

PROPOSED BY: Todd Donovan
INTRODUCTION DATE: _____

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ORDINANCE NO. _____

AMENDING WCC 2.145, LUMMI ISLAND FERRY ADVISORY COMMITTEE

WHEREAS, Whatcom County formed the Lummi Island Ferry Advisory Committee (LIFAC) in 2012 to provide review and recommendations to the Whatcom County Council and Executive on issues that affect the ongoing operations and infrastructure of ferry service to Lummi Island and to provide a forum for those who depend upon Lummi Island ferry service to voice their ideas and concerns about the ferry service; and

WHEREAS, compliance with the Open Public Meetings Act (OPMA) and Public Records Act (PRA) requires certain administrative functions for the County’s citizen advisory committees, such as, but not limited to, holding open public meetings at public meeting venues on Lummi Island and communicating its agendas and minutes to the community on the County website; and

WHEREAS, most County boards, commissions, and advisory committees comprised of volunteer citizens have County or other public agency staff assigned to provide some level of administrative support and a public meeting location; and

WHEREAS, reservation and use of non-County owned meeting venue(s) on Lummi Island requires funding and entering into an agreement for use of the venue, which volunteer citizen advisory committee members are not authorized to commit to on behalf of the County; and

WHEREAS, the County Public Works Department provides technical support to the LIFAC on ferry-related issues, and attends most or all LIFAC meetings, but LIFAC does not have a basic level of administrative support to comply with OPMA and PRA requirements; and

WHEREAS, providing remote meeting access would benefit community members who don’t live on the Island, Islanders who can’t attend meetings in person, and County staff who attend LIFAC meetings but don’t live on Lummi Island.

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NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 2.145, LUMMI ISLAND FERRY ADVISORY COMMITTEE, be amended as shown in Exhibit A; and

BE IT FINALLY ORDAINED by the Whatcom County Council that the County Executive and Public Works Department will coordinate to hire or contract for a facilitator for the Lummi Island Ferry Advisory Committee **until**

ADOPTED this ____ day of _____, 20____.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

/s/Karen Frakes approved via email on 9/7/23

Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

Chapter 2.145

~~LUMMI ISLAND~~ FERRY ADVISORY COMMITTEE

Sections:

2.145.010 Established.

2.145.020 Purpose.

2.145.030 Function.

2.145.040 Membership – Term of office.

2.145.050 Organization – Meetings.

2.145.055 Membership – Rules of Procedure and Conduct.

2.145.060 Committee staffing.

2.145.010 Established.

There is hereby established the Lummi Island Ferry Advisory Committee. (Ord. 2012-005 Exh. A).

2.145.020 Purpose.

The Lummi Island Ferry Advisory Committee provides review and recommendations to the Whatcom County council and executive on issues that affect the ongoing operations and infrastructure of ferry service to Lummi Island. The committee also provides a forum for those who depend upon Lummi Island ferry service to voice their ideas and concerns about the ferry service. (Ord. 2012-005 Exh. A).

2.145.030 Function.

A. The committee function is solely to advise the county council or the executive on the following functions:

A1. Review and provide recommendations on proposed changes to ferry operations and fares; and

B2. Review at least annually ferry revenue and expenditures, ferry fund balance, and actual versus targeted fare return; and

C3. Assist the county in collecting information from ferry riders on actual and desired ferry services, concerns, and ideas for improved service; and

D4. Analyze and develop recommendations to continue and improve the cost-effective operation of ferry service to Lummi Island; and

E5. Research, review, Review and make recommendations **on proposed changes to**

a. WCC 10.34, Ferry Rates

b. WCC 10.36, Ferry Multi-Ride Cards and Quarterly Passes

c. The Lummi Island Ferry Service Action Plan as approved in County Resolution 2018-026

regarding ferry **vessel, terminal, and operations** replacement, long-term planning, parking,

1 transportation to and from ferry docks, alternative docking locations, alternative funding
2 sources, and other major capital and operational issues regarding ferry service to Lummi Island.

3 **B. The committee may advise the county council or the executive by developing recommendations that**
4 **are approved by a majority of the committee as defined in 2.145.050(E).**

5
6 **C. If a recommendation is approved by less than a unanimous vote, one or more members may submit a**
7 **dissenting statement with the recommendations.**

8
9 **D. The county council and the county executive will consider the committee's recommendations and**
10 **advice when making ferry-related decisions. The county council and/or county executive will make the**
11 **final decisions on all ferry-related matters. (Ord. 2012-005 Exh. A).**

12
13 **2.145.040 Membership – Term of office.**

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15 A. The committee shall consist of seven **nine** voting members with at least four but no more than five of
16 them residents or property owners on Lummi Island. A quorum shall consist of at least half of the
17 ~~appointed members.~~ **Five members will be residents or property owners on Lummi Island. Four**
18 **members will not reside or own property on Lummi Island and will reside in unincorporated Whatcom**
19 **County.**

20
21 B. The county council shall appoint the committee members. **Priority appointment for one of the four**
22 **off-island positions shall be given to one Lummi Nation representative when possible.** Member terms
23 will be three years; provided, that the terms of members first appointed will be staggered so that three
24 of the committee members shall be appointed for two years. Members of the committee shall serve
25 without compensation. (Ord. 2012-005 Exh. A).

26
27 **2.145.050 Organization – Meetings.**

28 A. Meetings of the committee shall be open and accessible to the public and shall be subject to the
29 Open Public Meetings Act.

30
31 B. ~~At every meeting, the committee will schedule an open session to take public comment on ferry~~
32 ~~issues at all regular meetings.~~ **A public comment session will be scheduled at all regular meetings at**
33 **which final action is taken. Public comment is not required at special meetings. Public comment can be**
34 **provided orally at a regular meeting or in writing prior to or at a regular meeting.**

35
36 C. Written records of meetings, resolutions, research, findings and recommendations shall be kept and
37 such records shall be submitted to county council staff and shall be made public, including posting on
38 the county website.

39

1 D. The committee shall adopt its own rules and procedures for the conduct of business, except the
2 number of members required for a quorum to meet and take action.

3
4 E. The number of members required for a quorum in order to meet and take action is five voting
5 members, which is a majority of all positions regardless of whether or not any positions are vacant.

6
7 F. The committee shall elect a chairperson from among its members who shall preside at its meetings

8
9 G. The committee shall annually, at the first meeting in January, review the most current County Council
10 and County Executive Expectations for Boards and Commissions. The most current version will be
11 posted on the committee website.

12
13 H. The committee shall determine its meeting schedule and agenda, but shall meet at least quarterly.

14
15 I. The committee may form and appoint ad hoc committees to work on specific issues, so long as at
16 least two committee members are also members of each ad hoc committee.

17
18 J. The committee shall comply with Chapter 2.03 WCC, Boards and Commissions. (Ord. 2012-005 Exh.
19 A).

20
21 **2.145.055 Membership – Rules of Procedure and Conduct.**

22
23 A. All members shall be trained on and comply with the Open Public Meetings Act, and training shall be
24 done and updated per the State Open Government Training Act and RCW 42.30.205.

25
26 B. All members shall comply with the most current version of the County Council and County Executive
27 Expectations for Boards and Commissions.

28
29 **2.145.060 Committee staffing.**

30 The committee is encouraged to operate and hold its meetings as independent of county staffing and
31 resources as possible, including but not limited to developing its own agendas and minutes.

32
33 Ongoing administrative support to the committee shall be provided by the county Public Works
34 Department to ensure the committee complies with County Code requirements, the Open Public
35 Meetings Act (OPMA), and the Public Records Act, including but not limited to:

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37 A. entering into agreements for and paying the cost of meeting rental venues

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39 B. ensuring meeting agendas and minutes and other required meeting information are posted to the
40 County website per OPMA and County Code requirements

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C. responding to public records requests and maintaining committee's records

Additional Staffing and other resources for the committee shall be requested through the county executive's office.

All staff time and county resources expended in support of the committee, including meeting venue rental fees and costs for providing remote meeting access, will be considered ferry operation expenses.

The committee is authorized to request from the executive's office information from administrative departments as necessary. (Ord. 2012-005 Exh. A).

DRAFT