



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2021-147

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<b>File ID:</b>	AB2021-147	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	02/25/2021	<b>Entered by:</b>	SDraper@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Ordinance Requiring a Public Hearing		
<b>Assigned to:</b>	Council	<b>Final Action:</b>	03/23/2021		
<b>Agenda Date:</b>	03/23/2021	<b>Enactment #:</b>	ORD 2021-012		

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Primary Contact Email: sdraper@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance establishing a fare capital surcharge for the Lummi Island Ferry System

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

An ordinance amending WCC 10.34.020 Ferry Rates and Unified Fee Schedule to include a one-dollar (\$1.00) capital surcharge for all fares excluding Special needs-based fares, Special senior/disabled fares, and Student multi-ride cards. The capital surcharge is to be exclusively used for the construction of a new ferry vessel and improvements to the ferry terminals

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### HISTORY OF LEGISLATIVE FILE

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Date:	Acting Body:	Action:	Sent To:
03/09/2021	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 5 Browne, Buchanan, Donovan, Frazey, and Kershner	
		Nay: 1 Elenbaas	
		Absent: 1 Byrd	
03/23/2021	Council	ADOPTED	
		Aye: 7 Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner	
		Nay: 0	
		Absent: 0	

**Attachments:** Staff Memo, Proposed Ordinance

PROPOSED BY: Public Works

INTRODUCED: \_\_\_\_\_

ORDINANCE NO. 2021-012

**ESTABLISHING A FARE CAPITAL SURCHARGE  
FOR THE LUMMI ISLAND FERRY SYSTEM**

WHEREAS, the Lummi Island Ferry Advisory Committee was established to review and provide recommendations on proposed changes to ferry operations and fares; and,

WHEREAS, the Lummi Island Ferry Advisory Committee was established to assist the county in collecting information from ferry riders on actual and desired ferry services, concerns, and ideas for improved service; and,

WHEREAS, the Lummi Island Ferry Advisory Committee was established to analyze and develop recommendations to continue and improve the cost-effective operation of ferry service to Lummi Island; and,

WHEREAS, the Lummi Island Ferry Advisory Committee was established to research, review, and make recommendations regarding ferry replacement, long-term planning, parking, transportation to and from ferry docks, alternative docking locations, alternative funding sources, and other major capital and operational issues regarding ferry service to Lummi Island; and,

WHEREAS, the Whatcom County Council adopted a new Level of Service Ferry System Action Plan with Resolution 2018-026; and,

WHEREAS, the Action Plan instructs the design and construction of a 34-car vessel with flexibility for future electric conversion, and terminal improvements; and,

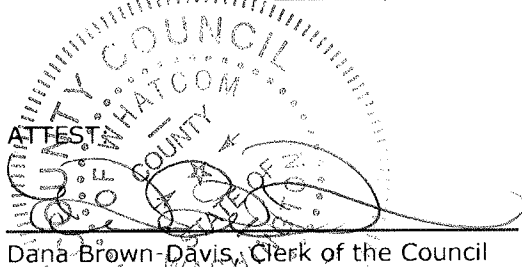
WHEREAS, on November 11, 2020 the Lummi Island Ferry Advisory Committee unanimously proposed a \$1.00 fare capital surcharge for the new vessel and terminal improvements; and,

WHEREAS, on February 10, 2021 the Lummi Island Ferry Advisory Committee unanimously proposed the capital surcharge to apply to all fares except "needs-based", "senior/disabled" and "student multi-ride" fares.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council a ferry fare capital surcharge of \$1.00 exclusively for the construction of a new ferry vessel and improvements to the ferry terminals. The surcharge will not be added to needs-based fares, senior/disability fares, and student multi-ride fares.


BE IT FURTHER ORDAINED by the Whatcom County Council, WCC 10.34 and the Unified Fee Schedule are amended as stated in Exhibit A.

ADOPTED, this 23rd day of March, 2021.

ATTEST  
A circular seal for the Whatcom County Council. The outer ring contains the text "WHATCOM COUNTY COUNCIL" at the top and "WHATCOM COUNTY WASHINGTON" at the bottom. The center of the seal features a stylized landscape with a mountain, a river, and a tree. A signature is written across the seal.

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Approved via email-CQ/RM

Christopher Quinn  
Deputy Prosecuting Attorney – Civil Division

APPROVED     NOT APPROVED

  
Satpal Singh Sidhu, Executive

Date: 3/26/2021

## Exhibit A

### Amendment of Chapter 10.34 FERRY RATES<sup>1</sup>

Sections:

**10.34.005** Definitions.

**10.34.010** Effective date for ferry user fees.

**10.34.020** Interpretation of rate schedule.

**10.34.030** Use of ferry user fee revenues.

**10.34.005** Definitions.

A. "Ferry system" means all physical elements of the Lummi Island ferry operations, including both the Gooseberry Point and Lummi Island vehicle and pedestrian staging areas, vehicle parking areas, and ferry docks, and any and all boats utilized for transport purposes.

B. "Operating cost" means all actual daily running expenses and all actual regular and routine maintenance and administrative expenses associated with the use and operation of all physical elements of the ferry system.

C. "Capital cost" means all capital expenditures, including financing and depreciation expenses applied to the replacement, expansion, or creation of ferry system physical elements.

D. "Fare box recovery rate" means the calculated percentage of total revenue generated through ferry user fees in comparison to total actual operating costs for the same period of time minus any revenue from the motor vehicle fuel tax meant for ferry operations, or from interest.

E. "Ferry user fees" means the rates and charges required of and collected from any and all users of the ferry system, as established and periodically amended in the Unified Fee Schedule.

## Exhibit A

F. "Rate schedule" means the combination of ferry user fees and operational policies affecting the use of the ferry system. (Ord. 2015-034 Exh. A; Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A).

### 10.34.010 Effective date for ferry user fees.

Ferry user fees are set forth in the Whatcom County Unified Fee Schedule and become effective as set forth in the ordinance adopting or amending such schedule. (Ord. 2015-034 Exh. A; Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064; Ord. 93-080 Exh. Q).

### 10.34.020 Interpretation of rate schedule.

The following provisions should be observed in application of the ferry rate schedule:

- A. Buses, mobile homes, motor homes, fifth wheels in bed of pickup, and trailers including goosenecks are charged by total length. Length includes tongue, hitch, and projections to the rear.
- B. Tow vehicles with trailers shall be charged a combined rate based on total length of the trailer, as defined in subsection A of this section, and weight of the tow vehicle based on the gross vehicle weight of the designation of the vehicle. Heavy machinery that is self-propelled onto the ferry shall be charged at the corresponding vehicle weight.
- C. Special trips are a surcharge in addition to the applicable fare.
- D. A weekly run limited to fuel trucks, charged at the regular rate, shall be scheduled by the public works department and published appropriately.
- E. All trucks shall be charged regular round-trip rates based on gross vehicle weight.
- F. Over-width vehicles or trailers occupying more than one lane shall be charged a 50 percent surcharge. In addition, vehicles towing over-width trailers shall also be charged a 50 percent surcharge.

## Exhibit A

- G. Student multi-ride cards shall be sold to full-time post-high school students only. Proof of post-high school enrollment shall be required at time of purchase. No special student discount is available for drivers of vehicles.
- H. Children 12 to under 19 years of age will receive free passenger and pedestrian passage all year round. No special child discount is available for drivers of vehicles.
- I. County employees on official county business shall be exempt from fares. All county employee trips exempt from fares will be tracked, and \$10.00 per trip will be credited toward the fare box recovery rate each year.
- J. During the term of the tidelands lease agreement dated October 24, 2011, lessee (Whatcom County) shall grant free foot and noncommercial passenger vehicle passage upon and across the ferry operated by lessee between Gooseberry Point and Lummi Island to those persons going to Lummi Island for legitimate tribal business who are either enrolled members of the Lummi Nation or employees thereof, and who also present appropriate identification issued by the nation, including Lummi Indian Business Council identification cards or current fishing cards/licenses as issued by the Lummi Nation.
- K. A special needs-based discount is provided for Lummi Island residents who meet the very low income levels set annually by the Department of Housing and Urban Development (HUD). The current year's levels will be posted on the Whatcom County public works ferry web page. The reviewing authority will screen all applicants to determine eligibility. The number of needs-based applications processed annually, regardless of approval, will depend on the constraints of the ferry operations budget for each year. These special needs-based tickets will only be sold at the Whatcom County public works administration building in Bellingham and will require a valid voucher issued from the reviewing authority and valid ID. Eligibility will be reviewed at least annually by the reviewing authority. Forms and procedures will be developed by the Whatcom County public works and the reviewing authority.
- L. Eligibility for a special "senior/disabled" discount is available to all Lummi Island residents who currently hold property tax exemptions or deferral as defined under RCW 84.36.381 and 84.38.030 and WAC 458-16-020 and 458-18-020, and as these may be hereafter amended. These special needs-based tickets will only be sold at the Whatcom County public works administration building in Bellingham and will require valid ID.

## Exhibit A

M. Multi-ride cards purchased prior to the most current fare change shall be valid until six months after the effective date of the ordinance codified in this chapter. Multi-ride cards purchased at the previous rate rather higher or lower than the new rate will be accepted for use as one punch equals one round trip. No credit or refund will be allowed or issued. These rate changes will take place within 60 calendar days of the adopted date of the ordinance codified in this chapter.

N. All children under the age of 12 years when traveling on the Whatcom County ferry must be accompanied by an adult. An exception to this policy will be made only if the adult parent or guardian signs a waiver exempting Whatcom County from all liabilities for any and all injuries, loss of life, etc., while the child is traveling on the ferry.

O. A capital surcharge of one dollar (\$1.00) shall be collected for all fares except for Student multi-ride cards (WCC 10.34.020 (G)), Special needs-based fares (WCC 10.34.020 (K)), and Special senior/disabled fares (WCC 10.34.020 (L)). The capital surcharge shall be used exclusively for the construction of a new ferry vessel and terminal improvements. (Ord. 2015-034 Exh. A; Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064; Ord. 93-080 Exh. Q).

### 10.34.030 Use of ferry user fee revenues.

Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied and evaluated continuously from that time forward. An annual review of ferry system services, actual and projected operating costs, and actual and projected revenue from ferry user fees shall occur in order to verify the 55 percent fare box recovery rate is being achieved.

In any given year the actual fare box recovery rate exceeds 55 percent, the excess revenue shall be retained in the ferry system fund and applied only to future operating costs.

In any given year the actual fare box recovery rate is below 55 percent, the difference shall be recovered in a future ferry user fee increase unless there is adequate excess ferry user fee revenue remaining in the ferry system fund collected during prior years.

Beginning January 1, 2007, any interest income or income from state motor vehicle fuel tax for ferry operation will be deducted from the actual operating costs before the actual 55 percent fare box recovery rate is calculated. (Ord. 2015-034 Exh. A; Ord. 2013-042 Exh. A; Ord. 2012-016



## Exhibit A

Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064).

### Amendment of the 2021 Unified Fee Schedule

UFS#	Description	2020 Rate	Rate Basis	Change or New	2021 Rate	Rate Basis	Authorization
2823	Capital Surcharge	N/A	N/A	New	\$1.00	For all non-exempt trips; Student multi-ride cardd, Special needs-based fares, and Special senior/disabled fares are exempt WCC 10.34	WCC 10.34.020 (O)