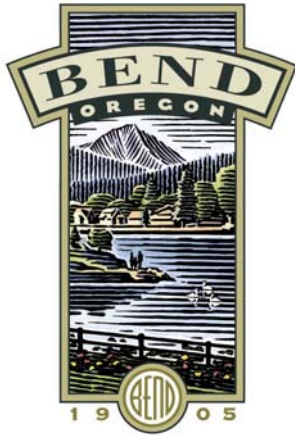


City of Bend

Charter of 1995



Deschutes County, Oregon

City Council

Steve Stenkamp, Mayor

Tom DeWolf Bryan Chitwood
Deborah Hogan Suzanne Johannsen
Bob Woodward Jim Young

Lawrence G. Patterson, City Manager

Prepared by the Charter Review Committee

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Jim Kerfoot Tom DeWolf

Ronald Marceau, City Attorney

Patricia S. Stell, City Recorder

**Approved by the voters of The City of Bend, Deschutes County, Oregon
at a special election held on the 16th day of May, 1995**

CITY OF BEND CHARTER OF 1995

PREAMBLE

We, the people of Bend, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the State of Oregon, through this charter confer upon the city the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal the previous charter.

CHAPTER I NAMES AND BOUNDARIES

Section 1. Title of Charter. This charter may be referred to as the City of Bend Charter of 1995.

Section 2. Name of City. The City of Bend, Oregon, continues under this charter to be a municipal corporation with the name City of Bend.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.

CHAPTER II POWERS

Section 4. Powers of the City. The city has all powers that the constitutions, statutes, and common law of the United States and of the State of Oregon now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Powers. In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are

continuing unless a specific grant of power clearly indicates the contrary.

Section 6. Distribution of Powers. Except as this charter prescribes otherwise, and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council. As the governing body of the city, the council is the successor to the City Commission of the City of Bend (which was established by Chapter II, Section 2.1 of the Amended Charter of the City of Bend adopted November 8, 1960).

CHAPTER III FORM OF GOVERNMENT

Section 7. Council. The council consists of seven councilors nominated and elected from the city by numbered position or, in the case of one or more vacancies in the council, the councilors whose offices are not vacant. (Amended by voters on May 18, 2004)

Section 8. Councilors. A City Council member, who is in office at the time of the general election in November, 2004, shall continue in office as a councilor for the remainder of his or her City Council term. Beginning with the general election in November, 2004 and thereafter, the candidates for the four council positions up for election shall run by numbered position, with the positions up for election being designated Position 1; Position 2; Position 3; and Position 4. Candidates for election may petition to run only for one numbered position, and must declare at the

time of filing their petition for election the number of the position to which they seek election. The candidates receiving the most votes for each position shall serve four-year terms. Beginning with the general election in November, 2006 and thereafter, the three council positions up for election shall be designated Position 5; Position 6; and Position 7. Candidates for election may petition to run only for one numbered position, and must declare at the time of filing their petition for election the number of the position to which they seek election. The candidates receiving the most votes for each position shall serve four year terms. The provisions of Section 22 for filling vacancies shall apply to any vacancy that exists. (Amended by voters on May 18, 2004)

Section 9. Mayor and Mayor Pro-Tem. The term of office of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after that time. At the first meeting of the council in each odd-numbered year after the adoption of this charter, the council shall appoint one of its members to serve as mayor for a term of two years. The term of office and appointment of the mayor pro-tem shall be the same as the term of office and appointment of the mayor.

Section 10. Beginning and Expiration of Terms. The term of office of a councilor who is elected at a general election begins at the first regular council meeting of the year immediately after the election, which shall be the annual meeting

of the council; and ends at the annual meeting of the January in which the councilor's term expires.

Section 11. Appointive Offices. A majority of the council:

- (1) Shall appoint, and may remove, a city manager, and
- (2) May create, abolish, and combine additional appointive offices, other than city manager, and may remove the appointees to these additional offices.

CHAPTER IV COUNCIL

Section 12. Qualifications.

- (1) A councilor shall be a qualified elector under the state constitution and shall have resided in the city during the 12 months immediately before being elected or appointed to the office. In this subsection, "city" means area inside the city limits at the time of the election or appointment.
- (2) A councilor may be employed in a city position that is substantially volunteer in nature. Whether the position is so, may be decided by the municipal court or in some other manner, whichever the council prescribes.
- (3) Except as subsection (2) of this section provides to the contrary, the council is the final judge of the election and qualifications of councilors.

Section 13. Compensation.

Councilors shall be paid compensation of \$200 each month

plus reimbursement for expenses that they incur in serving the city. Reimbursement of councilor expenses shall be consistent with the plan for reimbursing city personnel expenses.

Section 14. Oath. Before assuming the office of councilor, a councilor shall take an oath, or shall affirm, that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States, the State of Oregon, and the City of Bend.

Section 15. Rules. The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 16. Meetings. The council shall meet in the city regularly, at least once each month, at a time and place designated by the council's rules, and may meet at other times in accordance with the rules.

Section 17. Quorum. A majority of the council constitutes a quorum for its business, but a smaller number of the council may meet and compel attendance of absent councilors, as prescribed by council rules.

Section 18. Record of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 19. Mayor's Functions at Council Meetings.

(1) When present at council meetings the mayor shall:

- (a) Preside over deliberations of the council,
 - (b) Preserve order,
 - (c) Enforce council rules,
- and
- (d) Determine the order of business under the rules.
- (2) The mayor is a voting member of the council.
- (3) The mayor pro-tem shall perform the mayor's functions at council meetings when the mayor is absent, or otherwise unable to perform the functions of mayor at council meetings.

Section 20. Vote Required. The express concurrence of at least four councilors is necessary to decide a question before the council.

Section 21. Vacancies. The office of a councilor becomes vacant:

- (1) Upon the incumbent's:
 - (a) Death,
 - (b) Adjudicated incompetence,
 - (c) Recall from the office, or
 - (d) Conviction of a felony.
- (2) Upon declaration by the council of the vacancy in case of the incumbent's:
 - (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time his or her term of office is to begin,
 - (b) Absence from the city for 30 days without the council's consent or from all meetings of the

- council within a 60-day period,
- (c) Ceasing to reside in the city,
- (d) Ceasing to be a qualified elector under state law,
- (e) Conviction of a crime involving moral turpitude, or
- (f) Resignation from the office.

Section 22. Filling Vacancies.

- (1) A vacancy in the council shall be filled within 30 days by appointment by the council. If the council does not fill the vacancy by an appointment within 30 days, then the vacancy shall be filled at the next available election as provided by state law, provided that election is before the expiration of the term of the predecessor councilor who left the office vacant. The term of the person elected shall begin when that person qualifies for office after the election, and shall end upon the expiration of the term of the predecessor councilor who left the office vacant.
- (2) The term of a person appointed by the council to fill a vacancy shall begin when the appointee qualifies for the office after the appointment, and shall expire at the expiration of the term of the predecessor councilor who left the office vacant, or at the annual meeting immediately after the next general election, which-ever happens first. If a general election occurs after the vacancy is filled by

appointment, but before the expiration of the term of the councilor who left the office vacant, then the position shall be filled at such intervening general election. The person receiving the most votes for that numbered position at such intervening general election shall serve until the expiration of the term of the predecessor councilor who left the office vacant.

- (3) A vacancy in the office of the mayor or mayor pro-tem shall be filled by appointment by a majority of the council, with the term of such appointment to expire at the time a mayor or mayor pro-tem is to be appointed by the council, as provided in Section 9. Appointment to fill a vacancy in the office of mayor or mayor pro-tem shall not extend the term of a councilor appointed to fill a vacancy in the council. (Amended by voters on May 18, 2004)

**CHAPTER V
POWERS AND DUTIES OF
OFFICERS**

Section 23. Mayor.

- (1) The mayor shall appoint, with the advice and consent of the council, members of committees established by council rules, and other persons required by the council to be so appointed.
- (2) The mayor, or in his or her absence or inability to act, the mayor pro-tem, shall sign all ordinances and resolutions; and all other official

documents, including but not limited to contracts and deeds, unless the council has specifically authorized other city personnel to sign such official documents.

Section 24. City Manager.

- (1) The city manager is the administrative head of the city government, and may be removed by the council at its pleasure. Within six consecutive months after a vacancy occurs in the office, the council shall fill the vacancy by appointment. The appointment shall be without regard to political considerations and solely upon the basis of administrative qualifications.
- (2) The city manager need not reside in the city or the state when appointed, but promptly thereafter shall become, and during his or her tenure of office remain, a resident of the city.
- (3) The manager shall:
 - (a) Attend all council meetings unless excused by the council or mayor,
 - (b) Keep the council advised of the affairs and needs of the city,
 - (c) See that the provisions of all ordinances are administered to the satisfaction of the council,
 - (d) See that all terms of franchises, leases, contracts, permits and privileges granted by the city are fulfilled,

- (e) Appoint, discipline and remove city personnel, except appointees of the mayor or council,
- (f) Supervise and control the manager's appointees in their service to the city,
- (g) Organize and reorganize the departmental structure of city government,
- (h) Prepare and transmit to the council an annual city budget,
- (i) Supervise city contracts,
- (j) Supervise operation of all city- owned public utilities and property, and
- (k) Perform other duties as the council prescribes.

(4) The manager may not control:

- (a) The council,
- (b) The municipal judge in the judge's judicial functions, or
- (c) Except as the council authorizes, appointive personnel of the city whom the manager does not appoint.

- (5) The manager and other personnel whom the council designates may sit with the council but may not vote on questions before it. The manager may take part in all council discussions.

Section 25. Municipal Court and Judge.

- (1) The council may appoint a municipal judge, as a city officer, who shall hold, within the city at a place and times that the council specifies,

- court known as the Municipal Court for the City of Bend, Deschutes County, Oregon. The judge must be a member in good standing of the Oregon State Bar. The appointee's term shall be two years, and shall continue until a successor is appointed and takes office.
- (2) Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.
 - (3) All area within the city and, to the extent provided by state law, area outside the city, is within the territorial jurisdiction of the court.
 - (4) The municipal court has original jurisdiction over every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.
 - (5) The municipal judge may:
 - (a) Render judgments and enforce them by imposing sanctions on persons and property within the court's territorial jurisdiction,
 - (b) Order the arrest of anyone accused of an offense against the city,
 - (c) Commit to jail or admit to bail anyone accused of such an offense,
 - (d) Issue and compel obedience to subpoenas,
 - (e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court,
 - (f) Penalize contempt of court,
 - (g) Issue process necessary to effectuate judgments and orders of the court,
 - (h) Issue search warrants, and
 - (i) Perform other judicial and quasi-judicial functions prescribed by ordinance.
 - (6) The council may appoint, and may authorize the municipal judge to appoint, municipal judges pro-tem for terms of office set by the council or the judge.
 - (7) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.
 - (8) The council shall establish, and may adjust, the compensation of the municipal judge.

**CHAPTER VI
PERSONNEL**

Section 26. Qualifications. The qualifications of appointive officers of the city shall be whatever the council prescribes or authorizes, provided they do not conflict with the provisions of this charter.

Section 27. Compensation. The council shall prescribe the compensation of city officers, other than councilors. The council may prescribe a plan for reimbursing city

personnel for expenses that they incur in serving the city.

Section 28. Oath. Before assuming city office, an officer shall take an oath, or shall affirm, that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States, the State of Oregon, and the City of Bend.

CHAPTER VII ELECTIONS

Section 29. State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

Section 30. Nominations. A person may be nominated in a manner prescribed by ordinance to run for the office of city councilor.

CHAPTER VIII ORDINANCES

Section 31. Ordaining Clause. The ordaining clause of an ordinance shall be "The City of Bend ordains as follows:".

Section 32. Adoption by Council.

- (1) Ordinances must be read in two open council meetings, and at least ten days shall elapse between the first and second readings, before being adopted by the council. Ordinances may be read by title only if copies of the ordinance are available to the public prior to consideration by the council, and available at the two council meetings.

- (2) Upon the adoption of an ordinance, the ayes and nays of the councilors shall be entered in the record of council proceedings.

- (3) After adoption of an ordinance, the custodian of city records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 33. Effective Date. A nonemergency ordinance takes effect on the thirtieth day after its adoption or on a later day if the ordinance so prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted, provided that it receives the affirmative vote of all of the councilors present at the meeting, and there are at least four councilors present.

CHAPTER IX PUBLIC IMPROVEMENTS

Section 34. Procedure. The procedure for making, altering, vacating, or abandoning a public improvement, and the procedure for special assessments, shall be governed by ordinance or, to the extent not so governed, by applicable state law.

CHAPTER X MISCELLANEOUS PROVISIONS

Section 35. Debt. The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly

and severally liable for the excess. A charter amendment is not required to authorize city indebtedness.

Section 36. Continuation of Ordinances. Insofar as consistent with this charter, and until amended or repealed, all ordinances in force when the charter takes effect retain the effect they have at that time.

Section 37. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed, except for those charter provisions authorizing the issuance of bonds.

Section 38. Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 39. Effective Date. This charter takes effect 90 days after its adoption by the voters of the City of Bend.

Section 40. Direct Sales Tax: Direct sales taxes imposed by the city shall not become effective unless approved by the majority of the votes cast at a citywide election. This requirement does not apply to fees or charges imposed by the City for services or products provided by the City; building permit charges or system development charges; franchise fees including but not limited to cable, utility and telecommunications franchise fees, and any other fee or charge which is unrelated to the sale of goods or services to the public by the City. Taxes and tax increases approved by the City prior to January 1, 2002 shall not be subject to the voter approval requirement.

[Adopted by a vote of the people as an amendment to the Charter on March 21, 2002].

Submitted to and approved by the voters of the City of Bend on May 16, 1995.

(s) Steve Stenkamp, Mayor

Attest:

(s) Patricia S. Stell
Recorder of the City of Bend

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Glossary of Terms

The following glossary of terms used in local government is provided as a general resource to assist individuals who are not familiar with local government vernacular. This is not intended to be all-inclusive, nor is it intended to be used as a legal source.

abstain - The practice of exercising discretion to relinquish the right to vote when necessary to avoid needless conflict (see conflict of interest)

ad hoc - For a particular purpose, for a limited time

ad valorem tax - A tax levied on the assessed value of real property (also known as “property tax”)

administrative - Pertaining to management and carrying out of laws and functions, as opposed to legislative and judicial

advisory - In risk assessment, a non-regulatory document that communicates risk information to persons who may have to make risk management decisions

agenda - A list of items to be brought up at a meeting

amendment - A change or addition which changes the meaning or scope of an original formal document, usually laws or regulations, but can include plans or specifications

annexation - The process by which a municipality, upon meeting certain requirements, expands its incorporated limits

appeal - A request for the transference of a case to a higher body for rehearing

appropriation - A sum of money authorized by a legislative body to be spent for a specific purpose

assessed value - A valuation set upon real estate or other property by the assessor as a basis for levying taxes

asset - Resources of a government that have monetary value

audit - An examination of the financial activities of an agency and the report based on such examination

authority - A person or group having the right and power to command, decide, rule or judge

balanced budget - A budget in which estimated revenues equal estimated expenditures

ballot - Any material on which votes may be cast for candidates or measures

bid - Formal quotation, based on common specifications, for the provision of goods or services. Opened at public for meeting consideration and award

bid bond - Bid security submitted by bidder to guarantee that a bidder will enter into a contract within a specified time and furnish any required performance bond

bi-partisan - Representing two parties, primarily Democrats and Republicans

bond - An interest bearing certificate issued by a government or business, redeemable on a specific date; used as a measure of raising funds for capital improvements

boundaries - Any separation, natural or artificial, which marks the confines or line of division of two contiguous properties; limits stated in title deed if possession be under title

budget - A comprehensive financial plan to sustain municipal operations during a given year with related explanation

buffer - A strip of land, vegetation and/or opaque wall that sufficiently minimizes the physical or visual intrusion generated by an existing or future use.

by-law - A rule adopted by an organization chiefly for the government of its members and the regulation of its affairs

call for the question - Term used to end the discussion and vote on the motion

candidate - A person who is qualified and has filed to run for elected office

capital budget - A spending plan for improvements and acquisitions of significant value and a useful life of more than one year

capital improvement - A government acquisition of real property, major construction project, or acquisition of long lasting, expensive equipment

capital improvement budget - A budget including those approved capital improvements contained in the first year of the five-year Capital Improvement Program

capital improvement funds - A long range program to provide for the purchase or construction of major items, i.e., fire trucks, streets and buildings, along with a schedule for receipt and payments of those funds

capital reserve fund - Used to account for financial resources to be used for the acquisition or construction of major capital facilities (other than those financed by proprietary or trust funds)

capital outlay - Expenditures made to acquire fixed assets or additions to them usually made from the general fund or utility fund where the assets are to be used

census - A count of the population and property evaluation. A complete enumeration of a population. A periodic governmental enumeration of a population

certification - A formal, written declaration that certain facts are true and valid

certified copy - A certified extract of an official record sealed by the appropriate government official

civil service - Competitive process for selecting employees. Appointments governed by competitive selection process

civil suit/action - Action brought to enforce or protect private rights. All types of actions other than criminal

closed session - See executive session

closing date - The last day to file required documents in order to run for elective office, nomination petition, declaration of candidacy, financial statements. Also, last date to register to vote and submit bids

code - A systematic statement of a body of law given by statutory authority

codification code - Any or all ordinances of a municipality which have been enacted that are compiled, consolidated, revised, indexed and arranged in a comprehensive manner

collective bargaining - Negotiations by an organized group to procure an employment agreement for such items as wages, benefits and working conditions

condemnation - The process of taking private property for public use through the power of eminent domain

conditional use - see variance

conflict of interest - A term used in connection with a public official's relationship to matters of private interest or personal gain and which prohibits participation in the discussion under decision

consensus - Quality or condition of being in mutual agreement

consent agenda - A policy of the governing body to approve, in one motion, routine and/or noncontroversial items, which can be determined prior to the meeting

constituent - A person served by an elected official, normally a voter or resident

custodian of records - Any authorized person having personal custody, maintenance and control of public records

debt limit - The maximum amount of debt that a governmental unit may incur under constitutional, statutory, or charter requirements

debt service - Payments to creditors, primarily the holders of municipal bonds. Debt service includes principal, interest, and minor incidentals such as paying agents' fees

dedication - Appropriation of land by the owner for the use of the public and accepted for such use by or on behalf of the public

deed - A legal document conveying ownership of real property

Quit Claim - Used to release one person's right, title or interest without providing a guarantee or warranty of title

Warranty - Guarantees that the title to the property is free and clear of all liens and encumbrances

deed restriction - See restrictive covenant

defendant - The person denying; a party against whom relief is sought in an action or suit. The accused in a criminal case

deficit - The excess of expenditures over revenues for a fiscal period

density - The number of families, individuals, dwelling units, or housing structures per unit of land

depreciation - The decrease in value of physical assets due to use and the passage of time

developer - Legal beneficial persons having enforceable proprietary interest in a designated piece of property

development - A physical change, exclusive of new construction and substantial improvement, to improved or unimproved real estate, including, but not limited to mining, dredging, filling, grading, paving, excavating or drilling operations

easement - An interest in land owned by another that entitles its holder to a specific limited use or enjoyment

effluent - A term applied to the water discharged from a sewage treatment device

election petitions - The documents required by law containing the necessary signatures to place a candidate's name or measure/proposition on the ballot

elector - An individual meeting the qualifications to vote

emergency measure - An ordinance recognized by the legislative body as requiring immediate passage

enact - To establish by law; to perform or effect encroach - To trespass; intrude on the rights or possessions of another encumbrances - Commitments related to unperformed contracts for goods or other purposes

executive session - A meeting closed to the public which complies with specific state statutes

expenditures - The spending of money by the municipality for the programs and projects included within the approved budget

feasibility study - A preliminary survey to determine the design, aesthetics, construction and economic aspect of a proposed project

findings of fact - Determination from the evidence of a case either by court or an administrative agency, concerning facts alleged by one party and denied by another

fiscal year - Any twelve-month period established as the period of operations for the governmental unit

franchise - A privilege conferred by government approval to an individual or firm to market goods or services in a particular area, generally for an extended period

franchise fee - A percent of profit to grantor of franchise

frontage - The extent of front along road or street

fund balance - The excess of fund assets over liabilities and reserves also referred to as surplus

general fund - The general operating fund of the municipality used to account for all financial resources except those required to be accounted for in a special fund

general obligation bond - (GO - Bond) - A financial instrument giving borrowing power to a municipality, based upon pledging of taxing power to retire the debt and pay interest

grants - Funds or other assets from another source to be used for a specific purpose, activity or facility which may be classified as either categorical or block, depending on the amount of discretion allowed the grantee

home rule - Exercise of power at the local government level to determine local affairs of government, upon acceptance of the terms set by the state legislature

impact fees - Set aside fees collected from developers causing infrastructure adjustments to the community. Monies to be used as the development further impacts the municipality

impeachment - A proceeding against a public officer, before a quasi-political court, instituted by written accusation called "articles of impeachment"

improvements - Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including but not limited to grading, paving, curbs, gutters

incorporation - Means that a community has a status recognized by law. Geographic boundaries are established, and power to act granted subject to limitations

incumbent - (Office holder) - person currently holding office

infrastructure - The facilities and systems shared or used by all citizens such as transportation, water supply, wastewater and solid waste disposal systems

initiative - The people's right to initiate a measure, issue or question to be voted on by the people

injunction - A legal order or direction. A writ requiring a person to refrain from doing certain action

intergovernmental agreements - Contracts between two or more public agencies for the joint exercise of powers common to the agencies

intergovernmental revenues - Revenues from other governments in the form of grants, entitlements, shared revenues, or payments in lieu of taxes

internal service fund - Funds used to account for the financing of goods or services provided by one department to another on a cost reimbursement basis

inverse condemnation - A cause of action against a government agency to recover the value of property taken by the agency through no formal eminent domain action

invitation for bid - Notice and related information from a municipality requesting bids for purchase of goods or services excluding professional services

judicial - The power to judge, to administer justice and interpret laws and ordinances

jurisdiction - Authority by which courts and judicial offices take cognizance of and decide cases. The legal right by which authority is exercised

legislative - Pertaining to the power to make laws, as opposed to administrative, executive and judicial

legislative proceedings - Action which is upheld by the courts, unless it was

unauthorized, unconstitutional, or the result of arbitrary and capricious action

liability - All character of debt and obligation, responsibility; an obligation one is bound in law or justice to perform

liaison - Communication for establishing and maintaining mutual understanding. One that establishes or maintains that communication or understanding

license - Formal permission from a constituted authority to carry on an activity

lien - A claim or charge on property for payment of debt, obligation or duty

line item - A specific item or group of similar items defined by detail in a unique account in the financial records. Revenue, expenditure and justifications are reviewed, anticipated and appropriated at this level

litigation - A lawsuit; legal action, including all proceedings therein

local improvement - A public improvement provided to a specific area which benefits that area, usually paid for by special assessment of benefiting property owners

lot - A portion or parcel of land considered as a legal unit

master plan - A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use

measure - See proposition

media - A form of mass communication, such as radio, television and newspaper

mediator - One who interposes between parties at variance for purpose of reconciliation meeting - The convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power

metes and bounds - A method of describing the boundaries of land by directions and distances from a known point of reference

minutes - A summary of action taken at a meeting and the vote on each item

misfeasance - The performing of a lawful act in an unlawful manner

mixed use - More than one zoning use in a designated area, i.e., light industrial, residential, commercial

motion - A statement of intent by the governing body

municipality - A political unit having corporate status and, usually, powers of self-government

negligence - Failure to exercise prudent care

non-conforming - A use which does not comply with present zoning conditions but which existed lawfully and was created in good faith prior to the enactment of the zoning provisions

non-feasance in office - Failing to perform a required duty

non-partisan - Representing no party

notary public - A public officer whose function it is to administer oaths, to attest and certify, by hand and official seal, on certain classes of documents, to give them credit and authenticity

nuisance - Activity which arises from unreasonable, unwarranted or unlawful use of property which would cause annoyance, inconvenience or discomfort

oath of office - A sworn declaration to uphold the law and to loyally, impartially and to the best of the individual's ability, discharge all the duties of office

operating budget - A financial plan which presents proposed expenditures for the fiscal year and estimates of revenue to finance them

operating expenses - Proprietary fund expenses which are directly related to the fund's primary service activities

order - Adoption of findings for a decision

ordinance - An enforceable municipal law, statute or regulation which applies to all citizens within that municipality; penalty provisions may apply

Oregon Revised Statutes (ORS) - Law passed by the Oregon State Legislature and set forth in a formal document.

partisan - Supporter of a particular party

pending - Not yet decided; being in continuance

performance bond - Bond from a contractor which guarantees the work/services will be performed in accordance with the contract

permit - Any document which grants a person the right to do something. A license or grant of authority

permitted use - Allowable use within a land use district subject to the restrictions of that district

plaintiff - Person who brings a suit before a court of law

planning commission - A planning agency authorized by law to prepare and recommend plans for the development of physical, social, economic and cultural resources and facilities within a unit of government

plat - A map representing a tract of land, showing the boundaries and location of individual properties and streets

political action committee - A committee formed to support or oppose any candidate, measure, issue or question

polls - The location used by electors to cast their ballots

precinct - Any geographical district

procurement - The buying, purchasing, renting, leasing, or otherwise obtaining any supplies, services, construction or other item

property tax - A tax levied on the assessed value of real property

proposition - A proposed law, revision or amendment submitted to the voters at an election for approval or rejection

pro-tem - For the time being; temporarily; provisionally; e.g., Mayor Pro-Tem acts in the absence of Mayor. (*Latin: pro tempore*)

public body - Any department, agency, commission, committee, board, council, bureau, or authority created to decide or deliberate on public matters

public disclosure - Regulation providing that public records shall be open to inspection by any person during regular office hours

public hearing - Provides citizens the opportunity to express their position on a specific issue, both pro and con, as mandated by either statute or by order of proper authority after due notice

public notice - Notice given to the general public commonly published in a newspaper of general circulation

public record - Any record retained by a government body as further defined by statute and open to inspection

quasi-judicial - A governmental body that hears sworn testimony, obtains evidence and provides for cross examination of witnesses, with the decision based solely on the evidence presented

quorum - The prescribed number of members of any body that must be present to legally transact business

recall - Procedure to remove elected officials from office

recording - To permanently register a document with the appropriate authority

referendum - The right of the people to refer proposed legislation to a vote of the people through an election process

remonstrance - The act of expressing strong or reasoned opposition

repeal - The annulling of a previously existing law by the enactment of a subsequent statute which declares that the former law shall be revoked

request for proposals - RFP - Notice and related information from a municipality requesting proposals for professional services

rescind - To revoke, repeal or annul a decision or decree

resolution - A decision, opinion, policy or directive of a municipality expressed in a formally drafted document and voted upon

restrictive covenant - A limitation on the use of land usually set forth in the deed. (Restrictive covenant usually runs with the land and is binding upon subsequent owners of the property)

retention schedule - A general schedule published by the state archivist in which certain common public records are described or listed by title and a minimum retention period established for each; or a special schedule

revenue bonds - Bonds sold for which the principal and interest are payable exclusively from the earnings of a specific revenue source and which do not pledge the property credit or general tax revenue of a city

revenues - Monies received or anticipated by a local government from either tax or non-tax sources

revisions - Written or added changes, corrections or improvements to such documents as a plan, specification or drawing

rezone - To change the zoning classification of particular lots or parcels of land

right-of-way - Strip of land owned by a government agency over which the public has right of passage such as streets, parkways, medians, sidewalks, easements and driveways constructed thereon

roll call - A listing of those members in attendance at a meeting of the governing body

special assessment bond funds - A fund where the cost of improvements provided by the bond proceeds are assessed against property owners benefited by the improvements

specifications - The written instructions which accompany and supplement the drawings in a contract

standing committee - A committee which usually functions throughout the year and meets on a regularly scheduled basis

statute - A law enacted by the legislative branch of state/province or federal government

street - Any vehicular way which: 1) is an existing state, county or municipal roadway; 2) is shown upon a plat approved pursuant to law; 3) is approved by other official action; or 4) is shown on a plot duly filed and recorded

collector: A street which collects traffic from local streets and connects with minor and major arterials

cul-de-sac: A street with a single common ingress and egress and with a turnaround at the end; not a through street

dead end: A street with a single common ingress and egress

expressway: A divided multi-lane major arterial street for through traffic with partial control of access and with grade separations at major intersections

freeway: A limited access highway with no grade crossings

loop: A local street which has its only ingress and egress at two points of the same collector street

major arterial: A street with access control, channelized intersection

minor arterial: A street with signals at important intersections and stop signs on the side streets which collect and distributes traffic to and from collector streets

subpeona - Requiring a party who was summoned to appear in court to bring some document, piece of evidence, or other thing to be used or inspected by the court

summons - A call by authority to appear at a place named; a warning or citation to appear in court

sunshine law - Legislation providing that all meetings of public bodies shall be open to the public (a/k/a open public meetings law)

survey - The process by which a parcel of land is measured and its boundaries and contents ascertained

tabled - To suspend consideration of a pending legislative bill or measure

tax - An amount levied upon individuals or property to fund government goods and services

taxable valuation - The value placed on an item of real property for property tax purposes. The levy rate times the taxable value equals the amount of tax levied on the property. The taxable value is equal to the actual assessed valuation times the assessment limitation

tax exempt property - Property, which because of its ownership or use, is not subject to property taxation and meets state requirements for tax-exempt status

tax increment financing - Funding from net increases in real property tax revenues within a community redevelopment area established pursuant to state statute

title - An instrument evidencing right of possession

title examination - An investigation of the abstract of title, made by or for a person who intends to purchase real estate, to ascertain the history and present condition

of the title to such land and its status with reference to liens and encumbrances

tort - A private or civil wrong or injury, other than breach of contract, for which the court will provide a remedy in the form of an action for damages

transcript - A written, printed, or typed copy of dictated or recorded material

urban renewal - A program for physical improvement of primarily urban areas through comprehensive planning and governmental assistance to effect rehabilitation and redevelopment

user fees - Source of revenue collected from user of various municipal services

vacate - To annul; to set aside; to cancel or rescind

variance - Modification from the provisions of a zoning ordinance granted by a legislative body upon submission of an application and a hearing

verbatim - In the exact words; word for word

violation - Injury; infringement; breach of right, duty or law

vote by mail - (Election by mail) - Any election held only by mail

waive - To give up possession, claim or right

writ - An order or mandatory process in writing issued under seal in the name of a court or judicial officer commanding the person to whom it is directed to perform or refrain from performing an act specified therein; a formal legal document ordering or prohibiting some action

zone - A specifically delineated area or district in a municipality within which there are regulations for the use, placement spacing, and size of land and buildings