



TOPPENISH CITY COUNCIL
STUDY SESSION AGENDA
JANUARY 2, 2024 – 5:00 P.M.

1. Call to Order/Roll Call
2. Approve Agenda
3. New Employee Introduction
 - Chris Jones
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. Swearing in of Newly Elected Official and Reappointed Officials:
 - Administer Oath of Office to George Garcia for Position #5 for the Term January 1, 2024 through December 31, 2027
 - Administer Oath of Office to Naila Duval for Position #6 for the Term January 1, 2024 through November 25, 2025
 - Administer Oath of Office to Loren Belton for Position #7 for the Term January 1, 2024 through November 25, 2025
6. Select Mayor for 2024 and 2025 [Governance Manual (GM), page 23 – Ch. 2, A, 1-4]
 - Serve as Member on Lodging Tax Advisory Committee
 - Serve as Member on Yakima Basin Fish And Wildlife Recovery Board, if asked
7. Select Mayor Pro-Tempore for 2024 and 2025 [GM, page 23 – Ch. 2, A, 1-4]
 - Serve as Alternate on Yakima Basin Fish and Wildlife Recovery Board, if asked
8. Seating of the Council for 2024 and 2025 [GM, page 13 – Ch. 1, C, 3]
9. Set Date for Council Candidate Interviews to Fill City Council Vacancy for Position #4
10. Select Members and Alternates for 2024 and 2025 to Serve on the Following Committees:
 - a. Boards And Commissions Selection Committee – 3 Members [GM, page 32 – Ch. 4, B, 1, a]
(Current Members: Belton, Duval, Garcia)
 - b. Cable Regulation Board – 1 Member, 1 Alternate
(Current Member: Belton, Alternate: Garza)
 - c. Driving Rural Yakima Valley Economy – 1 Member, 1 Alternate
(Current Member: Belton, Alternate: Garcia)
 - d. Public Safety Committee – 3 Members, 1 Alternate
(Current Members: Duval, Garcia, Vacant, Alternate: Saavedra)
 - e. Yakima County Gang Commission – 1 Member, 1 Alternate
(Current Member: Belton, Alternate: Saavedra)
 - f. Yakima County-Wide Planning Policy Committee – 1 Member
(Current Member: Belton)
11. Select Yakima Valley Conference of Governments Member and Alternate for 2024
(Current Member: Duval, Alternate: Garcia)
12. Adjournment

Next Regular Council Meeting will be on January 8, 2024

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.

STATE OF WASHINGTON)
)
COUNTY OF YAKIMA)

OATH OF OFFICE

I, **George J. Garcia**, do solemnly swear that I am a Citizen of the United States and of the State of Washington; that I will support the Constitution and Laws of the United States and the Constitution and Laws of the State of Washington, and will to the best of my judgment, skill and ability, truly, faithfully, diligently and impartially perform the duties of the office of **Councilmember** in and for the City of Toppenish in Yakima County, Washington, as such duties are prescribed by law, so help me God.

George J. Garcia, Councilmember

Subscribed and sworn to before me this 2nd day of January, 2024.

Heidi Riojas, CMC, City Clerk

STATE OF WASHINGTON)
)
COUNTY OF YAKIMA)

OATH OF OFFICE

I, **Naila Prieto Duval**, do solemnly swear that I am a Citizen of the United States and of the State of Washington; that I will support the Constitution and Laws of the United States and the Constitution and Laws of the State of Washington, and will to the best of my judgment, skill and ability, truly, faithfully, diligently and impartially perform the duties of the office of **Councilmember** in and for the City of Toppenish in Yakima County, Washington, as such duties are prescribed by law, so help me God.

Naila Prieto Duval, Councilmember

Subscribed and sworn to before me this 2nd day of January, 2024.

Heidi Riojas, CMC, City Clerk

**Agenda Item
5c**

STATE OF WASHINGTON)
)
COUNTY OF YAKIMA)

OATH OF OFFICE

I, **Loren O. Belton**, do solemnly swear that I am a Citizen of the United States and of the State of Washington; that I will support the Constitution and Laws of the United States and the Constitution and Laws of the State of Washington, and will to the best of my judgment, skill and ability, truly, faithfully, diligently and impartially perform the duties of the office of **Councilmember** in and for the City of Toppenish in Yakima County, Washington, as such duties are prescribed by law, so help me God.

Loren O. Belton, Councilmember

Subscribed and sworn to before me this 2nd day of January, 2024.

Heidi Riojas, CMC, City Clerk

CHAPTER 2
Legislative Process

A. Election of Council Officers

Procedures for electing officers are as follows:

1. Biennially, at the first meeting of the new Council, the members thereof shall choose a Presiding Officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the office of Mayor, the Mayor Pro Tem will assume the role of Mayor for the unexpired term. Following the election of the Mayor, election of a Mayor Pro Tem shall be conducted in the same manner. The term of the Mayor Pro Tem shall run concurrently with that of the Mayor. (RCW 35A.13.030²⁴)
2. The election for Mayor shall be conducted by the Mayor. The Mayor shall call for nominations. Each member of the City Council shall be permitted to nominate one person or themselves, and a nomination shall not require a second. A nominee who wishes to decline the nomination shall so state at that time. Nominations are then closed. The election for Mayor Pro Tem shall be conducted by the Mayor and nominations shall be made in the manner previously described for the election of the Mayor.
3. If the first round of votes results in no majority vote of Councilmembers present, the voting process shall be repeated no more than two more times. During subsequent votes, Councilmembers do not have to vote the same as they did in the previous vote. If after three attempts, Council is unable to agree on a Mayor by majority vote of Councilmembers present, the office of Mayor shall be temporarily filled by an Acting Mayor with the highest seniority. The Acting Mayor shall continue in office and exercise such authority as is described in RCW 35A.13²⁵ until the members of the Council agree on a Mayor, which shall be determined at the next scheduled Council meeting, at which time the role of Acting Mayor shall cease and terminate.
4. At the next scheduled Council meeting voting for Mayor shall proceed in the same manner as the initial first round of voting from the previous Council meeting, but Councilmembers shall only vote for the Councilmembers, other than the Councilmember who received the least number of votes. If after three voting attempts, there is still no majority vote of Councilmembers present, the vote shall be determined by whichever Councilmember has the most votes at the third voting attempt. If at that time, there is a two-way tie of Councilmembers receiving the most votes, the tie shall be broken based on the flip of a coin. The City Manager shall flip the coin.

B. Filling Council Vacancies

1. **General Process:** (Note that public comment shall not be taken during this entire process.)

If a vacancy occurs on the City Council, the Council shall follow the procedures outlined in RCW 35A.13.020²⁶ and Council's adopted procedure in compliance with RCW 35A.13.020, as well as RCW 42.12.070.²⁷ The timeline will vary depending on when the process begins. Pursuant to RCW 35A.13.020, the City Council has 90 days from the vacancy to appoint a qualified person to the vacant position. If this timeframe is not met, the City's authority in this matter would cease and the Yakima County Board of Commissioners would appoint a qualified person to fill the vacancy. In order to be qualified to run for Toppenish City Council, or hold such position, a person must be [RCW 42.04.020²⁸] a citizen of the United States, 18 years of age or older, a resident of the City of Toppenish for a year or more preceding his or her election, a registered voter in the City of Toppenish at the time of filing the declaration of candidacy and at the time of filing the declaration of candidacy if the candidate had ever been convicted of a felony, they must no longer be under the authority of the Department of Corrections, or currently incarcerated for a felony.

emergency temporary location or locations for the duration of the emergency.” [RCW 42.14.075]

4. Cancellation of Meetings: State law does not require any specific procedure for canceling an upcoming meeting, however, notice of the cancellation to the public, Councilmembers, and staff should be given by the City Clerk in a similar manner that notice is given for a special meeting. The decision to cancel a meeting will be made by the City Council. In case of an inclement weather emergency, the City Manager or the Mayor may cancel the meeting. The noticing of such decisions will be handled by the City Clerk through the City Manager.

C. Meeting Rules and Procedures

1. Council Rules of Order

The City Clerk shall serve as the official parliamentarian for all Council meetings and shall keep a copy of the most current “*Robert’s Rules of Order*” (RONR) in Council Chambers during Council meetings.

2. Quorum

At all regular and special meetings of the Council, a majority of the Councilmembers who hold office shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors pursuant to RCW 42.30.090¹³. Council meetings adjourned under the previous provision shall be considered regular meetings for all purposes. (RCW 35A.13.170¹⁴, 35A.12.120¹⁵)

3. Seating Arrangement

Councilmembers shall occupy the respective seats in the Council Chamber as selected by seniority for a two-year term in January of an even year.

4. Attendance

- a. **Unexcused Absences:** A Councilmember’s responsibility to attend Council meetings should not be taken lightly, nor should a decision to remove a Councilmember for missing meetings. Pursuant to RCW 35A.12.060¹⁶ “a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.”
- b. **Excused Absences:** Members of Council may be excused from meetings with prior notification to the City Clerk, or City Manager by 3:30 p.m. the day of the meeting, and by stating the reason for the inability to attend. Acceptable excuses for missing meetings may include work commitments, death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, family or personal emergency, or unusual or unforeseen circumstances. Following or prior to roll call, the Presiding Officer shall inform the Council of the member’s absence and inquire if there is a motion to excuse the member. The motion shall be nondebatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk shall make an appropriate notation in the minutes.

5. Respect and Decorum

It is the duty of the Mayor and each Councilmember to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, Councilmembers shall preserve order and decorum and a Councilmember shall neither by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any Councilmember while speaking. Councilmembers and the public shall comply with the directives of the Presiding Officer. Any Councilmember making disruptive, disparaging or impertinent remarks, or unreasonably disturbing the business of the Council shall be asked to cease such disruption. Any other person attending a Council meeting who disrupts the meeting in such a fashion that the Council is impaired in its ability to attend to the business of the City, may be asked to leave, or be

**Toppenish City Council
Boards, Commissions and Committees
2-Year Term**

<u>Committee & Purpose of Committee</u>	<u>Current Members</u>	<u>Meeting Schedule</u>
<u>Boards and Selection Committee</u> - To recruit members to serve on advisory committees	Belton, Duval, Garcia,	As needed
<u>Cable Regulation Board</u> To represent the City on the Cable Regulation Board	Belton, Alt. Garza	As needed (3rd Wednesday)
<u>Driving Rural Yakima Valley Economy</u> - To represent the City for transportation projects.	Belton, Alt. Garcia	4th Wednesday from 2:00 p.m.-4:00 p.m., odd months - alternate locations
<u>Lodging Tax Advisory Committee</u> - To assist in making recommendations to Council for use of tourism funds.	Mayor by position	2nd Wednesday of October
<u>Public Safety Committee</u> - To review and give Council recommendations regarding public safety issues.	Duval, Garcia, Vacant, Alternate: Saavedra	As needed
<u>Yakima Basin Fish and Wildlife Recovery Board</u> - To represent the City and report back to Council on the issues.	Mayor by position, Alt MPT by position	As needed
<u>Yakima County Gang Commission</u> - Represent the City and report back to Council on the gang commission.	Belton, Alt. Saavedra	As needed
<u>Yakima County-wide Planning Policy Committee</u> - To represent the City and report back to Council on the County's planning policy.	Belton	As needed
<u>Yakima Valley Conference of Governments</u> - To represent the City at the General Membership meeting of the voting on regional issues of the 14 cities in Yakima County.	Duval, Alt. Garcia	6:30 p.m. 3rd Wednesday of Jan., Mar., May, Sept. and Oct. and 2nd Wednesday of Dec. Location varies each month.

CHAPTER 4
COMMITTEES, BOARDS, COMMISSIONS

A. Regional Committees, Commissions and Boards

1. Committees

- a. Toppenish Councilmembers and/or residents who seek representation on any standing committee, board, or commission required by state law, shall be appointed by the City Council.
- b. Appointment Process: Any committee, board, commission, task force, etc., requiring appointment of committee members by the City Council, which shall be by majority vote of those present at the time the vote takes place.
- c. A Councilmember or citizen may resign due to conflicts of time or scheduling commitments, or other personal reasons. A vacancy caused by resignation, shall be filled as soon as appropriate.
- d. These Committees, commissions or board appointments as well as resignations shall be placed as action items on Council meeting agendas.

2. Council Relations with Boards, Commissions and Council Citizen Advisory Bodies

- a. The purpose of these appointments is to provide Council with insight into areas of interest or concern within each board. As liaisons and representatives of the City, it is the duty of Councilmembers to remember that their sole purpose in attending these meetings and participating as an appointed board/committee member is to represent the City; and as such during those meetings, Councilmembers may not act as a representative of any other business, group or organization without the express consent of the Council.
- b. Councilmembers are encouraged to share with all Councilmembers, copies of minutes from any statutory boards, commissions, or committees on which they serve and participate. Communications from such boards, commissions and bodies to the City Council which seek action or feedback, should be acknowledged by the Council, preferably by a letter from the City Manager. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Council Meeting Reports/Community Announcements." If any member of the Council requests that any such communication be officially answered by the Council, the Presiding Officer may place the matter on an agenda under New Business, Study Session or other appropriate place, for a specific Council meeting, or take other appropriate action.

B. In-House Committees, Boards, etc.

1. Standing committees or commissions required by law shall be held by the position of the Mayor. Following are established in-house committees:

a. Selection Committee – 3 members

“TMC 2.30.020 Selection committee.

The city council shall select three of its members to serve on a selection committee to review and make recommendations to the council for appointments to advisory boards, committees and commissions. The committee members shall serve for a two-year period following reorganization of the council.”

b. Parks and Recreation Advisory Board – 7 members

“TMC 2.30.090 Membership of the parks and recreation advisory board.

The parks and recreation advisory board shall consist of seven members.”

“TMC 2.30.100 Duties of the parks and recreation advisory board.

Responsibility of the parks and recreation advisory board shall be to make recommendations to the city council and the parks and recreation director on

matters relative to the development, operation and use of the parks and recreation facilities of the city, and the planning, designing and implementation of city park facilities and recreational services.”

c. Planning Commission – 7 members.

“TMC 2.30.100 Membership of the planning commission.

The planning commission shall consist of seven members.”

“TMC 2.30.120 Duties of the planning commission.

The responsibility of the planning commission shall be to consider all amendments, modifications or alterations to the city’s comprehensive plan, to conduct hearings as otherwise specified by this code, and to perform other planning functions for the city.”

The purpose of the Planning Commission is to study and make recommendations to the City Council for future planned growth through continued review of the City’s Comprehensive Land Use Plan, development regulations, shoreline management, environmental protection, public facilities, capital improvements and other matters as directed by the City Council.

d. Lodging Tax Advisory Committee – 5 members.

“TMC 2.30.130 Membership of the lodging tax advisory committee.

The membership of the lodging tax advisory committee shall consist of five members, appointed by the city council. One member shall be an elected official of the city who shall serve as chair, two members shall be representatives of businesses required to collect the tax, and two members shall be persons involved in activities authorized to be funded by revenue received from the tax. The city council will review the membership on an annual basis and make changes as appropriate. By majority vote, the city council may remove a member of the lodging tax advisory committee prior to expiration of the term provided in TMC 2.30.030. Vacancies on the committee shall be filled by the city council.”

“TMC 2.30.120 Duties of the lodging tax advisory committee.

A. The city council shall submit to the lodging tax advisory committee (LTAC), for its review and comment, proposals on: (1) the imposition of any new lodging tax; (2) any increase in the rate of such a tax; (3) repeal of an exemption from such a tax; or (4) a change in the use of the revenue received from such a tax. The city council shall submit such a proposal to the committee at least 45 days before taking final action on any such proposal. Comments by the committee should include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-range stability of the special fund created for the lodging tax revenues.

B. The lodging tax advisory committee (LTAC) shall receive all applications for lodging tax revenue and recommend a list of applicants and funding levels to the city council for final determination. The city council may only choose recipients from the list of candidates and recommended amounts provided by the LTAC. However, the city council does not have to fund the full list as recommended by the LTAC and can choose to make awards in the recommended amounts to all, some, or none of the candidates on this list, but the selected recipients must be awarded the amounts recommended by the LTAC.”

C. The city council may choose to make awards to the list of candidates for different amounts recommended by the LTAC provided that the city council

notifies the LTAC at least 45 days before taking final action on any such proposal.

The purpose of the Lodging Tax Advisory Committee is to study and make recommendations to the City Council for the use and allocation of tourism development funds for the upcoming year.

2. When required by law, committee meetings should be open to the public, including the media, unless discussing matters which would qualify for an executive session if discussed within the City Council.
3. The City Council may appoint such other ad hoc advisory committees or liaisons from the Council or community for the purpose of advising the Council in legislative policy matters. All ad hoc committees shall be defined by a clear task and a method of “sunsetting” the committee at the conclusion of the assigned task. As with all committee vacancies, ads announcing a vacancy or soliciting membership or participation in a task force or other committee shall be placed on the City’s website, social media and/or in the City’s official newspaper.

C. Private Committees, Commissions and Boards

The Council recognizes there are various other private boards and committees, which appointments are made by their own board. These boards and committees which do not require an appointment by the City Council, are nonetheless important aspects of our community and we recognize the time commitment any Councilmember may extend as a member of any of these committees and/or boards. As well, Council appreciates hearing a periodic report or update on activities and issues surrounding those boards and committees.