

PROPOSED BY: Public Works
INTRODUCTION DATE: 11/06/19

ORDINANCE NO. _____

AMENDMENT NO. 2 TO ORDINANCE NO. 2011-049 ESTABLISHING THE LUMMI NATION FERRY LEASE FUND

WHEREAS, the Lummi Nation Ferry Lease Fund was established through Ordinance 2011-049 and, in accordance with the terms of Uplands Lease Agreement for Lummi Island Ferry Service, was funded with a \$2,000,000 transfer from the Road Fund in November 2011 and another \$2,000,000 in December 2017, and

WHEREAS, the Lummi Nation, in accordance with the Lease Agreement, provided Public Works with a list of eligible projects which would be reimbursed at the rate of one dollar of County funds to one dollar of non-County funds, and

WHEREAS, amendment no. 1 established the project budget and added \$2,000,000 of expenditure authority in 2016, and

WHEREAS, the Lummi Nation has provided documentation to draw approximately \$1.7 million to date, and

WHEREAS, expenditure authority for the second \$2,000,000 is needed to accomplish payment of future reimbursements, and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Ordinance No. 2011-049 is hereby amended to add \$2,000,000 of expenditure authority, as described in Exhibit A, to the current project budget of \$2,000,000, for a total amended project budget of \$4,000,000.

ADOPTED this ____ day of _____, 2019.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Rud Browne, Chair of the Council

APPROVED AS TO FORM:

() Approved () Denied



Civil Deputy Prosecutor

Jack Louws, County Executive
Date: _____

Lummi Nation Ferry Lease Fund - EXHIBIT A

Account	Descriptions	Current Project Budget	Amendment #2 to Ord. 2011- 049	Total Amended Project Budget
	Expenditures			
	7220 Intergovernmental Subsidies	\$2,000,000		\$2,000,000
	7380 Other Improvements	\$0	\$2,000,000	\$2,000,000
		<u>\$2,000,000</u>	<u>\$2,000,000</u>	<u>\$4,000,000</u>
	Revenues			
	8301.108 Operating Transfer In	\$4,000,000	\$0	\$4,000,000
		<u>\$4,000,000</u>	<u>\$0</u>	<u>\$4,000,000</u>

Supplemental Budget Request

Public Works

Administration

Suppl ID # 2947 Fund 338 Cost Center 338100 Originator: Randy Rydel

Year 1 2019

Add'l FTE

Priority 1

Name of Request: Amend #2 Funding Supp. Lummi Nation Lease Fund

X

Department Head Signature (Required on Hard Copy Submission)

9/27/19
Date

Costs:	Object	Object Description	Amount Requested
	7380	Other Improvements	\$2,000,000
	Request Total		\$2,000,000

1a. Description of request:

On October 27th 2011 Whatcom county entered into a Uplands Lease Agreement (#201111024) with the Lummi Nation. Part of the consideration for this lease is outlined in Section 3b of the lease which dedicated \$2 million of funds the first year and \$2 million in year five to be used according to Exhibit C of the lease. Public Works has determined that recently proposed projects from the Lummi Nation satisfy the conditions of eligibility outlined in Exhibit C.

When the 2nd payment of \$2 million was added to the fund, expenditure authority to spend it was not sought. To date the Lummi Nation has requested approximately \$1.7 million. It is expected that they will continue to move forward with funding requests for approved projects. In anticipation of these requests, we request expenditure authority for the additional \$2 million of funds set aside per the terms of this lease.

1b. Primary customers:

Lummi Island residents are the primary beneficiary of the Uplands Lease Agreement as it allows continued sailings of the Whatcom Chief and access to Lummi Island.

2. Problem to be solved:

Whatcom County needed access to a convenient ferry terminal for ferry service to Lummi Island. The terminal resides on Lummi Nation land. To address this problem, Whatcom County entered into a lease agreement for access to the terminal.

3a. Options / Advantages:

This contract was already signed and executed. It is now time to make the first round of payments per the terms of the contract.

3b. Cost savings:

None

4a. Outcomes:

Part of the contract will be fulfilled.

4b. Measures:

Payment will be made to reimburse 50% of each project invoice up to an aggregate of \$4 million. Invoices will be submitted to Whatcom County Public Works for review before reimbursements will be made.

5a. Other Departments/Agencies:

No

5b. Name the person in charge of implementation and what they are responsible for:

6. Funding Source: