



MEMORANDUM

TO: Whatcom County Council

FROM: Satpal Sidhu, Whatcom County Executive

RE: Council Action on Agenda Bill AB2023-258 on July 25

DATE: July 31, 2023

Following Council action on AB2023-258, my office has heard from a large number of Lummi Island constituents. Many are disappointed that the Ordinance amending Chapter 10.34 Ferry Rates was passed by Council without having an opportunity for the Lummi Island Ferry Advisory Committee (LIFAC) to provide a community perspective.

For context, on June 20 Council passed a motion to postpone consideration of the Ordinance until July 25 in order to give LIFAC the opportunity to meet and weigh in. Unfortunately, following multiple resignations, LIFAC was unable to meet and reach a quorum.

Council then passed a motion during the July 11 meeting delaying for three months new appointments to the committee, providing a cooling-off period for reassessment and potentially re-constituting the membership roster of LIFAC. The motion also included a request for a policy discussion in the Public Works and Health Committee of the Council.

This created an expectation among members of the public and the County Administration that a pause would also be extended to consideration of the code amendments, pending a discussion in committee and the reconstitution of LIFAC. However, the vote to approve the Ordinance at the July 25 meeting upended those expectations.

I have consulted with the Council Chair, and I believe that we have identified a path forward that acknowledges the community's concerns and expedites the restoration of community input.

1. **Reconstitute LIFAC.** The Council should commit to reconstituting LIFAC during its first meeting in September. The administration can work with Council staff to provide options regarding membership composition and representation.
2. **Appoint LIFAC members:** Seek applications and appoint new members as per the new LIFAC committee formation adopted by Council.
3. **Solicit LIFAC input on Ordinance.** The first order of business for the newly reconstituted LIFAC should be to provide their recommendations on whether to keep, modify or repeal the code changes enacted through the Ordinance.



4. **Ensure code clarity before setting ferry rates.** The community's concerns about the recently adopted Ordinance are linked to concerns about future ferry rate hikes. There is value in providing the community an assurance that the public process through LIFAC to review code language will be completed prior to consideration of any new ferry rates.

It's important to understand that the Lummi Island community has experienced a roller-coaster ride this year. My hope is that additional public discussion will provide clarity to the community on how capital and operating costs are defined, why exceptions cannot be made for expensive repairs and maintenance, and how the code aims to maintain the 55:45 balance as a fair and equitable sharing of funding responsibility. As individual Councilmembers you may already have clarity on all of this, but I see that the community does not share this clarity.

I received the Ordinance from Council Office on July 27, 2023. I have a full 10 working days to act on it. I will wait until the outcome of our discussions during Committee of the Whole on August 8 before deciding whether to sign the Ordinance or send it back to Council with a veto. My preference however would be to hear from Council a commitment to quickly engage with our designated advisory body and hear their recommendations prior to moving ahead on ferry rate changes.

I would also like to inform Council that the Administration does not foresee any significant impact to the ferry fund if these tasks are completed by the end of this year. I appreciate your patience and thoughtful consideration of this matter.