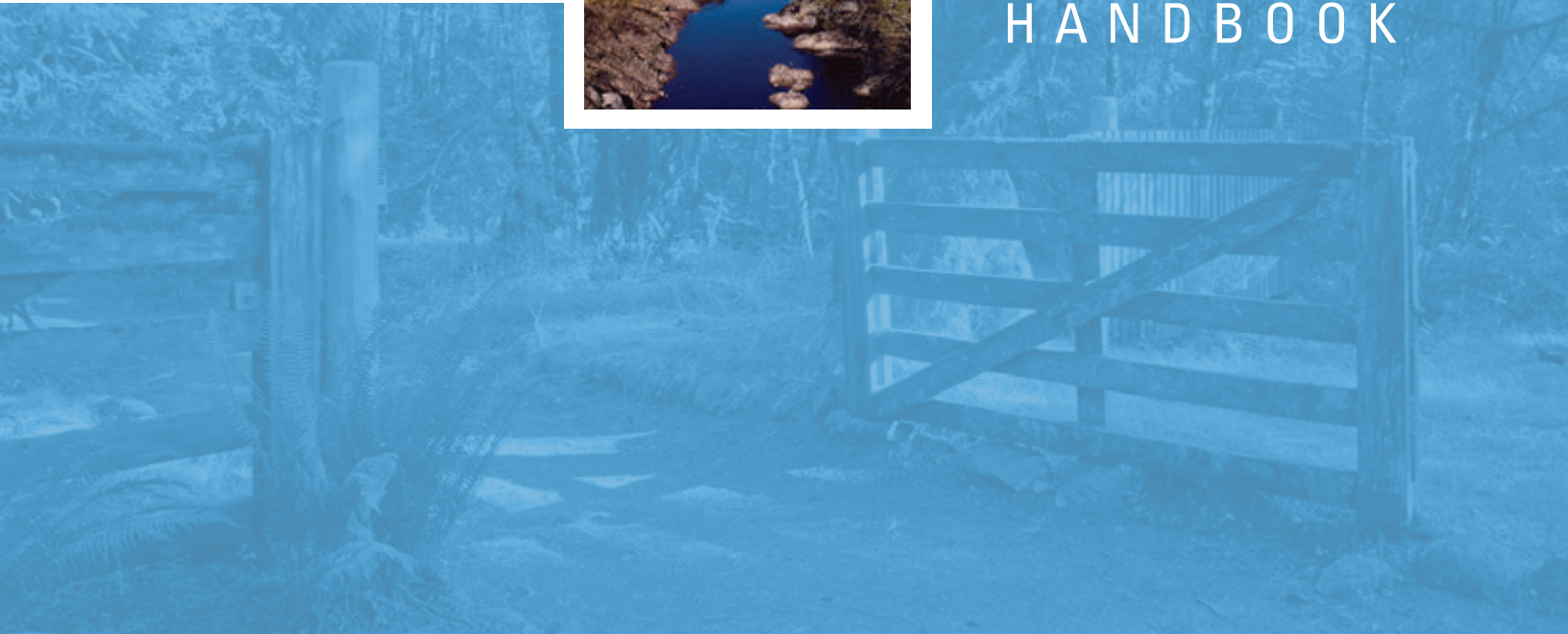


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Purpose of Hamlets and Villages

Hamlets and Villages give the community a formal structure to discuss important community issues and make recommendations for their resolution to the county. Unlike cities and counties, Hamlets and Villages are not local governments. They are advisory to the Board of County Commissioners. All members over the age of 18 who live, own property or businesses within the defined geographic area are eligible to vote on Hamlet or Village affairs. In consultation with the Board of County Commissioners (BCC), Hamlets and Villages may undertake the following activities: community-building, representation to other jurisdictions, economic development, park and trail planning, downtown beautification, maintenance, community development, strategic planning and land use review. A Hamlet or Village may undertake the latter only if it functions as a Community Planning Organization (CPO.)



Organization

Relationship with Clackamas County

Each Hamlet and Village is represented by an elected board of directors that serves in an advisory capacity to the Board of County Commissioners (BCC) on issues important to the Hamlet or Village.

There is no state law or registration process governing Hamlets or Villages. The Hamlet and Village program was created by Clackamas County by an Ordinance passed by the Board of County Commissioners. The Ordinance was codified as Chapter 2.10 of the County Code and sets forth the legal framework for the program, including the process for forming a Hamlet or Village, preparation of bylaws, and the selection of board members. Section 2.10.110 of the Code provides that Hamlet and Village board members are agents of the county, for claims against them for purposes of the Oregon Tort Claims Act, when acting in the course and scope of Hamlet or Village business.

The county liaison is designated by the county to facilitate communications among residents, county staff, and the BCC. The liaison reports to Public and Government Affairs and is the county's link with those interested in forming a Hamlet or Village. The liaison provides assistance during the formation process and renders general advice and assistance to members of the public to accomplish the goals and objectives of the Hamlet and Village program.

Bylaws

The bylaws for each Hamlet and Village establish and explain their proposed operating procedures and activities. Although each Hamlet or Village creates its own bylaws, the BCC or its designate has final approval and requires the bylaws to include at least these elements:

- Roles and responsibilities of board members
- How decisions are made
- Funding options and expenses
- How bylaws can be amended
- Procedures for removing board members and filling vacant positions

Formation

The steps in becoming a Hamlet or a Village begin with action by one or more community members (or "chief petitioners") who are required to follow the steps set forth in Section 2.10.050 of the County Code and meet with the Public and Government Affairs (PGA) liaison to discuss possible formation:

- Hold a public meeting to discuss the formation of the Hamlet or Village. Provide notice in the local newspaper or use other means to reach the community.
- Meet with county staff to discuss the proposal and receive initial staff approval to move forward.
- Communicate with cities and special districts within three miles of the Hamlet or Village boundary.
- Within 150 days of staff approval, complete a Hamlet or Village application form.
- Gather the required number of signatures on a petition. For a Hamlet, that is either 100 residents or 10 percent of the residents within the proposed boundary, whichever is the lesser number.

- For how boundaries are decided, see page 17.
- For a Village, it is either 150 residents or 15 percent of the residents within the proposed boundary, whichever is the lesser number.
- Participate in a public hearing held by the BCC.
- Within 60 days of BCC approval, hold the first organizational meeting to discuss and ratify proposed bylaws, board members and other affairs.
- Overview of Application and Formation Process:

Hamlet	Village
Application Process	
Chief petitioner(s) receives application packet from the staff liaison	Chief petitioner(s) receives application packet from the staff liaison
Completed petition includes proposed name, purpose, preliminary boundaries, possible activities	Completed petition includes proposed name, purpose, preliminary boundaries, possible activities and financing (optional at this stage)
Petition circulated among community* within boundary; signatures of 100 residents or 10% of residents in Hamlet area required	Petition circulated among community* within boundary; signatures of 150 residents or 15% of residents in Village area required
Completed petition and application filed with county liaison	Completed petition and application filed with county liaison
County holds hearing within 120 days of receipt; county provides notice of hearings in newspaper(s)	County holds hearing within 120 days of receipt; county provides notice of hearings in newspaper(s)
Board conducts hearing; approves (or denies) formation	Board conducts hearing; approves (or denies) formation
*defined in ordinance	*defined in ordinance
Organization	
Petitioners and others form work group; hold first meeting within 30 days of county approval	Petitioners and others form work group; hold first meeting within 30 days of county approval
Meet regularly to develop draft bylaws, deal with all governance issues and other pertinent matters	Meet regularly to develop draft bylaws, deal with all governance issues, possible funding and other pertinent matters
Organize, facilitate town hall meeting where all above matters are discussed and voted upon by members in attendance	Organize, facilitate town hall meeting where all above matters are discussed and voted upon by members in attendance
Submit Hamlet approved bylaws to BCC	Submit Village approved bylaws to BCC
Upon BCC approval, assume status as a Hamlet	Upon BCC approval, assume status as a Village
Board meets regularly; holds at least quarterly town hall meetings	Board meets regularly; holds at least quarterly town hall meetings
Implementation	
Undertake ongoing activities that support needs of Hamlet members	Undertake ongoing activities that support needs of Village members
Work with county liaison, as needed	Work with county liaison, as needed

Relationship with Community Planning Organizations (CPOs)

CPOs are recognized by the county as independent advisory groups to advise the Board of County Commissioners and the county Planning Commission on land use matters. Hamlets and Villages are indemnified agents of the county and therefore must comply with county policies and requirements.

A Hamlet or Village may assume the functions of an existing CPO within its geographical boundary if both entities approve. Both parties must develop a Memorandum of Understanding (MOU) that explains how the transfer of responsibilities will occur, the extent of responsibilities to be transferred, the status of the CPO hereafter and how the CPO will resume functioning if the Hamlet or Village dissolves. The MOU must be approved by the BCC.

Summary of Oregon Open Meetings Law

The Oregon Public Meetings Law (ORS192.610) and County Code, section 2.10.090(A), requires meetings of advisory bodies, such as Hamlets or Villages, to be open to the public, except as may be provided under the section titled Conflict Resolution. A Hamlet or Village may not make decisions in executive sessions that exclude the public.

The Public Meetings Law also requires that Hamlets and Villages and all public bodies provide notification in advance of all meetings.

- Notice must be provided to those requesting it, by phone, email or US mail.
- Reasonable notice must be provided to the public at large.
- The law encourages, but does not require, notification of parties known to have a special interest in the meeting.
- Public notification must include date, time and place of the meeting and a brief description of the principal subjects to be discussed.

Summary of Oregon Public Records Law

Hamlets and Villages must comply with the Oregon Public Records Law. Under ORS 192.420 and County Code section 2.10.090(B), all records of the Hamlet or Village are county records and considered public unless specifically exempt from disclosure. Public records include any written information about conduct of business, pictures, maps, sounds, symbols, videotapes, e-mail, and records not originally prepared by the Hamlet or Village. All requests for records must be referred to county staff for processing.

Responsibilities of individual board members

Individual board member responsibilities include:

- Attend all board and committee meetings and functions.
- Be informed about the Hamlet or Village's, purpose, policies, and programs.
- Review agenda and supporting materials prior to board and committee meetings.



- Serve on committees or task forces and offer to take on special assignments.
- Inform others about the organization.
- Suggest possible nominees to the board who can make significant contributions to the work of the board and the organization.
- Follow conflict-of-interest and confidentiality policies.

Board members may speak on behalf of the board only when given that authority by their board, otherwise all statements made by board members should clearly state they are speaking as an individual and not as a representative of the board.

Ethics Policy

All Hamlet and Village board members are agents of Clackamas County for claims against them for purposes of the Oregon Tort Claims Act and thus, public officials subject to State ethics rules.

A public official found to be in violation of these rules may be personally penalized, up to \$5,000 per violation. A public official found to have financially benefited from an ethics violation may be subject to a civil penalty of up to twice the amount by which the individual benefited. The county is prohibited from reimbursing board members for these costs.

Ethical rules include, but are not limited to, conflicts of interest and gifts.

Finances

Summary of Oregon Budget Law

Hamlets. A Hamlet shall be financed primarily through contributions, grants and volunteer fundraising activities. Such funds will be deposited with and administered by the county on behalf of the Hamlet in a Trust Account.

Villages. A Village may generate revenue through a range of means, including contributions, grants and volunteer fund raising activities. Such funds will be deposited with and administered by the county on behalf of the Village in a Trust Account.

A Village may enter into agreements for the sharing of revenue with the county. If approved by a vote of the members at a town hall meeting, the board may also request the Board of County Commissioners (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 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 expenses. 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.

Oregon's Local Budget Law establishes standard procedures for preparing, presenting and administering a budget, requiring public involvement in its preparation and public disclosure of the budget before its formal adoption.

Imprest Checking Account

An imprest account is a petty cash account used to pay routine operational expenses. It must include only the funding provided by the county and is managed by the county. The only deposits made to an imprest account should consist of county funds. The county budgets \$2,000 per fiscal year for each Hamlet and Village.

The county requires that a copy of each month's statement be sent to the County Treasurer and county liaison for accounting purposes. Monies will be distributed on a "Request for Reimbursement" basis. Each Hamlet/Village needs to draw down their imprest account to \$500. Once the imprest account is down to this amount the following will be required prior to distribution of county funds:

- Reconciled bank statements for the previous quarter (statements must demonstrate no more than a \$500 imprest account balance)
- A "Request for Reimbursement" form explaining the incurred operating expenses
- Receipts for the expenditures

The amount of reimbursement requested must equal the amount of the receipts submitted.

Once the above information is received the county liaison will process the payments through the county Finance Department. The Hamlet/Village will be notified when the check is ready for pick-up or request the check be mailed to the Hamlet or Village.

Operating Expenses are defined as follows:

- Printing – meeting materials, agendas, notices, meeting minutes, maps, handouts, flyers, brochures, post cards and other related materials
- Costs for mailings, postage, post office box rentals, maintaining website and other web related expenses, transcription services for meeting minutes
- Costs for meeting room rentals for regular meetings, town hall meetings and refreshments associated with such meetings (excluding alcohol)
- Expenditures for buying or renting equipment such as audio system, laptop computer, projector/screen, printer, recording devices and supplies/repairs associated with such equipment
- Advertising and promotions for upcoming events, town halls and meetings

Expenses Not Allowed as follows; (if in doubt contact Public & Government Affairs in writing)

- Donating to profit or non-profit entities or other organizations (such as schools, clubs, chambers of commerce, fire and law enforcement agencies, libraries, granges and other social or business organizations to name a few)
- Paying legal fees, land use appeals fees or insurance premiums. Any other expenditures shall be submitted to PGA and pre-approved in writing prior to the expenditure being made
- Purchase of alcohol

If a Hamlet/Village foresees operating expenditures that exceed \$500 inform Public and Government Affairs (PGA) in writing in advance so money may be made available to cover those expenses if possible.

Trust Account

A Trust Account held by the Clackamas County Treasurer's office allows Hamlets and Villages to raise, spend and control money they receive in addition to the county funding.

The Clackamas County Treasurer's office is the custodian of the account, but does not determine how the money is spent. The only requirement is that it be used for a legitimate and recognized public purpose.

All fundraising monies, donations or other cash may be deposited in the Hamlet or Village's county Trust Account.

Fundraising

Hamlets and Villages may employ a variety of financing options. Please refer to Ordinance 03-2007 Section 2.10.070 for more details.

Hamlets

Hamlets may be financed through contributions, grants and volunteer fundraising activities. Proposed fundraising activities must first be discussed with and approved by the County Risk Manager.

Villages

Similar to Hamlets, Villages may generate funds through a range of ways, including contributions, grants and volunteer fundraising. Proposed fundraising activities must first be discussed with and approved by the County Risk Manager.

A Village also may enter into an agreement to share funds with the county. Additionally, after approval by a vote of the members at a town hall meeting, the Village board may request that the BCC take any of the following actions:

- Fund proposed activities within the boundaries of the Village through the initiation or 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, approved by registered voters where requested and the revenue generated is intended to support the delivery of an enhanced level of service that would not otherwise be provided by the county.

- Initiate formation of a County Service District with a permanent tax rate limit. If initiated by the BCC, formation will be conducted in accordance with ORS Chapter 451. This includes public hearings and a vote on the question of formation by registered voters within the boundaries of the proposed district.
- 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.
- All taxes, fees, other charges, formation of County Service Districts or Local Improvement Districts may require a vote of registered voters within a Village boundary.

Processes

Legal Action by Hamlet or Village

All Hamlet/Village board members are free to lobby, advocate and file legal appeals as individuals acting on their own behalf.

A single board member may not act as a representative of the Hamlet/Village board without the board's affirmative vote taken at a legally noticed meeting.

A Hamlet/Village board can lobby or advocate for an issue prior to a governmental body taking legal, quasi-judicial or judicial action.

When an issue/action goes to a ballot vote, a governmental body votes to take action or a position on an issue, Hamlet/Village action is limited. In order to take any further action the Hamlet/Village board must have their proposed action reviewed by the County Counsel. If there is a further need, the issue may be presented to the Board of County Commissioners in a Policy Session. The Hamlet/Village board may send a representative to participate at the BCC's discretion.

A Hamlet/Village may not file a legal appeal without express approval from either the Board of County Commissioners or County Counsel. A Hamlet/Village is an agent of the county and derives its authority through its creation by the county. Legal appeals filed by a Hamlet/Village board without BCC approval are not permitted.

GIS Guidelines

Clackamas County Geographic Information Services (GIS) produces maps for the county and other organizations at county directive. GIS is not a map production company or a profit-making business. The majority of the work done in GIS is in maintaining the massive GIS database that is required for many of the county (and non-county) departments to do their work, as well as the basis for all the maps. This database includes millions of data points, plots, attributes, photos, lots etc. – and hundreds of additional data layers. All this information is constantly changing and must be up to date and correct for the other county functions.

Four categories of clients are served by GIS:

1. In-house Clackamas County agency requests – especially from DTD (Department of Transportation and Development) divisions. This is a major source of requests. GIS does not charge for these projects except if a large amount of supplies is required. These requests receive high priority for work assignments.

2. Non-county agencies – such as Police, City, School, Fire. GIS charges for work and cost of all supplies. These are the next level of priority and usually time spent depends on the project.
3. Other entities - such as PGE, etc. GIS charges these agencies per hour and full cost of supplies.
4. CPOs, Hamlets and Villages and walk in residents – usually quick maps and/or questions. GIS charges for the time and map(s) created depending on request including the size and number of maps.

Successful Board Meetings

All board meetings of Hamlets and Villages should allow participants to share information and express their opinions in an orderly and cordial environment. Although many matters can be decided by an informal consensus, votes should be taken when the Hamlet or Village is being committed to a course of action. All such matters must be referred to the public for a vote at the next town hall meeting. Official action can be taken only by a vote of the Hamlet or Village board. An effective board meeting occurs when members agree on goals and objectives, a course of action, and provide opportunities for interested community members to be involved in the process. One measure of success is the degree of consensus in the community about important issues. Members should respect each other and have non-confrontational ways to solve conflicts and difficulties (see Dealing with Conflicts, page 14).

Typical Meeting Format

- Call to order
- Approval of minutes of previous meeting
- Financial report
- Correspondence
- Reports of officers
- Reports of committees
- Public comment
- Special business (e.g. election of new board members and other items of business required in the bylaws)
- Unfinished business (held over from a previous meeting)
- New business
- Announcements
- Adjournment

Handling a Motion

A motion is a formal proposal by a board member that asks the board to take a certain action.

- Member makes a motion: "I move that..."
- Another member seconds the motion: "I second the motion..."
- Chair states the motion "is moved and seconded"
- Chair opens debate: "Is there discussion?"
- Members debate the question
- Chair puts the question: "The question is on the adoption of the motion that..."
- Chair says "those in favor say 'aye'"
- Chair says "those opposed, say 'no'"
- Chair says "those who abstain, say 'abstain'"
- Chair announces vote

Successful Town Hall Meetings

Hamlets and Villages must hold regular town hall meetings to share information with members, ask for feedback and vote on essential matters of concern. Only members of the Hamlet or Village who attend the meeting are eligible to vote. No proxies or absentee votes are allowed.

All successful meetings should have one or more clearly defined objectives that are stated clearly in public notices and disseminated as broadly as possible.

Before the Meeting

- Define the purposes and objectives
- Choose a date, time and location convenient to most members
- Provide reasonable notice to members and the media
- Create an agenda that can be reasonably covered in the time allowed
- Prepare verbal and written materials (Power Point presentations, handouts, ballots, newsletters, etc).
- Provide directional signs

During the Meeting

- Begin and end on time
- Follow the agenda
- Provide ample time for discussion and voting, if needed
- Respect the process and all participants
- Summarize results
- Appoint sub-committees, if necessary to follow up on recommendations

Minutes for Public Meetings

The Public Meeting Law requires that written minutes be taken at all meetings and include the following:

- Date, time, and location of the meeting;
- List of members who are present and showing a quorum is met;
- Any motions, proposals, resolutions, orders, ordinances and measures proposed and the action taken by the public body regarding those;
- The results of all votes, and a record of the vote of each member by name if the public body has 25 members or less (note: if the public body has more than 25 members, then the votes do not need to be listed by name unless a "roll call" vote is requested by a member of that body);
- A summary of any discussion on any matter; and
- Reference to any document discussed at the meeting.

Minutes do not have to be verbatim and the meeting does not have to be tape recorded unless otherwise required by law. The minutes must give a true reflection of the matter discussed at the meeting and the views of the participants.



Minutes must be available within a “reasonable time after the meeting.” The public has access to them once they are prepared, even if the minutes have not yet been approved at the next meeting. If minutes have not been approved, they may be so identified. Minutes are posted on the county website.

Minutes from each meeting should be submitted to Clackamas County liaison within 45 days from the date of the meeting. If the minutes have not yet been approved at the next meeting, simply note on them that they are “draft.” The minutes will be kept permanently and available for public review. The Hamlet or Village should also keep a file of its past minutes. The county will retain the minutes of each Hamlet or Village, following the rules of the State Archives.

Minutes and records available to the public must be made available to persons with disabilities in a form usable to them, even if it means converting the minutes to large print, Braille, etc. If an individual with disabilities requests the minutes in a special format, please contact Clackamas County Public and Government Affairs.

For your further reference: ORS 192, especially ORS 192.650, and the Attorney General’s Public Records and Meetings Manual (Oregon Dept. of Justice, 1997)

Sample - Minutes of Public Meeting

Name of Committee/Subcommittee
Minutes

Regular (or Special or Emergency) Meeting Date/Time
Place

Notice for this meeting was made by press release to newspapers of general and local circulation throughout the county (and, if appropriate, mailed to persons on the mailing list of the Committee and the members of the Committee)

Present were (list all voting members in attendance, or attach sign-up sheet if voting is open to everyone in attendance).

The Chair presented the agenda as follows:

- (1)
- (2)
- (3)

FOR EACH AGENDA ITEM, SUMMARIZE BRIEFLY:

Testimony on (list the item above) was received from (any person who testifies) representing _____, stating that (summarize the major points, including support or opposition).

Also, briefly capture the major points of any committee discussion on the agenda item.

After discussion, (name of member) moved that (describe the motion made).

Voting for the motion: (depends on group size whether names or number)

Voting against the motion: (depends on group size whether names or number)

Or, state that the motion was carried unanimously.

State whether the motion fails or passes.

If the motion carries, the Chair restates any instructions that are needed to follow-up on the item.

Set next meeting. There being no further business, the meeting was adjourned.

Dealing with Conflicts

As leaders in Hamlets and Villages of Clackamas County, members in your communities respect your judgment and expect you to be fair and judicious when you carry out your responsibilities. Although all your decisions are open to review by the Board of County Commissioners, the day-to-day operation of your Hamlet or Village is the responsibility of your elected leaders.

Even in the best of all worlds, conflicts and disagreements often arise. The following are ways to deal with them that preserve the integrity of your Hamlet or Village and allow you to move on to other challenges. In most or all cases, you should be able to work through difficult situations without an outside mediator. The following hints can help through the rough spots:

- Meet to discuss the issues at a time and place convenient to all.
- Choose a neutral facilitator.
- Involve all parties to the conflict, being careful not to overload the group with too many representatives of one side.
- Agree on the items to be discussed and the goals you want to achieve. Stay with the agenda.
- Respect all participants and receive respect in return.
- Focus on outcomes...what is best for your community...not on what is best for one individual or small group.
- Take turns speaking; do not interrupt or talk over one another.
- Avoid the "blame game." Remember, we all make mistakes.
- Do not use words or actions to intimidate others.
- Do not insist on irrevocable or non-negotiable positions.
- Look and listen carefully. Watch for clues in body language or speech that indicate moods or attitudes and respond appropriately.
- Take as much time as required to reach a solution. You may need more than one meeting to reach your goals.
- Work toward an agreement that is fair and constructive for everyone.
- Strive for small victories that give everyone a "win."
- Be willing to defer unresolved issues to a later time.
- Publicize the terms of your agreement to other members of the Hamlet or Village in writing.
- Follow through. Agree on deadlines or a time schedule for action and monitor progress.
- Do not hold a grudge. You may have to "agree to disagree" on certain matters.
- If all these efforts fail, work with the county liaison to ask the citizens of the Hamlet or Village to vote on the contentious matter, and abide by that decision.
- Move on to work together for the benefit of your Hamlet or Village.

Effective Media Relations

Hamlet and Village representatives can take steps through the media to build credibility, reach community members and increase the public's understanding and support.

- Invite media representatives to your meetings.
- All media are not the same. Know the difference and how to optimize your relationship.
- Honor deadlines. Give the media enough prior notice so that they can schedule someone to provide ample coverage.
- Never be afraid to say, "I don't know." But add "I'll find out for you."
- Look for publicity niches to reach segments of the public who may read local newspapers or tune into local television or radio.
- Face the inevitable – bad news does indeed drive out good news – but take that as a challenge to work with the media.
- Be friendly with the media, but professional when speaking to the media or providing information.

Recruiting and Maintaining Volunteers

Hamlets and Villages are solely volunteer organizations. Their success depends upon the community who are committed to their goals and objectives and who have the willingness, skills and commitment to help achieve them. After people volunteer for the board or specific committees or projects, it is important to maintain their enthusiasm and commitment.

- Agree on clear goals, expectations and responsibilities.
- Be flexible. Provide opportunities that meet their time schedules and abilities.
- Provide refreshments at meetings and events whenever possible.
- Recognize success with awards and other means.
- Provide shirts, pins, buttons, and other ways to distinguish a particular set of volunteers or a project.
- Always be open to newcomers and additional volunteers.
- Say "thank you." Make people glad they participated.



Frequently Asked Questions

What is Complete Communities?

Complete Communities for Clackamas County began in 1999 by the Board of County Commissioners (BCC). In 2002, at the third Community Congress, the overwhelming majority of the several hundred attendees recommended that the BCC explore the concepts of Hamlets and Villages as possible governance models for unincorporated areas. The BCC agreed to sponsor Complete Communities as a natural outgrowth of the recommendation from many county residents for ways to increase their involvement in decisions that affect their lives.

What are Hamlets and Villages?

Voluntary organizations in unincorporated areas of the county recognized by the BCC after a public process in each community. Hamlets and Villages give residents a formal community structure to discuss important community issues and make recommendations for their resolution to the county. Hamlets and Villages are not local governments (i.e. cities or counties) and are advisory to the BCC. All members over the age of 18 who live, own property or businesses within the defined geographic area are eligible to vote on Hamlet and Village affairs.

What are Hamlets?

Unincorporated areas that are organized forums for the public to express issues of concern, prioritize activities and coordinate community-based activities, as may be approved by the BCC. Hamlet affairs are financed through voluntary contributions, grants and fundraising activities.

What are Villages?

Unincorporated areas that are organized forums for the public to express issues of concern, prioritize activities and coordinate community-based activities, as may be approved by the Board of County Commissioners. Subject to state law, and after registered voter approval by its citizens and the BCC, Village affairs may be financed through a range of means including taxes and fees.

What are financing options for Villages?

Grants and fundraising, County Service Districts, Local Improvement Districts (LIDs) and tax increment financing (TIF) to the extent permitted by law. As required under state law, any tax levy must be approved by a majority of registered voters in the Village at a special election.

How do Hamlets and Villages differ from Community Planning Organizations (CPOs)?

CPOs are Clackamas County's recognized community planning organizations for public involvement in land use matters, though many CPOs take up other issues. Hamlets and Villages have responsibilities and options available to them that are not available to CPOs.

Will Hamlets and Villages replace the CPO in their areas?

Only if the CPO and Hamlet or Village boards and the BCC agree. In that case, the Hamlet or Village would assume the land use review functions now provided by the CPO.

Are Hamlets and Villages protected from annexation by a neighboring city or special district?

No. Annexation and incorporation are governed by state law.

How can Hamlets and Villages work with neighboring communities and jurisdictions?

Upon approval by the Board of County Commissioners, the entities may develop Memoranda of Understanding (MOUs) and other agreements to ensure communication and collaboration on matters of mutual concern.

Are Hamlets or Villages only for rural, unincorporated areas?

Though the options are intended to apply primarily to rural parts of the county, urban unincorporated areas also may apply for recognition as a Village or Hamlet.

Are the relationships between Clackamas County and Hamlets and Villages different than between the county and other areas?

Clackamas County remains the governing body for all unincorporated areas. However, through the process of formation, approval and subsequent development of priority activities and funding, Hamlets and Villages have an enhanced ability to work with the BCC. Unless the citizens mutually agree to a change, CPOs are still the primary public involvement organizations and recognized bodies for commenting on local land use proposals.

Who are Hamlet and Village “members”?

They are defined in the ordinance as residents at least 18 years of age living within the boundaries of a Hamlet or Village, or non-residents who own property or a business within a Hamlet or Village. For Hamlets, either 10 percent or 100 members, whichever is less, must sign a petition to start the process; for Villages, the threshold is 15 percent or 150 residents, whichever is less.

How are boundaries decided?

There is no set formula for establishing Hamlet or Village boundaries. Preliminary boundaries must be suggested in the Hamlet or Village application. Following submittal of the application to the BCC, Hamlet or Village organizers are encouraged to discuss proposed boundaries, the purpose, activities and possible financing methods with neighboring cities and other communities, the CPO (if active), special districts and other service providers in their area. The purpose of these discussions is to promote active communication. The BCC will determine the final boundaries when it acts on all other matters of the proposed Hamlet or Village.



Can non-contiguous areas be included?

This will be determined on a case-by-case basis. In some areas, it may be appropriate to include private property that is separated by public, e.g., national forest land. In general, non-contiguous areas are not included in the Hamlet or Village.

What are the advantages and disadvantages of becoming Hamlets or Villages?

With additional opportunity comes additional responsibility for members. Advantages include increased participation in discussions that affect their communities, enhanced relationships with the county, and the likelihood of recognition and consultation by other jurisdictions. Disadvantages include a need for active community participation, leadership, commitment and accountability.

Are there statutory or financial implications?

There are no statutory or financial implications to formation of a Hamlet or Village. The county anticipates providing minimal financial and staff assistance. Hamlets and Villages are not legally recognized by the State of Oregon or any other county. Cities and other jurisdictions, such as service districts, may recognize Hamlets or Villages as they choose to.

Hamlets and Village Clackamas County Code, Title 2, Chapter 2.10

(Adopted by Ord. 03-2007, 2/22/07, Amended and Adopted Ord. 03-2015, 2/19/15)

2.10.010 Preamble

- A. Policy objectives.** The Board of County Commissioners (BCC) is committed to engaging the public by encouraging participation 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 members of the public.
- B.** This Chapter represents the work of residents, 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 BCC in 1999, and is among the most ambitious public outreach efforts 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 public 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, residents 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 the public 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, volunteers 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 BCC approved the final report made by the work groups, and allocated funding for further work on the overarching recommendation to develop ways for residents in unincorporated areas to become more involved. Updates on the various efforts were given at the 2005 Community Congress.
2. Completing Connections. Concurrent with the work of Complete Communities, a resident-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 those residing, owning property or having businesses within defined geographic areas. Under this Chapter, residents 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 BCC, 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 residents in county activities and provide an opportunity for greater participation in matters affecting their local communities.
- C.** It is a matter of local concern and an appropriate subject for county legislation to promote the active involvement of residents in county activities so that they 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. "Member"** 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 resident who is an individual must be at least 18 years of age.

- D. "Community Planning Organization"** (CPO), as described in Chapter 2 (Public 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 to facilitate communications among the public, county staff, and the BCC. The liaison will also render advice and assistance to residents 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 the community to express issues of concern, prioritize activities, and coordinate community-based activities, as may be approved by the BCC. A Hamlet is financed primarily through contributions, grants or volunteer fundraising activities.
- H. "Village"** means an unincorporated area that is an organized forum for the community to express issues of concern, prioritize activities, and coordinate community-based activities, as may be approved by the BCC and that, after approval by Village residents and the BCC, 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 residents 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 stakeholders 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 percent of the residents located within the proposed Hamlet boundary (based on the latest U.S. census or most recent county-acknowledged survey) or 100 people, 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 percent of the residents located within the proposed Village boundary (based on the latest U.S. census or most recent county-acknowledged survey) or 150 people, 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, 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 residents 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 residents 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 residents 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 residents of the proposed Hamlet or Village for a vote at one or more town hall meetings.

K. Town Hall voting. Residents 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 resident because of such ownership. A non-resident owner of multiple parcels of real property may claim to be a resident because of such ownership, but may cast only one vote. Multiple non-resident owners of the same real property may claim residency 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 public participation, residents 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 public participation.
2. More than one person 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 those 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 those 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 resident 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 resident 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 residents 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 Hamlet or Village resident status.
 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 BCC 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 residents and serves in an advisory capacity to the BCC on issues of concern to the Hamlet or Village.
- B. Meetings, public participation, action.** Each Hamlet or Village board shall meet with residents 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. Residents of the Hamlet or Village 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 residents 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 and to residents at the next town hall meeting.
- C. Bylaw amendments.** Proposed bylaw amendments shall be presented to the county for review and approval 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 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 residents 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. Such funds may 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 fundraising activities. Such funds may 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 residents 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 county. In the case of a Village the petition must be signed by at least 30 percent of the residents. In the case of a Hamlet, the petition must be signed by at least 20 percent of the residents. 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 interest of the residents 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 county 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 liaison. Copies of all meeting minutes shall be submitted to the county 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 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. County trust accounts.** Working with the county a Hamlet or Village may 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 operational 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.
- 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. Fundraising activities.** A Hamlet or Village board must obtain approval from the county Risk Manager prior to staging public fundraising 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.

County Bylaws Template for a Hamlet or Village

The following is a guide for communities that have received county approval to organize a Hamlet or Village under Chapter 2.10 of the Clackamas County Code. Each community may tailor the bylaws to fit its own circumstances. Please note, however, that the following elements are required either by county ordinance or state law.

ARTICLE I: NAME

The name of this Hamlet or Village shall be _____.

ARTICLE II: PURPOSE

The general purpose of Hamlets and Villages in Clackamas County is to give those individuals 18 years and older who live, own property or a business within the geographic boundaries of the Hamlet or Village a forum for considering a broad range of issues affecting the livability and quality of life in their area; and an organized way to express issues of concern and coordinate community-based activities. The specific purpose of _____ (name of Hamlet) is to _____.

ARTICLE III: ACTIVITIES

The Hamlet shall undertake the following activities: Examples include but are not limited to: enhanced communications, community-building, representation to other jurisdictions, economic development, park and trail/recreational planning, downtown beautification, maintenance of, community development, strategic planning and land use review (if also functioning as a Community Planning Organization).

ARTICLE IV: BOUNDARY

Section 1. Proposed. The boundary of the Hamlet or Village is _____. (See map attached hereto as Exhibit A.)

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

ARTICLE V: HAMLET OR VILLAGE MEMBER AND VOTING

Section 1. Membership. A Hamlet or Village member is a person at least 18 years of age domiciled within the boundaries of the Hamlet or Village or a person who owns real property within the boundaries of the Hamlet or Village, 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 or Village. Members may participate in all activities of a Hamlet or Village.

To participate in formation activities, sign petitions, vote, or serve on the board of directors of the Hamlet or Village, 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 town hall meeting, unless otherwise determined. No proxy or absentee votes are allowed. In order to vote at a town hall meeting, members must be present at the meeting and provide identification and property address. The county is present and supports the election.

ARTICLE VI: BOARD OF DIRECTORS

The Hamlet or Village board is the representative voice of its members and serves in an advisory capacity to the BCC on issues of Hamlet or Village concern. Any qualified Hamlet or Village member shall be eligible for the board.

Section 1. Number. There shall be ____ directors, elected by a majority vote at an annual town hall meeting. (May be no less than five.)

Section 2. Eligibility. Candidates for positions on the board of directors of the Hamlet or Village must be members of the Hamlet or Village and shall complete an application form indicating their eligibility.

Section 3. Duties.

The primary duties of the board of directors are:

- a. Work with members to carry out the Hamlet's or Villages' activities.
- b. Gather member input on all actions requiring a vote by the board.
- c. Conduct all appropriate administrative functions of the Hamlet, including yearly budget and record keeping.
- d. Conduct quarterly town hall community meetings.
- e. Provide an annual report of activities to the members of the Hamlet or Village, the county's liaison and the BCC.
- f. Represent the Hamlet or Village to other jurisdictions and the BCC.
- g. Undertake any other duties proposed by the members and approved by the board, county liaison, and BCC if necessary.

Section 4. Term and Election. The term of office for directors shall be ____ (two or four) years. (The terms of directors should be staggered so that each year, approximately one-half of the terms expire.) The board shall be chosen by a majority of Hamlet or Village members.

Section 5. Officers. The Board shall choose a chair, vice-chair, secretary and treasurer from elected Board of directors.

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

- a. Chair: The chair shall preside over all meetings of the _____ Hamlet and shall co-sign, with the treasurer, all authorized expenditures, appoint committee chairs and be responsible for the performance of such duties as prescribed in these bylaws or designated by members at a town hall meeting. The chair shall be an ex-officio member of all committees.
- b. Vice-Chair: The vice-chair shall perform the duties of the chair in his/her absence or disability. The vice-chair may co-sign for authorized expenditures if either the chair or treasurer is unable to perform this duty.

- c. Secretary: The secretary shall keep accurate records of all meetings of the Hamlet or Village. The minutes shall be made available to the county liaison and to any member or the public as required by the Oregon Public Records and Meetings Law (ORS Chapter 192.) by requesting the record from the county liaison. The secretary shall handle all correspondence of the Hamlet or Village and be responsible for any other duties delegated by the board of directors. There may be a production charge for records requests.
- d. Treasurer: The treasurer shall maintain an accurate record of all income and expenses of the Hamlet or Village and co-sign authorized expenditures. If provided by these bylaws, and in compliance with Chapter 2.10 of the County Code, the treasurer may maintain a bank account, and must present a statement of accounts at every meeting. The treasurer's records shall be made available to any member or the public as required by the Oregon Public Records Law) by requesting the record from the county liaison. There may be a production charge for records requests.

Section 7. Selection of Officers. The officers shall be selected at the first meeting of the Hamlet or Village board and subject to reelection according to Article VI, Section 4.

Section 8. Vacancies. A vacancy will occur when a director is no longer a member of the Hamlet or Village, dies, resigns, is removed, or has more than two (2) unexcused absences from Hamlet or Village board meetings. The vacancy shall be filled by appointment by a majority of the remaining directors. The person appointed to fill the vacancy shall serve the remainder of the unexpired term until the next town hall meeting, at which time a majority of members present at the meeting shall elect a successor.

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

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

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

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

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

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

ARTICLE VII: COMMITTEES

Section 1. Committees. The board of directors may establish such committees as necessary and desirable to conduct the affairs of the Hamlet or Village. Such committees shall be advisory to the board of directors and are also subject to Oregon's Open Meetings Law.

ARTICLE VIII: QUARTERLY MEETINGS

Section 1. The board shall hold quarterly town hall meetings for the following purposes:

- Election of directors, if appropriate.
- Report to the members.
- Approve activities to be undertaken by the Hamlet.
- Other matters as proposed by the members and approved by the board of directors, county liaison, and BCC if necessary.

Section 2. At least ten days prior to the annual town hall meeting, members shall be notified according to provisions of Oregon's Open Public Meetings law. Additional notice shall be in area newspapers, flyers, websites and other means, as is practical.

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

Section 4. A simple majority of members present at the town hall meeting may conduct all Hamlet or Village affairs as noted in Section 1. Members must be present at town hall meetings to vote.

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

ARTICLE IX: FUNDING FOR HAMLETS

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

- a. County trust accounts. Working with the county liaison, the Hamlet shall open a trust account with the County Treasurer in order to accumulate contributions. The account shall be established according to County Treasurer protocol. Authorized requests for funds held by the county in trust for the Hamlet shall be made in writing to the county liaison.
- b. 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 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. If the Hamlet chooses to use an imprest bank account, all banking decisions must be coordinated with the County Treasurer or delegate. The County Treasurer or delegate must be an authorized signatory on the account and receive copies of all bank statements and must receive all reconciliations. Deposits in financial institutions must comply with all requirements of ORS Chapter 295.

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

ARTICLE IX: FUNDING FOR VILLAGES

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

- Fund proposed activities within the boundaries of the Village through the initiation or 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, and approved by voters where required. 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.
- 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.
- Authorize the Village to circulate a petition for the formation of a local improvement district pursuant to Chapter 4.02 of the Clackamas County Code pertaining to construction of public roads, sidewalks, traffic-calming, street lighting, and related facilities.

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

ARTICLE X: CONFLICT RESOLUTION

Board members should use all possible means to resolve conflicts or disputes amicably and follow the procedures outlined in the bylaws. Please refer to the suggestions included on previous pages of this Handbook. If disputes remain unresolved the following procedures may be used.

1. Individuals making an allegation against a Hamlet or Village board member must submit the case in writing to each member of the Hamlet or Village board, sending a copy to Public and Government Affairs.
2. The Hamlet or Village board will place the matter on the agenda of its next regularly scheduled meeting. It may be advertised either as an executive session under ORS 192.660(2) (b) to keep the details confidential, or in open session if requested by the subject board member(s.)

The board must go back into open session to make any decision; refer the complainant to the Oregon Governments Standards and Practices Commissions (for alleged ethical violations) if further action is desired; or, appoint a subcommittee to investigate the allegations.

3. The subcommittee appointed must be comprised of at least two disinterested board members and two members of the Hamlet or Village. They will be charged with the responsibility of investigating the merits, if any, of the written allegations.
4. The subcommittee shall report its findings to the Hamlet or Village board within forty-five (45) days of its appointment. If in writing, copies of the report shall be provided to members of the board and Public and Government Affairs at least seven (7) days prior to the scheduled hearing. The report may be presented to the Hamlet or Village board in executive session {ORS 192.660(3)(b)}, unless an open session is requested by the subject of the investigation.
5. The Hamlet or Village board may discuss the findings of the subcommittee in executive session, but must go back into open session to make a decision.
6. In open session, the board may vote to accept or reject any of the findings made by the subcommittee. This includes exoneration on one or more charges, or removal of the subject board member(s). The decision by the Hamlet or Village board becomes the basis for a recommendation to the BCC.
7. A vote in favor of removing the subject board member(s) shall not be effective unless and until approved by the BCC. Following action by the Hamlet or Village board, the BCC shall review the Hamlet or Village decision in a public work session, at which time the BCC may accept or reject the Hamlet or Village board's recommendation. If the decision to remove is approved by the BCC, the Hamlet or Village board shall recommend a successor who shall serve until a new board member is selected by a vote at the next town hall meeting.
8. The BCC may request that county staff also investigate the allegation(s).

ARTICLE XI: ETHICS POLICY

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

ARTICLE XII: COUNTY LIAISON

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

ARTICLE XIII: LOCAL BUDGET AND AUDIT LAW; CONTRACTS

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

ARTICLE XIV: LIABILITY; RISK MANAGEMENT

Hamlet or Village directors acting within the scope of authority granted by the organization's bylaws and county policies are considered agents of the county for claims made against the organization, officers or members for the purposes of the Oregon Tort Claims Act, ORS 30.260 to 30.302.

When acting in the capacity of a Community Planning Organization (CPO), the board will not be considered an agent of the county. The Hamlet board of directors must obtain approval from the County Risk Manager prior to undertaking public fundraising activities.

ARTICLE XV: INDEMNITY

When acting within the scope of their authorized duties, Clackamas County shall indemnify the directors of the Hamlet or Village to the fullest extent allowed by Oregon Law.

ARTICLE XVI: DISSOLUTION

1. Dissolution of the Hamlet may be initiated by:
2. A resolution of the BCC; or

Filing a petition with the county liaison signed by at least 20 percent of the Hamlet residents. The latest U.S. census or most recent county-acknowledged survey shall be used to determine if a petition meets the requirements of this section. The Hamlet shall hold a town hall to vote on the question of dissolution at least thirty (30) days after, but no more than fifty (50) days after, initiation of the dissolution process. Following a town hall vote in favor of dissolution, the BCC shall hold a public hearing on the issue. The BCC may enter an order dissolving the Hamlet if the BCC finds it to be in the best interests of the resident of the Hamlet or the county to dissolve the Hamlet, or the Hamlet has failed to regularly follow its adopted bylaws, or if the Hamlet has failed to meet the requirements of County Code, Chapter 2.10. Dissolution of the Hamlet shall not affect any existing CPO.

1. Dissolution of the Village may be initiated by:
2. A resolution of the BCC; or

Filing a petition with the county liaison signed by at least 30 percent of the Villages members. The latest U.S. Census or most recent county survey shall be used to determine if a petition meets the requirements of this section. The Village shall hold a town hall to vote on the question of dissolution at least thirty (30) days after, but no more than fifty (50) days after, initiation of the dissolution

process. Following a town hall vote in favor of dissolution, the BCC shall hold a public hearing on the issue. The BCC may enter an order dissolving the Village if the BCC finds it to be in the best interests of the residents of the Village or the county to dissolve the Village, or the Village has failed to regularly follow its adopted bylaws, or if the Village has failed to meet the requirements of County Ordinance No. 3-2015. Dissolution of the Village shall not affect any existing CPO.

ARTICLE XVII: AMENDMENTS TO BYLAWS

These bylaws may be amended or repealed, and new bylaws adopted after first being presented to the BCC for review and approval at a public work session scheduled at least thirty (30) days prior to a town hall vote on the amendments. Proposed changes must be adopted by a majority vote of the residents at a town hall meeting after first being given at least thirty (30) days notice of the date, time, and place of meeting at which the proposed amendment is to be considered. Notice of the town hall meeting must comply with the public meetings law and may be given by _____ (direct mail, printable media or other means). The notice shall state that one of the purposes of the meeting is to consider a proposed amendment to the bylaws and shall contain a copy of the proposed amendments. All changes to the bylaws must be approved by the BCC before they become effective.

ARTICLE XVIII: SEVERABILITY

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

Date Adopted: _____

For additional information contact Clackamas County Public and Government Affairs at 503-655-8751 or visit the web at www.clackamas.us/citizenin/handv.html