

THE BYLAWS OF THE HAMLET OF BEAVERCREEK

ARTICLE I: NAME

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

ARTICLE II: PURPOSE

The purpose of the Hamlet of Beavercreek is:

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

ARTICLE III: ACTIVITIES OF HAMLET

The Hamlet shall undertake the following:

1. Involve members in the land use and community planning processes.
2. Hold monthly community meetings, of which four are quarterly Town Hall meetings, to include expression of concerns, education, deliberation¹, policy² development, and goal setting.
3. Protect the rural character of the area by maintaining a vigilant³ posture.
4. Represent the Hamlet to other governmental bodies and organizations.

¹ Deliberate = unhurried careful and thorough consideration characterized by awareness of the consequences

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

³ Vigilant = watchful

5. Develop and maintain active, two-way communication with Clackamas County and other governmental bodies on matters affecting the Hamlet.
6. Recommend actions or inactions to Clackamas County and other governmental bodies such as, but not limited to, Oregon City, Metro, and the State of Oregon, on strategic planning, land use, environment, and livability issues including, but not limited to, building a sense of community, zoning, development, transportation, traffic, parks, trails, recreation, rural center beautification, economic development, preservation and enhancement of the natural environment, and Hamlet recognition.
7. Develop a Hamlet plan, such as a design review process.
8. Develop a Hamlet budget to support Hamlet objectives, funds may be provided by Clackamas County and voluntary sources.
9. Be responsive to the comprehensive needs of the Hamlet and take action to support its objectives.
10. Assume the functions of the Beavercreek Community Planning Organization, including land use planning.

ARTICLE IV: BOUNDARY

Section 1. Proposed. The initial boundary of the Hamlet is the boundary of the Beavercreek Community Planning Organization, as recognized by the Board of County Commissioners (BCC). The area enclosed by the Boundary will be the Recognized Area. (*Map is attached*).

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

ARTICLE V: MEMBERSHIP

Membership in the Hamlet of Beavercreek shall be open to anyone 18 years old or older who is a resident of the Recognized Area, a property owner within the Recognized Area, or a designated representative of a business, corporation, or trust within the Recognized Area. Membership will be granted to all persons upon showing proof of eligibility and signing the official membership/attendance

register. Membership will lapse if the member is no longer eligible. Participation is by individual initiative rather than by governmental or Hamlet invitation.

ARTICLE VI: BOARD OF DIRECTORS

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

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

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

At the annual Town Hall elections meeting, first the Chair and Secretary shall be elected from nominees for each position. Those nominees not elected may be added to the slate for Board Members. Then, using a paper ballot, members will vote for their choices for additional board members. Those receiving the highest number of votes will win. Votes will be counted by the Registrar and by two representatives of the Nominating Committee; candidates are welcome to observe and/or provide an observer. In case of a tie vote, if neither winner withdraws, decision for the position will be by lot.

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

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

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

1. Work with members to determine the Hamlet's vision, goals, and activities, and to carry them out. Following member-established Hamlet goals, the Board may take action about which it will notify members at the next community meeting. If the Board deems it is necessary that the general membership deal with an issue, no action will be taken exclusively by the Board.
2. Take a vote of the members and the Board of Directors on land use actions and report both of the results to Clackamas County. A combined vote of the members and the Board on regional strategic planning issues will be reported.
3. Represent the Hamlet to the County Department of Transportation & Development (DTD), the BCC, any other agents or agencies of the County or State governments or other jurisdictions, non-governmental organizations, or other entities.
4. Conduct monthly community meetings of which four are quarterly Town Hall meetings.
5. Prepare an agenda for community and Town Hall meetings.
6. Provide a quarterly report of activities to the members of the Hamlet to be presented at the Town Hall meetings, and an annual report to the BCC.
7. Conduct all appropriate administrative functions of the Hamlet, including minutes, yearly budget, and record keeping.
8. Select a member as Corresponding Secretary to send out letters as directed by vote of the membership or of the Board, to respond to county land use applications, and to perform related tasks.
9. Select a member as Speaker to represent the Hamlet and its positions, proposals, and recommendations before hearings, the County DTD, the BCC, any other agents or agencies of the County or State governments or other jurisdictions, non-governmental organizations, or other entities, and to coordinate the Hamlet's activities with the same affecting the Hamlet's interests.

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

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

- **Chair:** The chair will preside over meetings of the Hamlet and the Board; may co-sign, with the treasurer, for all authorized expenditures⁴; ensure the Hamlet's activities are undertaken; appoint committee chairs and receive and share reports of their committee's activities; ensure communication between the Hamlet and other entities; collect and review the Hamlet's correspondence⁵; ensure notice is given of meetings. The chair will be an ex-officio member of all committees.
- **Vice-Chair:** The vice-chair will perform the duties of the chair in his/her absence or incapacity. The vice-chair may co-sign for authorized expenditures⁴ if either the chair or treasurer is unable to perform this duty.
- **Secretary:** The secretary will take and report minutes of all meetings of the Hamlet and shall keep accurate records including minutes, attendance, and correspondence for 1 year and until turned over to the Clerk of the Board of County Commissioners. The minutes shall be made available on request to the Clerk of the Board of County Commissioners and to any Hamlet member.
- **Treasurer:** The treasurer shall maintain an accurate record of all income and expenses of the Hamlet and may co-sign authorized expenditures⁴. The treasurer shall maintain a bank account, if applicable, and must present a statement of accounts at every community meeting. The treasurer's report shall be appended to the minutes. The treasurer shall file any legal reports as required by law.

Section 7. Board Vacancies. A vacancy will occur when a Director is no longer a member of the Hamlet, dies, resigns, is removed, or has more than three (3) unexcused absences⁶ from Hamlet community and/or Board meetings and is determined by a majority of the Board (4) to have vacated the position. The vacancy shall be filled by appointment by the majority of the remaining Directors. The member appointed to fill the vacancy will serve until the next Town Hall

⁴ Check signers are not to be related.

⁵ Such as mail, telephone, and email.

⁶ As determined by the Board that the person has vacated the position.

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

Section 8. Board Meetings and Quorum. Meetings of the Board of Directors will be held at a time, place, and frequency to be determined by the Board. Notice shall be provided and meetings shall be open in accordance with the Oregon Public Meetings Law (See Article XI). Notice of special meetings, at an unusual time or place, shall describe the time, place, and purpose of the meeting and shall be delivered to each Director personally or by telephone, email, or U.S. postal service, two (2) days prior to the special meeting. A quorum at a Board meeting shall be a majority of the number of Directors (4). Action will be taken by a quorum vote of the Directors (4).

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

Section 10. Compensation. Directors shall not be paid for services on the Board, but may be reimbursed for Board-approved expenses related to their Hamlet duties. A receipt or invoice must accompany all requests for reimbursement.

ARTICLE VII: COMMUNITY MEETINGS, INCLUDING TOWN HALL MEETINGS

Section 1. Community Meetings. The Hamlet shall hold monthly community meetings. The Hamlet shall undertake the activities and business of the Hamlet, including identifying, discussing, and voting on community issues; voting on land use actions; setting goals to guide the Board, hearing reports of Board actions, and providing feedback; and handling other matters as proposed by the members or the Board of Directors.

Section 2. Town Hall Meetings. The Hamlet shall hold quarterly Town Hall meetings. In addition to matters usual for community meetings, the Town Hall meetings will include annual and vacancy elections for Directors and/or recall votes, proposals to amend the Bylaws, and a report of the quarter's activities by the Board and membership.

Section 3. Special Community Meetings. Special community meetings may be held to address an urgent topic if requested by a majority of the Board or by ten members. A minimum of two days notice shall be given by posting in three prominent public places and/or by telephone communication to the membership;

fax or email of notice to the media is encouraged. All actions shall be reported at the next community meeting.

Section 4. Notification. At least seven (7) days prior to regular community and Town Hall meetings, members shall be notified according to provisions of Oregon's Open Public Meetings law (See Article XI).

Section 5. Voting. Only members of the Hamlet may vote, although the meetings are public. Action will be taken by a simple majority vote of members present. Election of Directors will be conducted by paper ballot unless candidates run unopposed. Other votes will be by a show of hands or by roll call, if required by Oregon Law (See Article XI), unless members request a paper ballot. No proxy or absentee votes will be allowed.

ARTICLE VIII: FUNDING

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

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

ARTICLE IX: COUNTY LIAISON

A designated County staff liaison will work with the Hamlet. Other County staff will work with the Hamlet as needed and available.

ARTICLE X: LOCAL BUDGET LAW; CONTRACTS

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

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

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

ARTICLE XI: PUBLIC MEETINGS AND PUBLIC RECORDS

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

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

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

ARTICLE XII: LIABILITY; RISK MANAGEMENT

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

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

ARTICLE XIII: INDEMNITY

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

ARTICLE XIV: DISSOLUTION

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

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

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

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

ARTICLE XV: AMENDMENTS TO BYLAWS

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

ARTICLE XVI: SEVERABILITY

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

DATE ADOPTED BY HAMLET MEMBERS: 29 JUNE 2006

DATE RATIFIED BY BCC: 21 SEPTEMBER 2006

DATE OF RATIFIED AMENDMENTS ADOPTION: 28 MARCH 2007

INITIAL HAMLET BOUNDARY MAP

