

The Bylaws of the Hamlet of Mulino

ARTICLE I: NAME

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

ARTICLE II: PURPOSE

The purpose of the Hamlet of Mulino is:

1. To be a local citizen organization formed under Chapter 2.10 of the Clackamas County Code.
2. To promote a positive community identity and direction.
3. To provide citizens of the hamlet a forum for dealing with a broad range of issues.
4. To represent the community and be its voice.
5. To enhance livability, sustainability, duration, and functionality of the community and to encourage direct community planning.
6. To promote and clarify issues of community interest.
7. To provide advice to the Board of County Commissioners (BCC), Metro, Cities, Community Planning Organization, and the State of Oregon on issues relevant to the Hamlet.

ARTICLE III: ACTIVITIES OF HAMLET

The Hamlet shall undertake the following:

1. Annually hold eight (8) monthly community meetings, four (4) of which are quarterly Town Hall meetings to include expressions of concern, education deliberation, policy development, and goal setting. Town Hall votes by citizens are advisory to the Hamlet Board and shall guide the Board in setting policy direction in Hamlet affairs. If the Board takes action contrary to a Town Hall vote, that action, and the Hamlet Board's reasoning, shall be presented to the County Liaison and to citizens at the next Town Hall meeting.
2. Protect the rural character of the area by maintaining a vigilant posture.
3. Represent the Hamlet to governmental bodies and organizations.

4. Communicate actively with Hamlet citizens via emails, web-site, mailings, news articles, social media, and other means.
5. Maintain website and keep current with news articles, meeting schedules and activities, and social media posts.
6. Develop and maintain active, two-way communication with Clackamas County and other governmental bodies on matters affecting the Hamlet.
7. Recommend actions or inactions to Clackamas County and other governmental bodies such as, but not limited to, Oregon City, Canby, Portland Metro, Molalla, Port of Portland, and the State of Oregon, on strategic planning, environment, and livability issues including, but not limited to, building a sense of community, transportation, traffic, parks, trails, recreation, rural center beautification, economic development, preservation and enhancement of the natural environment, and Hamlet recognition.
8. Develop a Hamlet community plan which will recommend to the County a design review process.
9. Develop a Hamlet budget to support Hamlet objectives. Funds may be provided by Clackamas County and voluntary sources.
10. Be responsive to the comprehensive needs of the Hamlet and take action to achieve community goals.

ARTICLE IV: BOUNDARY

Section 1. Proposed. The initial boundary of the Hamlet is the boundary of the Mulino Community Planning Organization, as recognized by the Board of County Commissioners (BCC). *(Map is attached).*

Section 2. Changes. The Hamlet Boundary may be changed after discussion with neighboring organizations, jurisdictions, and service providers. Proposed boundary changes must be approved by a majority vote of the hamlet citizens at a Town Hall meeting and then submitted to the BCC for final approval.

ARTICLE V: HAMLET CITIZENSHIP AND VOTING

Section 1. Citizenship. A hamlet citizen is any person, 18 years of age or older, domiciled within the boundaries of the hamlet or a person who owns real property within the boundaries of a hamlet but is domiciled outside those boundaries. A citizen 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 the hamlet.

To participate in formation activities, sign petitions, vote, or serve on the board of directors, a person must be a hamlet citizen. Representatives of a business entity, trust or property do not qualify as a hamlet citizen and therefore cannot serve in an official capacity for the Hamlet.

Section 2. Voting. Citizens 18 years of age or older of the Hamlet's Recognized Area are eligible to vote at all meetings. Citizenship will be granted to all persons upon showing proof of eligibility and signing the official attendance roster.

Business entities and trusts are entitled to one representative vote. If a business entity is owned by more than one person, only one person may claim citizenship because of such property. A non-resident owner of multiple parcels of real property may claim citizenship because of such ownership but may cast only one vote. Multiple non-resident owners of the same real property may cumulatively cast only one vote.

A letter of designation must be submitted to the Board of Directors naming the representative of the business entity/trust which will then be submitted to the BCC for final approval.

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.

ARTICLE VI: BOARD OF DIRECTORS

The Board of Directors are the representative voice of the Citizens of the Hamlet and serve in an advisory capacity to the BCC on issues of Hamlet concern. Any eligible Hamlet Citizen may be elected for a position on the Board. Upon election, all Board members must satisfactorily complete any required training provided by County staff within 60 days.

Section 1. Nomination. Nominations may come from eligible citizens and/or a Nominating Committee. The nominations must be submitted to the Nominating Committee, who will then submit them to the BCC for approval at least 30 days prior to the annual Town Hall elections meeting for them to prepare a slate.

Section 2. Eligibility. Candidates for positions on the board of directors of the hamlet must be citizens of the hamlet and shall complete an application form indicating their eligibility and submit to the county for approval.

Section 3. Election of Board, including Officers. At the annual Town Hall elections meeting, Directors shall be elected from nominees approved by the BCC. Citizens will vote by paper ballots for their choice of board members and those nominees receiving the highest number of votes will win. Votes will be counted by the Hamlet Registrar and ~~two~~ representatives of the county; candidates are welcome to provide an observer. In case of a tie-vote, if neither party withdraws, the position will be decided by lot, chosen by the Registrar or county representative.

The Hamlet's Board of Directors will include five (5) members: four (4) officers -- Chair, Vice-Chair, Secretary, and Treasurer -- and one (1) additional Director at Large. The Chair, Vice-Chair, Secretary and Treasurer will be appointed by the duly elected Board of Directors.

Section 4. Terms of Office. The term of office for Directors, including the Officers, shall be two (2) years. In even years, two (2) 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 two (2) candidates to receive 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. Code of Conduct for Board of Directors. The Board of Directors shall service the best interest of the Hamlet as a whole, regardless of personal interests. They shall perform duties without bias for or against any individual or group and act within the boundaries of Board authority as advisory to the BCC. Finally, board members shall comply with all other aspects of Oregon law applicable to public officials, including the public records law, public meeting law, ethics law, and election law.

Section 6. Duties of Board of Directors. The collective duties of the Board of Directors are:

1. To work with hamlet citizens to determine the Hamlet's vision, goals, and activities and to carry them out. Following citizen-established Hamlet goals, the Board may take action, about which it will notify citizens at the next community meeting. If the Board deems it is necessary that the general citizenry deal with an issue, no action will be taken exclusively by the Board.
2. To 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.

3. To annually conduct eight (8) monthly community meetings, four of which will be quarterly Town Hall meetings.
4. To prepare an agenda for community and Town Hall meetings.
5. To provide a quarterly report of activities to the citizens of the Hamlet at the Town Hall meetings, and an annual report to the BCC.
6. To conduct all appropriate administrative functions of the Hamlet, including minutes, yearly budget, and record keeping.
7. To select a citizen to act 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. The Speaker can be the Chair of the Hamlet and the Vice-Chair can be Speaker in the absence of the Chair of the Hamlet if designated by the Hamlet Board.
8. To select a citizen as Registrar to keep the membership rolls, to verify citizen eligibility, to oversee signing in at meetings, and to supervise and confirm votes at community meetings. The Registrar can be the Secretary or Treasurer or fifth board member if designated by the Hamlet Board.
9. To 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 7. Duties of Board of Directors. The duties of each are as follows:

- **Chair:** The Chair will preside over meetings of the Mulino Hamlet and the Board; authorize and co-sign, with the Treasurer, for all Hamlet expenditures; ensure the Hamlet's activities are undertaken; appoint committee chairs and receive and share reports of their committee's activities; ensure communication between the Hamlet and other entities; collect and review the Hamlet's correspondence; ensure notice is given of meetings. The Chair will be an ex-officio member of all committees.
- **Vice-Chair:** The Vice-Chair shall perform the duties of the Chair in his/her absence or incapacity. The Vice-Chair may co-sign for authorized

expenditures 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 until turned over to the Clerk of the BCC. The minutes shall be made available to the Clerk of the BCC and to any Hamlet citizen as required by the Oregon Public Meetings Law (ORS 192).
- **Treasurer:** The Treasurer shall coordinate financial activities so as to comply with County Treasurer requirements, maintain an accurate record of all income and expenses of the Hamlet, and may co-sign authorized expenditures. 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.
- **Director:** The director can be the liaison with the county and other agencies. The director will report back to the board members any information passed down from the BCC.

Section 8. Board Vacancies. A vacancy will occur when a director is no longer a citizen of the Hamlet, dies, resigns, is removed, or has more than three (3) unexcused absences from Hamlet community and/or Board meetings and is determined by a majority of the Board (3) to have vacated the position. The vacancy shall be temporarily filled by appointment by the majority of the remaining Directors and approved by the BCC. The citizen appointed to fill the vacancy will serve until the next Town Hall meeting, at which time a majority of citizens present at the meeting will elect a successor selected from a list of nominees that have been approved by the BCC.

Section 9. 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, 48 hours prior to the special meeting. A quorum at any Board meeting shall be a majority of the number of Directors (5). Action will be taken by a quorum vote of the Directors (3).

Section 10. Removal of a Director. Any Director may be removed from office at a Town Hall meeting by a two-thirds majority vote of board members and citizens present. The proposed recall must be announced at the Town Hall meeting prior to the meeting when the vote will occur and shall be designated as an agenda item in the notice of meeting in which the vote will take place.

Section 11. 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; setting goals to guide the Board, hearing reports of Board actions, and providing feedback; and handling other matters as proposed by the citizens 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 citizens. The Town Hall Meetings can be held concurrently with Community Meetings if noticed as such.

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 Hamlet Citizens members. A minimum of 48 hours' notice shall be given by posting in three prominent public places. Facebook, Instagram, and the Hamlet website will suffice. Telephone or email may be used additionally. All Special Community Meetings shall be reported at the next community meeting.

Section 4. Notification. At least seven days prior to regular community and Town Hall meetings, citizens shall be notified in a manner reasonably calculated to prove notice to interested persons and to persons requesting notice, according to provisions of Oregon's Open Public Meetings law (See Article XI).

Section 5. Voting. Only eligible citizens of the Hamlet may vote, although the meetings are public. A simple majority vote of citizens present at the meeting is required to make an advisory recommendation to the Hamlet Board for official action, except when the vote is to add or remove a director. Election of Directors will be conducted by paper ballot unless candidates run unopposed. Other votes

will be by a show of hands, paper ballot, or by roll call, if required by Oregon Law (See Article XI). No proxy, absentee, or secret votes will be allowed.

ARTICLE VIII: EXPENDITURES

The Hamlet Funds shall be used for the betterment of the community and must follow these guidelines.

Section 1. Approval. All spending of hamlet funds must be approved by a majority vote of the board of directors at a business/Town hall meeting and logged in the meeting minutes. A receipt/invoice must be submitted to the board prior to checks being issued.

Section 2. Checks. Checks, or other orders for payment, shall be verified for accuracy and signed at a business/town hall meeting by at least two non-related officers after approval has been given. Checks may not be signed by an individual to whom the check is being made out to. The Treasurer shall write the check and submit for signatures. The Secretary shall log the check number, amount, and recipient in the meeting minutes.

ARTICLE IX: FUNDING

The Hamlet shall have no power to request a tax levy or impose any other fees on its members.

Section 1. Funding. 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.

- a. Charitable contributions made for the benefit of the hamlet may be paid to Clackamas County. Federal tax law provides an income tax deduction for charitable contributions to the county made exclusively for public purposes. Contributions received by the county on behalf of the hamlet will be acknowledged in writing with the statement that the contribution is tax-deductible to the full extent allowed by law.
- b. County trust accounts. Working with the county liaison, the hamlet shall open a trust account with the County Treasurer in order to accumulate contributions described in section “a” above. 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.

- c. Imprest petty cash or bank account. The hamlet may maintain an imprest petty cash fund or an imprest bank account in an amount authorized by the BCC for miscellaneous expenditures, if provided in the hamlet bylaws. If the hamlet 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.
- d. 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.

Section 2. County Funding.

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

ARTICLE X: COUNTY LIAISON

A designated County staff liaison will work with the Hamlet.

ARTICLE XI: LOCAL BUDGET AND AUDIT LAW; CONTRACTS

The Hamlet shall cooperate with the County and comply with State Local Budget and Audit 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 approved by the BCC. If approved, such agreements will be signed by the BCC on behalf of the Hamlet.

ARTICLE XII: 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. Copies of all meeting minutes shall be submitted to the Clerk of the BCC within forty-five (45) days from the date of the meeting. Changes to the bylaws and a list of current board members shall be submitted to the Clerk of the BCC within thirty (30) days of any changes in bylaws or board members.

All requests for records should be referred by the Hamlet to the Clerk of the BCC for processing.

ARTICLE XIII: LOCAL BUDGET AND AUDIT LAW; CONTRACTS

The hamlet shall cooperate with state law regarding local budget and audit, 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.

ARTICLE XIV: LIABILITY; RISK MANAGEMENT

The Hamlet Directors, acting within the scope of authority of their Hamlet functions, as granted by the organization's Bylaws and the County Code, 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 XV: INDEMNITY

Clackamas County shall indemnify the Directors of the Hamlet to the fullest extent allowed by Oregon law, when acting within the course and scope of their Hamlet functions.

ARTICLE XVI: DISSOLUTION

Dissolution of the Hamlet may be initiated by a petition of 20% of the members of the Hamlet, filed with the Clerk of the BCC. The Hamlet may request that the BCC initiate dissolution of the Hamlet, if after a 3-month discussion period, there is a town hall vote in favor of dissolution.

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 citizens of the Hamlet or the County, or that the Hamlet has failed to regularly follow its adopted Bylaws or meet the requirements of the County Ordinance, the BCC may declare the Hamlet dissolved and enter a Board order to that effect.

ARTICLE XVII: AMENDMENTS TO BYLAWS

Following approval by the BCC, 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. Proposed changes must be adopted by a majority vote of the citizens 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 may be given by direct mail, newspaper publication, flyers, publication on Clackamas County website or other means of wide distribution. 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 amendment. 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.

Mulino Hamlet Boundary Map

Bylaws Committee Revision Draft - 2023

