



**TOPPENISH CITY COUNCIL  
STUDY SESSION AGENDA  
AUGUST 7, 2023 – 5:00 P.M.**

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1. Call To Order/Roll Call
2. Approve Agenda
3. New Employee Introduction
  - Yeni Salcedo
  - Allyson Knight

4. **Public Comment**

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern, state your name, and address for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

5. AB 23-051: [Proposed] Ordinance 2023-09, Adopting an Ordinance to Amend Subsection 6.10.020(F) Temporary Boarding on Rodeo Grounds and to ratify the authorization to board prior to the amendment.
6. AB 23-052: Appropriate Legends Casino 2% Award for the Purchase and Installation of FLOCK Safety Cameras.
7. AB 23-053: Appropriate Legends Casino 2% Award for the Purchase of a Police Vehicle.
8. EXECUTIVE SESSION [RCW 42.30.110(1)(g)]  
Purpose: To review the performance of a public employee  
Time: 30 minutes  
Action: No action anticipated

9. Adjournment

Next Regular Council Meeting will be on August 14, 2023

*City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.*



**CITY OF TOPPENISH**  
**REQUEST FOR COUNCIL ACTION**  
**Agenda Bill No.: 23-051**

**Agenda Item**  
**5**

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**Meeting Date:** August 7, 2023

**Subject:** Amend Toppenish Municipal Code Subsection 6.10.020(F) Temporary Boarding on Rodeo Grounds

**Attachments:** Proposed Ordinance 2023-09 and TMC Chapter 6.10

**Presented by:** Debbie Zabell, City Manager

**Approved for Agenda By:** Debbie Zabell, City Manager

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**Discussion:**

In response to the Bickleton fire and evacuation orders, on July 25, 2023, the Toppenish Rodeo and Livestock Association contacted the City Manager to inquire whether the City would allow the Association to board evacuated horses temporarily at the Association's property located at the 600 Block of South Division Street.

The Toppenish Municipal Code (TMC) currently provides for the maximum of 10 horses to be boarded. The proposed ordinance increases the authorized amount to an additional 20 horses that can be boarded at the rodeo grounds during the time of the evacuation order.

In addition to staff's recommendation for the Council to adopt the proposed ordinance, staff is requesting for the Council to ratify, by motion, the authorization to board an additional 20 horses during the Bickleton fire evacuation period, prior to the amendment.

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**Fiscal Impact:** None.

**Recommendation:** 1) Adopt Ordinance 2023-09, Amending Toppenish Municipal Code Subsection 6.10.020(F) authorizing temporary boarding of an additional 20 horses on the rodeo grounds when emergency evacuations have been ordered and 2) Motion to ratify the authorization to board an additional 20 horses during the Bickleton fire evacuation period, prior to the amendment.

**Alternatives:** 1) Do not approve. 2) Forward to Study Session for further review.

ORDINANCE 2023-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, AMENDING SUBSECTION 6.10.020(F) OF THE TOPPENISH MUNICIPAL CODE TO INCREASE THE NUMBER OF HORSES AUTHORIZED FOR TEMPORARY BOARDING WHEN EMERGENCY EVACUATIONS ARE ORDERED; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council desires to allow the temporary boarding of up to 20 additional horses on pastures within City limits referred to as the Rodeo Grounds located at 600 South Division Street when said horses are needing to evacuate because of an emergency situation declared in the area where they normally board, and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1:** Subsection 6.10.020(F) of the Toppenish Municipal Code is hereby amended as follows:

**6.08.020 – Keeping of animals within city prohibited – Exceptions and conditions.**

F. No more than 20 head of cattle and/or 10 horses may be kept at any one time on pastures situated upon the property within the city that is known as the Rodeo Grounds, owned by the Toppenish Rodeo and Livestock Association, located in the 600 block of South Division Street. When a respective local, county, or state Emergency Management Director proclaims an emergency, requiring evacuation, the Toppenish Rodeo and Livestock Association is authorized to provide temporary boarding, of up to 20 additional horses, from the respective community under evacuation orders. The temporary authorization will be valid until evacuation has been lifted from the respective agency.

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**Section 3. Corrections:** The city clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the corrections of scribes/clerical errors, references, ordinance numbering, section or subsection numbers and any references thereto.

**Section 4:** This ordinance shall become effective five (5) days after publication of a summary thereof.

PASSED by the Toppenish City Council at its meeting held on August 7, 2023.

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ELPIDIA SAAVEDRA, Mayor

ATTEST:

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HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

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GARY M. CUILIER, City Attorney

## Chapter 6.10 ANIMALS

### Sections:

- 6.10.010 Definitions.**
- 6.10.015 Enforcement agents.**
- 6.10.020 Keeping of animals within city prohibited – Exceptions and conditions.**
- 6.10.025 Cats in heat – Confinement required.**
- 6.10.030 Cats at large – Subject to impoundment.**
- 6.10.035 Slaughtering prohibited – Butchering restricted.**
- 6.10.040 Quarantine required when.**
- 6.10.045 Suspected rabies infection – Killing prohibited when.**
- 6.10.050 Humane treatment required.**
- 6.10.055 Animal fighting is prohibited.**
- 6.10.060 Transporting or confining in an unsafe manner – Penalty.**
- 6.10.065 Impoundment – Required when – Disposition of animals.**
- 6.10.070 Impoundment – Notice.**
- 6.10.075 Impoundment – At large animals returned to the owner when.**
- 6.10.080 Impounded animal – Redemption.**
- 6.10.085 Animal waste – Removal required.**

### **6.10.010 Definitions.**

In addition to the definitions in TMC [6.05.010](#), the following definitions also apply to this chapter:

- A. “Animal” means any animal defined in this chapter as a domestic animal, livestock, poultry, or wildlife.
- B. “Animal shelter” means any premises designated by the city manager to impound and care for animals held under the authority of this chapter.
- C. “Domestic animals” include birds, cats, dogs, and other animals or reptiles raised and/or maintained in confinement that are kept for companionship or service to the owner, except livestock and poultry as defined in this chapter.
- D. “Livestock” means any farm animal, including cattle, donkeys, goats, horses, mules, miniature, potbelly and standard pigs, rabbits, sheep, and any hooved or cloven-footed animals kept for draft, exhibiting, food or pleasure.
- E. “Nuisance animal” means any domestic animal that:
  - 1. Is found running at large;
  - 2. Chases or bites a person or another domestic animal;
  - 3. Chases any motorized or human-powered vehicle;

4. Creates noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others nearby;
5. Creates untimely, excessive, or constant noise that thereby creates unreasonable annoyance or disturbance to neighbors or others nearby;
6. Damages, soils, defiles, or defecates on property other than its owner's;
7. Causes unsanitary conditions, offensive odors or creates a danger to the public health, safety, or welfare by virtue of its confinement;
8. Is any dog or cat not under restraint in a public place; or
9. Is in heat and is not confined to prevent attraction or contact with other animals to prevent unplanned breeding.

F. "Poultry" includes chickens, domestic quail, ducks, geese, pheasants, peafowl, guinea fowl, turkeys, wild-fowl, or any other bird used for exhibiting, food, or sport.

G. "Wildlife" means any animal, amphibian, bird, fish, or reptile considered to not be domesticated and any animal, bird, or reptile not defined in this chapter as a domestic animal, livestock, or poultry.

H. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals. (Ord. 2022-03 § 1, 2022).

#### **6.10.015 Enforcement agents.**

The city manager has designated the Yakima Humane Society as the animal control authority and may designate other agencies to enforce the provisions of this chapter. The provisions of this chapter shall be enforced by the appropriate administrative, clerical staff, and law enforcement officers of the city and by the animal control officers of the agency designated by the city manager. Law enforcement officers and animal control officers shall have concurrent jurisdiction to effect such enforcement. (Ord. 2022-03 § 1, 2022).

#### **6.10.020 Keeping of animals within city prohibited – Exceptions and conditions.**

A. Except as hereinafter provided, it is unlawful for any person to keep or permit to be kept livestock, poultry, or wildlife within the city limits.

B. Horses and mules owned by a trolley operator who is duly licensed as required under TMC Title 5, Business Licenses and Regulations, may be continuously kept in the city within a B2, M1, or M2 zone, as defined by the official zoning map of the city, during the period from April 1st through October 31st of each year, or such greater term as the city council shall permit, upon application made and good cause is shown, on condition that the trolley operator shall maintain compliance with the rules and regulations of the State Board of Health on the keeping of animals, the disposal of dead animals, and the accumulation and disposal of manure and urine, as set forth in Chapter 248-50 WAC.

C. Nothing herein shall be deemed to restrict or prohibit the temporary and duly licensed operation of an entertainment event within the city, such as a rodeo, circus, carnival, fair, livestock show, or similar event involving livestock or other animals. Nor shall a duly licensed livestock sales business be prohibited or restricted by this section.

D. It is unlawful for any person to keep any domestic animal without providing humane care and veterinary care when required to prevent the spread of disease or the untreated suffering of any animal.

E. It is unlawful for any person to keep a domestic animal in such a manner that gives offense to human senses or interferes with the rights of persons, other than its owner or keeper, to the enjoyment of life or property.

F. No more than 20 head of cattle and/or 10 horses may be kept at any one time on pastures situated upon the property within the city that is known as the Rodeo Grounds, owned by the Toppenish Rodeo and Livestock Association, located in the 600 block of South Division Street. (Ord. 2022-03 § 1, 2022).

**6.10.025 Cats in heat – Confinement required.**

Every cat in heat shall be confined in a building or secure enclosure by the owner, in such a manner to prohibit unplanned breeding. (Ord. 2022-03 § 1, 2022).

**6.10.030 Cats at large – Subject to impoundment.**

Cats at large may be considered feral cats and are subject to impoundment by the city's animal control officer. (Ord. 2022-03 § 1, 2022).

**6.10.035 Slaughtering prohibited – Butchering restricted.**

A. No person or firm except a licensed commercial slaughterhouse shall slaughter or dress any animal, fish, or fowl within the city at any time; provided, that any wild animals, fish, and fowl legally taken for sport and not to be sold may be dressed in an enclosed area in such a manner to eliminate any potential for public viewing.

B. Except for licensed commercial butcher shops, lockers, or food stores, the butchering of animals or animal parts shall be conducted in an enclosed area in such a manner to eliminate any potential for public viewing.

C. No person shall slaughter, dress or butcher as permitted by this section without disposing of all animal waste in a sanitary manner, as provided in Chapter [8.10](#) TMC. (Ord. 2022-03 § 1, 2022).

**6.10.040 Quarantine required when.**

Any domestic animal that bites a person shall be quarantined for 10 days if ordered by the public health official in charge. During quarantine, the animal shall be securely confined and kept away from contact with any other animal. At the discretion of the public health official in charge, the quarantine may be on the premises of the owner. If the public health official in charge requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital. (Ord. 2022-03 § 1, 2022).

**6.10.045 Suspected rabies infection – Killing prohibited when.**

Any domestic animal that is suspected of having rabies shall be subject to quarantine. No duly authorized officer or other person shall unnecessarily kill or cause to be killed any domestic animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies has been made by a licensed veterinarian. If a veterinarian diagnoses rabies in a domestic animal in quarantine, then the animal shall be humanely killed, and the head shall be sent to a laboratory for pathological examination and confirmation of the diagnosis. (Ord. 2022-03 § 1, 2022).

**6.10.050 Humane treatment required.**

A. Pursuant to Chapter [16.52](#) RCW, every animal owner shall prevent cruelty to animals. No owner shall fail to provide animals with sufficient and wholesome food, water, proper shelter, protection from the weather, and adequate veterinary care. Every animal owner shall provide humane care and treatment to prevent animal suffering. No person shall cruelly beat, burn, ill-treat, maim, torture, torment, overload, overwork, poison, or otherwise abuse any animal. No owner shall abandon an animal.

B. Animals found to be inhumanely treated are subject to impoundment. (Ord. 2022-03 § 1, 2022).

**6.10.055 Animal fighting is prohibited.**

It shall be unlawful to cause or permit any bullfight, cockfight, dog fight, or other combat between animals or between animals and humans. Pursuant to RCW [16.10.010](#)(4) any person entering a dog in a dog fight is guilty of a class C felony punishable in accordance with RCW [9A.20.021](#). (Ord. 2022-03 § 1, 2022).

**6.10.060 Transporting or confining in an unsafe manner – Penalty.**

Any person who willfully transports, confines, or causes to be transported or confined any domestic animal(s) in a manner, posture, or confinement that will jeopardize the safety of the animal, or the public, shall be guilty of a misdemeanor. Whenever any such person shall be taken into custody or be subject to arrest pursuant to a valid warrant therefor by any officer, such officer or other appointed authority may take charge of the animal(s) and may arrange for impoundment. (Ord. 2022-03 § 1, 2022).

**6.10.065 Impoundment – Required when – Disposition of animals.**

A. All sick or injured animals shall be impounded when not in the owner's possession and may be humanely destroyed at any time after impounding at the discretion of the impounding officer.

B. All other impounded animals shall be kept pursuant to the Yakima Humane Society's rules and procedures. (Ord. 2022-03 § 1, 2022).

**6.10.070 Impoundment – Notice.**

A. The impounding officer shall notify the animal's owner, if known, of the impoundment of such animal, the terms and time frame upon which the animal can be released, and the consequences of failure to appear for the release of the animal.

B. If the animal's owner is unknown to the impounding officer and cannot be readily determined, the animal shall be kept pursuant to the Yakima Humane Society's rules and procedures. (Ord. 2022-03 § 1, 2022).

**6.10.075 Impoundment – At large animals returned to the owner when.**

If an animal subject to impound is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be returned to the owner. The impounding officer may issue a citation pursuant to Chapter [2.90](#) TMC. (Ord. 2022-03 § 1, 2022).

**6.10.080 Impounded animal – Redemption.**

A. Any dog licensed for the current year that is impounded may be redeemed by the owner pursuant to the Yakima Humane Society's rules and procedures.

B. Any dog not licensed for the current year that is impounded may be redeemed by the owner pursuant to the Yakima Humane Society's rules and procedures, and after obtaining a license from the city for the current year.

C. Any impounded dog with a microchip and identicode number shall be kept pursuant to the Yakima Humane Society's rules and procedures.

D. Any impounded dog without a microchip and identicode number may be redeemed by the owner pursuant to the Yakima Humane Society's rules and procedures, and after having the dog microchipped at the owner's expense.

E. Any animal other than a dog that is impounded may be redeemed by the owner pursuant to the Yakima Humane Society's rules and procedures. (Ord. 2022-03 § 1, 2022).

**6.10.085 Animal waste – Removal required.**

A. It shall be unlawful for any person to:



1. Allow animal feces to accumulate in any open private area, run, pen, shelter, or yard where animals are harbored, kept, or maintained, or fail to remove and properly dispose of animal feces from such areas at least once every 24 hours, to prevent polluted drainage waters from entering the surface or stormwater system of the city. A person who violates this provision shall be guilty of a misdemeanor.

2. Fail to remove fecal matter deposited by an animal under his or her ownership or control on public property or the private property of another before leaving the immediate area where the fecal matter was deposited.

3. Fail to have in his or her immediate possession an appropriately sized bag, or other proper means of disposal, to be used for the removal of animal feces when accompanying an animal on public property or private property of another.

B. Violation of the provisions listed in subsections (A)(2) and (3) of this section will subject the offender to a civil penalty pursuant to Chapter [2.90](#) TMC. (Ord. 2022-03 § 1, 2022).

**Mobile Version**



**CITY OF TOPPENISH  
REQUEST FOR COUNCIL ACTION  
Agenda Bill No.: 23-052**

**Agenda Item  
6**

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**Meeting Date:** August 7, 2023

**Subject:** Appropriate Legends Casino 2% Award for the Purchase and installation of FLOCK Safety Cameras

**Attachments:** Legends Casino 2% Community Contribution Letter

**Prepared by:** Linda Finley, Assistant to the Chief of Police

**Presented by:** John Clary, Chief of Police

**Approved For Agenda By:** Debbie Zabell, City Manager

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**Discussion:**

At the March 27, 2013, Regular Council Meeting, the Council authorized the staff to order the requested FLOCK cameras as requested on AB 23-020, with the provision that the order could be cancelled, and that no purchase was to be made until the City received the Yakima County ARPA Grant Award. To date, the County has not distributed the promised funds.

The Police Department applied for and received a Yakama Nation Gaming Commission 2% Community Contribution grant to purchase FLOCK cameras in the amount of \$55,000. The department's intent for the award was to cover the costs for the annual lease payment of 26 Flock Safety Falcon cameras.

Staff requests the Council to appropriate the awarded \$55,000 and to utilize \$25,028 Criminal Justice Fund, fund balance for the purchase and installation of the FLOCK cameras. The revenue received from the Award and the expenditure of the Award, along with the use of fund balance will be included in the 2023 Budget Amendment.

Staff will utilize \$55,000 of the County awarded ARPA funds to pay for the annual lease and will replenish the Criminal Justice fund balance with the remaining \$25,028. All County awarded funds will be included in the 2023 Budget Amendment.

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**Fiscal Impact:** Net \$0 Fiscal Impact for 2023.

**Recommendation:** Motion to Appropriate Yakama Nation Gaming Commission 2% Award of \$55,000 for the purchase and installation of FLOCK Safety Cameras; and to authorize the City Manager proceed with the purchase of Falcon Flock Safety cameras.

**Alternatives:** 1) Do not adopt. 2) Forward to Study Session for further review.



**Yakama Nation  
Two Percent Community Contribution Committee**

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580 Fort Road, Toppenish WA 98948

May 22, 2023

To: Oresta Burgett, Asst. Controller

From: Dolcee Jack, Executive Director

RE: Two percent Distributions for FY 2022- Check Request

The following applicants were awarded for the Two Percent Impact for FY 2022 Distributions:

1.	City Of Toppenish Fire Department	\$66,030.00
2.	Law Enforcement Against Drugs Task Force	\$50,280.57
3.	Pahto Public Passage	\$29,654.00
4.	City Of Toppenish Police Department	\$40,000.00
5.	City Of Toppenish Police Department	\$55,000.00
6.	Wapato Fire Department	\$15,500.00
7.	Wapato Police Department	\$5,000.00
8.	Washington State Patrol	\$10,000.00
9.	Yakama Nation Adult Probation	\$20,000.00
10.	Yakama Nation Prosecutor Office	\$20,000.00
11.	Yakama Nation Village Of Hope	\$20,000.00
12.	Yakama Nation Youth Court Services	\$16,000.00
13.	Yakama Nation Police Department	\$47,130.00
14.	Yakima County Fire District No. 5	\$60,000.00
15.	Yakima County Sheriff's Office	\$40,000.00
16.	Yakima Valley Office Of Emergency Management	\$5,000.00
17.	Yakama Nation Tribal Court	\$20,000.00
18.	Yakama Nation Justice Services	\$20,000.00
19.	Yakama Nation Library	\$20,000.00

The total disbursement amount for FY 2022 is \$559,594.57. Please have the checks ready for the nineteen (19) agencies listed above. If you have any questions, please contact myself by email [dolceej@yngc.com](mailto:dolceej@yngc.com) or by phone 509-865-5322 Ext. 5506.

CC: Finance Director , Two Percent Committee



**CITY OF TOPPENISH**  
**REQUEST FOR COUNCIL ACTION**  
**Agenda Bill No.: 23-053**

**Agenda Item**

**7**

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**Meeting Date:** August 7, 2023

**Subject:** Appropriate Legends Casino 2% Award for the Purchase of a Police Vehicle

**Attachments:** Legends Casino 2% Community Contribution Letter

**Prepared by:** Linda Finley, Assistant to the Chief of Police

**Presented by:** John Clary, Chief of Police

**Approved For Agenda By:** Debbie Zabell, City Manager

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**Discussion:**

The City Council appropriated \$52,500 in the General Fund for the purchase of a police vehicle subsequent to receiving a Legends Casino 2% Community Contribution Award.

The Police Department applied for and received an Award in the amount of \$40,000. Staff requests the Council appropriate the \$40,000 in conjunction with the already 2023 budgeted funds to purchase a police vehicle. The revenue received and the expenditure of the Award will be included in the 2023 Budget Amendment

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**Fiscal Impact:** Net \$0 Fiscal Impact for 2023.

**Recommendation:** Motion to Appropriate Yakama Nation Gaming Commission 2% Award of \$40,000 for the purchase of a police vehicle; and to authorize the City Manager to proceed with the purchase of one police vehicle.

**Alternatives:** 1) Do not adopt. 2) Forward to Study Session for further review.



**Yakama Nation  
Two Percent Community Contribution Committee**

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580 Fort Road, Toppenish WA 98948

May 22, 2023

To: Oresta Burgett, Asst. Controller

From: Dolcee Jack, Executive Director

RE: Two percent Distributions for FY 2022- Check Request

The following applicants were awarded for the Two Percent Impact for FY 2022 Distributions:

1.	City Of Toppenish Fire Department	\$66,030.00
2.	Law Enforcement Against Drugs Task Force	\$50,280.57
3.	Pahto Public Passage	\$29,654.00
4.	City Of Toppenish Police Department	\$40,000.00
5.	City Of Toppenish Police Department	\$55,000.00
6.	Wapato Fire Department	\$15,500.00
7.	Wapato Police Department	\$5,000.00
8.	Washington State Patrol	\$10,000.00
9.	Yakama Nation Adult Probation	\$20,000.00
10.	Yakama Nation Prosecutor Office	\$20,000.00
11.	Yakama Nation Village Of Hope	\$20,000.00
12.	Yakama Nation Youth Court Services	\$16,000.00
13.	Yakama Nation Police Department	\$47,130.00
14.	Yakima County Fire District No. 5	\$60,000.00
15.	Yakima County Sheriff's Office	\$40,000.00
16.	Yakima Valley Office Of Emergency Management	\$5,000.00
17.	Yakama Nation Tribal Court	\$20,000.00
18.	Yakama Nation Justice Services	\$20,000.00
19.	Yakama Nation Library	\$20,000.00

The total disbursement amount for FY 2022 is \$559,594.57. Please have the checks ready for the nineteen (19) agencies listed above. If you have any questions, please contact myself by email [dolceej@yngc.com](mailto:dolceej@yngc.com) or by phone 509-865-5322 Ext. 5506.

CC: Finance Director , Two Percent Committee