

PROPOSED BY: Todd Donovan
INTRODUCTION DATE: _____

Original edits from agenda packet
Edits from PWH Committee 9/12
Edits for 9/26
Amended in Committee 9/26

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.

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

4
5 ~~**BE IT FURTHER FINALLY ORDAINED**, all existing members will continue to serve
6 the duration of their existing terms, and~~

7
8 ~~**BE IT FINALLY ORDAINED** by the Whatcom County Council that the County
9 Executive and Public Works Department will coordinate to hire or contract for a facilitator for
10 the Lummi Island Ferry Advisory Committee until _____~~

11
12
13
14 **ADOPTED** this ____ day of _____, 20____.

15
16
17
18 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

19
20
21 _____
Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

22
23
24 WHATCOM COUNTY EXECUTIVE
25 APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

26
27 Karen Frakes by phone 9/21/2023/ch

28
29 Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

Chapter 2.145

~~LUMMI ISLAND~~ WHATCOM COUNTY 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~~ Whatcom County ~~f~~Ferry ~~a~~Advisory ~~e~~Committee. (Ord. 2012-005 Exh. A).

2.145.020 Purpose.

The ~~Lummi Island~~ Whatcom County ~~f~~Ferry ~~a~~Advisory ~~e~~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
- 2.** Review at least annually ferry revenue and expenditures, ferry fund balance, and actual versus targeted fare return; and
- 3.** Assist the county in collecting information from ferry riders on actual and desired ferry services, concerns, and ideas for improved service; and
- 4.** Analyze and develop recommendations to continue and improve the cost-effective operation of ferry service to Lummi Island; and
- 5. Research, r**~~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**

1 c. The Lummi Island Ferry Service Action Plan as approved in County Resolution 2018-026
2 regarding ferry vessel, terminal, and operations replacement, long-term planning, parking,
3 transportation to and from ferry docks, alternative docking locations, alternative funding
4 sources, and other major capital and operational issues regarding ferry service to Lummi Island.

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

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

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

14
15
16 **2.145.040 Membership – Term of office.**

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

- 22 • 5 members who live on the island,
- 23 • 2 members who live in unincorporated Whatcom County,
- 24 • 2 members who live anywhere on the mainland (incorporated or unincorporated)
 - 25 ▪ Priority given to one Lummi Nation representative when possible
- 26 • 1 County Councilmember will be an ad hoc non-voting member

27
28 B. The county council shall appoint the committee members. ~~Priority appointments for one of the four~~
29 ~~off-island positions shall be given to one Lummi Nation representative when possible.~~ Member terms
30 will be three years; provided, that the terms of members first appointed will be staggered so that three
31 of the committee members shall be appointed for two years. Members of the committee shall serve
32 without compensation. (Ord. 2012-005 Exh. A).

33
34 **2.145.050 Organization – Meetings.**

35 A. Meetings of the committee shall be open and accessible to the public and shall be subject to the
36 Open Public Meetings Act. There will be a good faith effort to host meetings both on and off island.

37
38 B. ~~At every meeting, the committee will schedule an open session to take public comment on ferry~~
39 ~~issues at all regular meetings. A public comment session will be schedule at all regular meetings at which~~

1 final action is taken. Public Comment is not required at special meetings. Public comment can be
2 provided orally at a regular meeting or in writing prior to or at a regular meeting

3
4 C. Written records of meetings, resolutions, research, findings and recommendations shall be kept and
5 such records shall be submitted to county council staff and shall be made public, including posting on
6 the county website.

7
8 D. The committee shall adopt its own rules and procedures for the conduct of business except the
9 number of members required for a quorum to meet and take action.

10
11 E. The number of members required for a quorum in order to meet and take action is five voting
12 members, which is a majority of all positions regardless of whether or not any positions are vacant.

13
14 F. The committee shall elect a chairperson from among its members who shall preside at its meetings.

15
16 FG. The committee shall annually, at the first meeting in January, review the most current County
17 Council and County Executive Expectations for Boards and Commissions. The most current version will
18 be posted on the committee website.

19
20 H. The committee shall determine its meeting schedule and agenda, but shall meet at least quarterly.

21
22 G. The committee may form and appoint ad hoc committees to work on specific issues, so long as at
23 least two committee members are also members of each ad hoc committee.

24
25 HJ. The committee shall comply with Chapter 2.03 WCC, Boards and Commissions. (Ord. 2012-005 Exh.
26 A).

27
28 **2.145.055 Membership – Rules of Procedure and Conduct.**

29
30 A. All members shall be trained on and comply with the Open Public Meetings Act, and training shall be
31 done and updated per the State Open Government Training Act and RCW 42.30.205. 25

32
33 B. All members shall comply with the most current version of the County Council and County Executive
34 Expectations for Boards and Commissions.

35
36 **2.145.060 Committee staffing.**

37 The committee is encouraged to operate and hold its meetings as independent of county staffing and
38 resources as possible including but not limited to developing its own agendas and minutes.
39

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

4
5 A. entering into agreements for and paying the cost of meeting rental venues

6
7 B. ensuring meeting agendas and minutes and other required meeting information are posted to the
8 County website per OPMA and County Code requirements

9
10 C. responding to public records requests and maintaining committee's records

11
12 Additional Staffing and other resources for the committee shall be requested through the county
13 executive's office.

14
15 All staff time and county resources expended in support of the committee, including meeting venue
16 rental fees and costs for providing remote meeting access, will be considered ferry operation expenses.
17 The committee is authorized to request from the executive's office information from administrative
18 departments as necessary. (Ord. 2012-005 Exh. A).