

**COMPLETING CONNECTIONS: HAMLET AND VILLAGE OPTIONS FOR
UNINCORPORATED AREAS
AN OUTCOME OF COMPLETE COMMUNITIES**



HAMLET AND VILLAGE ORDINANCE

ORDINANCE NO. 06-2005

**An Ordinance Adding a New Chapter 2.10, Community
Connections, to the Clackamas County Code**

WHEREAS, the Board of County Commissioners undertook the Complete Communities process, a broadly based citizen involvement effort to engage the greatest number of county residents in defining our common and unique community values; identifying the diverse attributes of complete communities; and guiding future policy decisions and actions; and followed with Completing Connections, to implement the overarching recommendation from Complete Communities – to develop governance models to increase involvement of county residents in decisions that affect their lives; and

WHEREAS, in March, 2003, as a result of the Complete Communities process, the Commissioners undertook the Completing Connections process to solicit community input to further refine and define the nature and extent of a new local governance system for unincorporated areas that was desired; and

WHEREAS, in June, 2004 the Final Report of the Completing Connections process was issued that recommended a range of governance options including hamlets and villages in the unincorporated portions of Clackamas County to increase the local autonomy of these areas if desired by the residents of a defined geographic area; and

WHEREAS, the Board of County Commissioners has determined that there exists no state law framework that will enable the type of local autonomy system envisioned by the county study, and that the creation of a local framework is necessary to carry out the desires of the community and is a matter of county concern; and

WHEREAS, Community Planning Organizations (CPO's) remain the primary citizen involvement organization responsible for commenting on land use proposals under statewide land use planning Goal 1: Citizen Involvement.

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

Section 1: The Clackamas County Code is amended by adding a new Chapter 2.10, Community Connections, to read as follows:

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2.10.010 PURPOSE, INTENT

This Chapter creates an organizational structure and process through which citizens living, owning property or having businesses within defined geographic areas of the unincorporated areas of the county may organize themselves into local citizen organizations for the purpose of considering and acting upon a broad range of issues affecting the livability and quality of life in their area. Promoting the active involvement of citizens in county affairs and enabling limited self-governance for unincorporated areas is a matter of county concern and a proper subject for county legislation. It is intended that the powers created by this Chapter will be interpreted and applied to enable the broadest exercise of the powers granted by this Chapter to these unincorporated areas to the extent not pre-empted by state or federal law.

2.10.020 DEFINITIONS

- A. Citizen for purposes of this Chapter means a resident at least 18 years of age living within the boundaries of a hamlet or village, or a non-resident who owns property or a business within a hamlet or village.
- B. Community Planning Organization (CPO), as described in Chapter 2 (Citizen Involvement) of the Clackamas County Comprehensive Plan, is a community organization which acts in an advisory capacity to the Board of County Commissioners, Planning Commission, and Planning Division on matters affecting their neighborhoods. A CPO may develop planning proposals or make recommendations with respect to land use, zoning, parks, water resources, open space and recreation, annexation, housing, community facilities, transportation and traffic, community services, and other factors affecting the livability of their neighborhoods.
- C. Hamlet is an unincorporated area that is an organized forum for citizens to express issues of concern, prioritize activities, and coordinate community-based activities, as may be approved by the Board of County Commissioners. A hamlet is financed primarily through contributions and fundraising activities.
- D. Village is an unincorporated area that is an organized forum for citizens to express issues of concern, prioritize activities, and coordinate community-based activities, as may be approved by the Board of County Commissioners. After approval by village citizens and Board of County Commissioners, a village may be financed through a range of means.

2.10.030 HAMLETS

A. Purpose. An organizational structure for unincorporated areas of the county that will facilitate involvement in community activities. Hamlets are represented by an elected hamlet Board, according to procedures set forth in citizen-approved bylaws that also have been approved by the Board of County Commissioners. A hamlet may assume the functions of a CPO upon agreement of the existing CPO, hamlet, and Board of County Commissioners. Upon approval of the Board of County Commissioners, a hamlet may also establish relationships with neighboring jurisdictions or organizations through Memoranda of Understanding. The County may, on behalf of a hamlet, enter into an Intergovernmental Agreement with other governments. Hamlets are not direct providers of services and are not empowered to generate taxes or fees.

B. Formation.

1. Citizens desiring to form a hamlet shall meet and discuss the proposed formation. Formation shall be initiated by a petition expressing such intent. A chief petitioner shall be designated who shall be responsible to collect the required number of signatures and complete a hamlet application form within 120 days. Forms may be obtained from the Clerk of the Board of County Commissioners.

The petition must be signed by at least 10% of the citizens located within the proposed hamlet boundary or 100 citizens, whichever is the lesser number, and shall state the proposed name, preliminary purpose, boundaries, number of Board members, and activities for the hamlet.

2. When a petition for formation and completed application is received by the Clerk of the Board of County Commissioners, the county shall set a public hearing on the question of formation within 120 days. The county shall provide notice once each week for two successive weeks in a newspaper serving the area of the proposed hamlet, and shall post a notice of the hearing for the same period of time in at least three public places in the proposed hamlet area.
3. At the public hearing any person having an interest in the matter may appear and support or object to the formation of the hamlet. The Board of County Commissioners will consider the application and revise it as it deems necessary.

4. At the conclusion of the public hearing, the Board of County Commissioners shall enter an order approving, approving with modifications, or rejecting formation of the hamlet. If the Board approves the petition for formation as presented or modified, it shall enter an order setting forth the hamlet name, preliminary purpose, activities and boundaries, and declare the hamlet formed.
5. An order rejecting the formation of a hamlet shall not affect an existing CPO.
6. The citizens of the hamlet shall hold its organizational meeting no later than thirty (30) days from the date the signed formation order is mailed to the chief petitioner by the Clerk of the Board of County Commissioners. At this meeting candidates for the Board of directors for the hamlet shall be nominated by a majority of citizens present, and submitted to the County Board of Commissioners for approval. Following approval, a Board of Directors shall be elected at a town hall meeting by a majority of citizens present.

C. **Boundaries.** There shall only be one hamlet in any given geographic area and its boundaries shall not overlap the boundaries of another hamlet, village or city. To the extent permitted by law the Board of County Commissioners shall not permit encroachment into the hamlet boundaries by other entities. Any subsequent changes in the hamlet boundaries must be approved by the Board of County Commissioners.

D. **Governance.**

1. The interests of the hamlet are represented by the hamlet Board. The hamlet Board will develop bylaws for the hamlet that must be approved by a majority vote of citizens present at a town hall meeting and by the Board of County Commissioners. Hamlet Board members will be elected and serve terms of office as provided in the bylaws. Roles and responsibilities of each Board member will be described in the bylaws. The hamlet Board is the representative voice of its citizens, and serves in an advisory capacity to the Board of County Commissioners on issues of hamlet concern.
2. The bylaws must contain consistent components dealing with participation, representation, purpose, activities, methods of action, and the process for amending the bylaws. The bylaws shall also set forth the roles and responsibilities of hamlet Board members, their terms of office, and the manner of filling vacancies.

3. After formal adoption at the town hall meeting, the bylaws shall be ratified by the Board of County Commissioners.
4. The hamlet Board will meet with citizens at least quarterly at town hall meetings to give citizens an opportunity to identify, discuss, and prioritize community issues. All such town hall meetings shall be open for public participation, but only citizens of the hamlet, as defined in Section 2.10.020(A) of this Chapter, are entitled to vote.
5. Proposed amendments to the hamlet bylaws after formal adoption must be approved by the Board of County Commissioners.

E. Activities.

1. Activities to be undertaken will be determined by the citizens of the hamlet through the adoption of a hamlet plan that will be incorporated into the hamlet bylaws. The plan will first be recommended by the hamlet Board at a town hall meeting and approved by a majority of citizens present. The plan must also be approved by the Board of County Commissioners.
2. The hamlet bylaws will specifically address the kind of activities to be undertaken and the process by which they may be accomplished. Examples of hamlet activities include communications, transportation, CPO functions, development and review of the hamlet plan, and working with other hamlets, villages, cities, CPO's, service providers, other organizations, or the county, to achieve community goals. The bylaws must be amended if the hamlet activity list changes, and approved by the Board of County Commissioners.
3. Proposed amendments to the hamlet bylaws after formal adoption must be approved by the Board of County Commissioners.

F. Financing.

Hamlets cannot generate revenue through taxes, fees, or charges of any kind. However, a hamlet can accept contributions or raise funds, including grants, through the voluntary efforts of its citizens. A hamlet may also enter into agreements for the sharing of revenue with the county.

G. Dissolution.

1. Dissolution of a hamlet may be initiated by a petition of 10% of the citizens of the hamlet filed with the Clerk of the Board of County Commissioners, or by resolution of the Board of County Commissioners.
2. Within 30 to 50 days from the initiation of dissolution, the Board of County Commissioners shall hold a public hearing on the issue. If, after the public hearing, the Board of County Commissioners finds that dissolution is in the best interests of the citizens of the hamlet or the county, or the hamlet has failed to regularly follow its adopted bylaws or meet the requirements of this Chapter, the Board of County Commissioners may declare the hamlet dissolved and enter a Board order to that effect.
3. Dissolution of a hamlet shall not affect any existing CPO.

2.10.040

VILLAGES

- A. Purpose. An organizational structure for unincorporated areas of the county that will facilitate involvement in community activities. Villages are represented by an elected village Board, according to procedures set forth in citizen approved bylaws that also have been approved by the Board of County Commissioners. A village may assume the functions of a CPO upon agreement of the existing CPO, village, and Board of County Commissioners. Upon approval of the Board of County Commissioners a village may also establish relationships with neighboring jurisdictions or organizations through Memoranda of Understanding. The County may, on behalf of a village, enter into an Intergovernmental Agreement with other governments. A village may be financed through a range of means.
- B. Formation.
1. Citizens desiring to form a village shall meet and discuss the proposed formation. Formation shall be initiated by a petition expressing such intent. A chief petitioner shall be designated who shall be responsible to collect the required number of signatures, and complete a village application form within 120 days. Forms may be obtained from the Clerk of the Board of County Commissioners.

The petition must be signed by at least 15% of the citizens located within the proposed village boundary or 150 citizens, whichever is the lesser number, and shall state the proposed name, preliminary purpose, boundaries, activities, number of Board members, and methods of financing (if known), for the village.

2. When a petition for formation and completed application is received by the Clerk of the Board of County Commissioners, the county shall set a public hearing on the question of formation within 120 days. The county shall provide notice once each week for two successive weeks in a newspaper serving the area of the proposed village, and shall post a notice of the hearing for the same period of time in at least three public places in the proposed village area.
 3. At the public hearing any person having an interest in the matter may appear and support or object to the formation of the village. The Board of County Commissioners will consider the application and revise it as it deems necessary.
 4. At the conclusion of the public hearing, the Board of County Commissioners shall enter an order approving, approving with modifications, or rejecting formation of the village. If the Board approves the petition for formation as presented or modified it shall enter an order setting forth the village name, preliminary purpose, activities, and boundaries, and declare the village formed.
 5. An order rejecting the formation of a village shall not affect an existing CPO.
 6. The citizens of the village shall hold its organizational meeting no later than thirty (30) days from the date the signed formation order is mailed to the chief petitioner by the Clerk of the Board of County Commissioners. At this meeting candidates for the Board of directors for the village shall be nominated by a majority of citizens present and submitted to the County Board of Commissioners for approval. Following approval, a Board of directors shall be elected at a town hall meeting by a majority of citizens present.
- C. Boundaries. There shall only be one village in any given geographic area and its boundaries shall not overlap the boundaries of another village, hamlet or city. To the extent permitted by law the Board of County Commissioners shall not permit encroachment into the village boundaries by other entities. Any subsequent changes in the village boundaries must be approved by the Board of County Commissioners.

D. Governance.

1. The interests of the village are represented by a village Board. The village Board will develop bylaws for the village that must be approved by a majority vote of citizens present at a town hall meeting and by the Board of County Commissioners. Village Board members will be elected and serve terms of office as provided in the bylaws. Roles and responsibilities of each Board member will be described in the bylaws. The village Board is the representative voice of its citizens, and serves in an advisory capacity to the Board of County Commissioners on issues of village concern.
2. The bylaws must contain consistent components dealing with participation, representation, purpose, activities, methods of action, and the process for amending the bylaws. The bylaws shall also set forth the roles and responsibilities of village Board members, their terms of office, and the manner of filling vacancies.
3. After formal adoption at the town hall meeting, the bylaws shall be ratified by the Board of County Commissioners.
4. The village Board will meet with citizens at least quarterly at town hall meetings to give citizens an opportunity to identify, discuss, and prioritize community issues. All such town hall meetings shall be open for public participation, but only citizens of the village, as defined in Section 2.10.020(A) of this Chapter, are entitled to vote.
5. Proposed amendments to the village bylaws after formal adoption must be approved by the Board of County Commissioners.

E. Activities.

1. Activities to be undertaken will be determined by the citizens of the villages through the adoption of a village plan that will be incorporated into the village bylaws. The plan will first be recommended by the village Board at a town hall meeting and approved by a majority of citizens present. The plan must also be approved by the Board of County Commissioners.
2. The village bylaws will specifically address the kind of activities to be undertaken and the process by which they may be accomplished. Examples of village activities include communications, transportation, CPO functions, development and review of the village plan, and working with other villages, hamlets, cities, CPO's, service providers, other organizations, or the county, to achieve

community goals. Bylaws must be amended if the village activity list changes, and approved by the Board of County Commissioners.

3. Proposed amendments to the village bylaws after formal adoption must be approved by the Board of County Commissioners.

F. Financing.

1. To the extent permitted by law, a village may request that the county impose taxes within the boundaries of the village that are sufficient to support the delivery of an enhanced level of service to the village that would not otherwise be provided from appropriated county funds. A village may request that the county form a county service district with a permanent tax rate, or may employ any other taxing power allowed by state law. Subject to applicable law, a village also may generate revenue through fund-raising activities, grants, donations, and may enter into agreements for the sharing of revenue with the county. Such districts may include, but are not limited to, land use planning, parks and recreation services, and community environment services.
2. A village may propose formation of a Local Improvement District pursuant to the procedures and guidelines established in Chapter 4.02 of the Clackamas County Code relating to construction of public roads, sidewalks, and related facilities. Such proposal must first be presented to the citizens of the village at a town-hall meeting for approval by a majority vote.
3. If a village Board proposes a new tax, fee, or county service district, it must first seek approval by a majority vote at a town hall meeting. If approved, the proposed tax, fee, or county service district, must be submitted to the Board of County Commissioners for consideration. All proposals which include the imposition of new taxes must be approved in an election ordered by the Board of County Commissioners.

G. Dissolution.

1. Dissolution of a village may be initiated by a petition of 15% of the citizens of the village filed with the Clerk of the Board of County Commissioners, or by resolution of the Board of County Commissioners.

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2. Within 30 to 50 days from the initiation of dissolution, the Board of County Commissioners shall hold a public hearing on the issue. If, after the public hearing, the Board of County Commissioners finds that dissolution is in the best interests of the citizens of the village or the county, or the village has failed to regularly follow its adopted bylaws or meet the requirements of this Chapter; the Board of County Commissioners may declare the village dissolved and enter a Board order to that effect.
3. Dissolution of a village shall not affect any existing CPO.
4. Once the village has been dissolved, the Board of County Commissioners may initiate dissolution of any county service districts formed for the benefit of the village. Dissolution will be conducted in compliance with applicable law.

2.10.050 PUBLIC MEETINGS AND PUBLIC RECORDS.

- A. Public Meetings. Hamlets and villages shall comply with Oregon's public meetings law when conducting meetings. This includes providing adequate notice, opening the meetings to the public and keeping minutes.
- B. Public Records. All records of hamlets and villages are county records and are considered public unless exempt from disclosure by the Oregon public records law. All requests for records should be referred to the county for processing.

2.10.060 LOCAL BUDGET LAW; CONTRACTS

- A. Hamlets and villages shall cooperate with the county and comply with ORS 294.305 to 294.565, to the extent required by law.
- B. Hamlets and villages have no authority to enter into contracts unless expressly authorized in writing by the Board of County Commissioners or its designee. All Clackamas County contracts are subject to the Clackamas County Local Contract Review Board rules.

2.10.070 LIABILITY; RISK MANAGEMENT

- A. Hamlet and village Board members acting within the scope of authority granted by the organization bylaws and county policies will be treated as agents of the county for claims made against the organization, officer or member for the purposes of the Oregon Tort Claims Act, ORS 30.260 to

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30.302. When acting in the capacity of a CPO, a hamlet or village Board will not be considered an agent of the county.

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

Section 2: SEVERABILITY

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

ADOPTED this 11th day of August, 2005

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BOARD OF COUNTY COMMISSIONERS

Martha Schrader, Chair

Recording Secretary