

**EXCERPT OF MINUTES -
JUNE 20, 2023, WHATCOM COUNTY COUNCIL MEETING**

(AB2023-258)

ORDINANCE AMENDING WHATCOM COUNTY CODE 10.34, FERRY RATES

Buchanan gave a history on this item and stated it was a hearing that was carried over from April 25th. Normally they do not allow speakers to speak more than once in a public hearing but he suggested they allow it and asked whether there were any objections from Council.

Kershner stated she objected to allowing people to speak twice on a public hearing and Councilmembers discussed whether they should allow people who have already spoken to speak again tonight.

Buchanan moved to allow speakers who had spoken on this public hearing on April 25th to speak again. The motion was seconded by Frazey.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 6 - Frazey, Galloway, Buchanan, Byrd, Donovan, and Elenbaas

Nay: 1 - Kershner

Elizabeth Kosa, Public Works Department Director, stated they do not have a staff report but they are available for discussion.

Buchanan opened the Public Hearing and the following people spoke:

- Bob Anderson
- Diane Harper
- Pam Gould
- Ralph Steele
- Marissa Orada
- Steven Thomas
- Catherine Shornick
- Dan Ohms
- David Cummins
- Todd Lagestee
- David Kershner
- Janice Holmes
- Peter (last name not given)

Hearing no one else, Buchanan closed the Public Hearing.

Galloway stated she is conflicted because she feels good about this Ordinance but she also wants to honor the concerns and feedback they are hearing from the community.

Elizabeth Kosa, Public Works Department Director, answered whether Public Works would have any issues if Council were to keep this open for another month. She stated it affects how much time they have to work on doing a fare increase, which they have to do.

Kershner stated she is interested in knowing what the Council-appointed Lummi Island Ferry Advisory Committee (LIFAC) recommends. It sounds like there is no LIFAC recommendation at this time, but she asked that the advisory committee vote at their next meeting on whether or not they recommend the Ordinance. She does not know at this point if using American Rescue Plan Act (ARPA) funds is a reality depending on whether the related Resolution (**AB2023-403**) gets approved. We may have erased the deficit but we have not changed the declining trajectory so we are going to have to raise the rates.

Donovan moved to hold this for a month (to the July 25th meeting). The motion was seconded by Galloway.

Councilmembers discussed when LIFAC meets again and what their discussions have been, having some time to get a good definition and background of what is considered capital and what is considered operational expense, whether the public hearing should be closed or kept open if they hold the Ordinance, hearing from rural residents that do not live on Lummi Island but would have to pay the tax, looking at the current percentage of what rural residents pay for the operation of the ferry, coming back to the 55/45 percent fare box recovery rate split and maybe making changes to that if they pass the Resolution that puts more of the Road Fund into the fare box recovery, and giving clarity in the next LIFAC meeting that ARPA dollars are no longer on the table.

Councilmembers discussed whether the hearing should be left open. Donovan stated he would say to leave it open but he would like it to come back to the Council to discuss some of the issues and then it would probably have to be re-introduced.

Buchanan officially closed the public hearing.

Councilmembers discussed that this item could go back to the Public Works and Health Committee for further discussion.

Kosa stated the new Ordinance change just allows for the use of ARPA funds for the ferry fees portion of the equation but it does not specify how much. That is a totally different decision. She answered whether there was going to be a recommendation from Public Works on what gap still exists after all of this or whether they have moved past that because of the Resolution clearing up the gap, and she stated it depends on the decision made on the Resolution.

Kershner stated the decision to use ARPA money would be a Council decision and they cannot actually use it until the Ordinance is updated. In the meantime, the proposed Resolution has erased the deficit so she does not plan on bringing up the use of ARPA dollars if there is no deficit.

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