

**TOPPENISH CITY COUNCIL**  
**Regular Meeting Minutes**  
**January 23, 2012**

Mayor Jiménez called the meeting to order at 7:00 p.m.

**ROLL CALL**

Present: Mayor Clara Jiménez and Councilmembers Loren Belton, Zachary Dorr, Mark Oaks, Derald Ortloff, Randy Taylor, and Blaine Thorington.  
Staff Present: City Manager William Murphy (CM Murphy), City Interpreter Jorge Villaseñor, and Executive Assistant/Deputy City Clerk Heidi Riojas.

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

Councilmember Thorington moved, seconded by Councilmember Taylor to approve Consent Agenda items a through d:

- a. Approve Minutes of the January 9, 2012 Regular Meeting.
- b. Approve Payroll Check Number 31409 in the amount of \$15,414.14 dated December 31, 2011.
- c. Approve Payroll Checks Number 31410 through 31431 in the total amount of \$224,678.72 dated January 15, 2012.
- d. Approve Claims Checks Number 74332 through 74402, and EFT99120123 in the total amount of \$86,853.64 dated January 23, 2012.

Motion carried unanimously.

**NEW BUSINESS**

**Presentation by George W. Colby on behalf of the Yakama Nation Regarding Proposed Retrocession of Public Law 280.**

George W. Colby and Tribal Chairman Harry Smiskin reported on the history of the Act of August 15, 1953 referred to as Public Law 280. Mr. Colby explained that Indian Nations were not consented prior to the passage of Public Law 280, which enabled the State of Washington to adopt RCW 37.12.010 and assume criminal and civil jurisdiction over Indians within the State. Tribal Chairman Smiskin reported on the impact that Public Law 280 has had on the Yakama Nation and the efforts of the Yakama Nation to reclaim criminal and civil jurisdiction over its people. Tribal Chairman Smiskin discussed his experience lobbying for the passage of the Retrocession of Public Law 280 and the opportunity for additional Federal funds and law enforcement officers to combat crime. Tribal Chairman Smiskin explained the enhanced training requirements for Tribal Police Officers to enable them to be State Certified Police Officers. Tribal Chairman Smiskin reported on the cooperative agreement between the Yakama Nation and the City of Wapato with cross deputizing of law enforcement officers for the governments to work together to fight crime.

Councilmember Ortloff moved, seconded by Councilmember Thorington to direct City Manager Murphy to write a letter in support of the Yakama Nation in its effort for Retrocession of Public Law 280. Motion carried unanimously.

**Resolution 2012-1:**

**Resolution Approving Fiber Optic Cable Easement Agreement with the Yakima Valley Farm Workers Clinic.**

City Manager Murphy (CM Murphy) reported that the proposed agreement will enable the Yakima Valley Farm Workers Clinic to bury a fiber optic cable for their benefit and for the City's benefit. The Clinic has volunteered to pay \$15,300 for the development of a pathway at Pioneer Park.

Councilmember Belton moved, seconded by Councilmember Oaks to adopt Resolution 2012-1 Resolution Approving Fiber Optic Cable Easement Agreement with the Yakima Valley Farm Workers Clinic. Motion carried unanimously.

**COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

Mayor Jiménez reported that she attended the following: 1) the Martin Luther King, Jr. Peace March on January 16, 2012 with Councilmembers Belton, Ortloff, and Oaks; 2) the Toppenish High School (THS) S.T.E.M. Showcase that was a focus on projects for science, technology, engineering and mathematics on January 17, 2012; and 3) the Yakima Valley Conference of Governments (YVCOG) General Membership meeting with Councilmember Thorington and CM Murphy on January 18, 2012 and that Councilmember Taylor was appointed to the YVCOG Executive Board.

Councilmember Dorr reported that he was approached by a community member concerning the need for basketball courts at Olney Park and that a THS engineering teacher has offered to assist with creating a design. Councilmember Dorr encouraged the community to support the THS Boys Basketball Team in its successful season.

Councilmember Belton reported that he attended the YVCOG Executive Board meeting and the Yakima Valley Gang Commission meeting.

Councilmember Belton had a few questions concerning the Retrocession and inquired if CM Murphy was aware of the opinion of Chief Diaz concerning the proposed Retrocession. CM Murphy responded that he was not aware of the opinion of Chief Diaz regarding the issue and that the areas concerning the Retrocession do not deal directly with criminal issues. CM Murphy commented that he thinks that the State, Local, and Tribal Police cross deputizing and Federal funding is a separate issue and not dependent upon what happens with Public Law 280.

Councilmember Ortloff reported that he attended the Yakima Valley Gang Commission meeting and the discussion was on funding for intervention and prevention of juvenile crime. Councilmember Belton explained the purpose of the accountability centers and the need for long term funding for the sustainability of the services to handle juvenile issues.

**CITY MANAGER REPORTS**

CM Murphy reported that Yakima County Commissioner Mike Leita has notified the City that the Countywide Planning Policy Committee is being reconvened to prepare for the process of review of Urban Growth Areas. Councilmember Belton agreed to be the primary member and Councilmember Taylor agreed to be the alternate member for the Countywide Planning Policy Committee.

CM Murphy reported on the efforts of the Public Works Department with snow removal. CM Murphy stated that the Public Works Department has applied nearly 60 Tons of gravel with emphasis in the areas of the fire station, the hospital, the school bus routes, and the truck routes before the downtown and residential areas. CM Murphy further reported that he has talked with the Public Works Director regarding the snow removal concerns and that he is satisfied that they are making a diligent effort to do what they can with their limited resources.

#### **EXECUTIVE SESSION**

Mayor Jiménez called for an executive session to be held at 7: 40 p.m. The Mayor informed the public that the purpose of the executive session was to discuss the City Manager evaluation and that the executive session would convene for 45 minutes or less. Mayor Jiménez announced that it was anticipated no action would be taken when the Regular Session reconvened.

Mayor Jiménez called the regular session back to order at 8:25 p.m. (No audience was present before or after the executive session.)

Councilmember Thorington moved, seconded by Councilmember Belton to extend the City Manager contract for one additional year through March 27, 2016. Motion carried unanimously.

#### **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:27 p.m.

---

CLARA R. JIMÉNEZ, MAYOR

---

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK