

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2014-426B

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Rob Ney <i>[Signature]</i>	7/8/15	RECEIVED JUL 14 2015 WHATCOM COUNTY COUNCIL	7/21/15	Introduction
Division Head:	Rob Ney <i>[Signature]</i>	7/8/15		8/4/15	Hearing
Dept. Head:	Jon Hutchings <i>[Signature]</i>	7/8/15			
Prosecutor:	Dan Gibson <i>[Signature]</i>	07/10/15			
Purchasing/Budget:	<i>[Signature]</i>	7/10/16			
Executive:	Jack Lewis <i>[Signature]</i>	7/13/15			

TITLE OF DOCUMENT:

Ordinance, Whatcom County Code Chapter 10.34 Ferry Rates, and 2015 Unified Fee Schedule

ATTACHMENTS:

Memorandum with attachments, Agenda Bill from 6/23/15 PW Committee, Ordinance, Exhibit A, Exhibit B

SEPA review required? () Yes () NO
 SEPA review completed? () Yes () NO

Should Clerk schedule a hearing? (X) Yes () NO
 Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance amends Whatcom County Code 10.34 paragraphs A, B, C, D, J, K, L, and M. Paragraphs A and B are housekeeping changes that address “trailer” and “self-propelled heavy machinery” definitions and how fares are calculated for these categories. Paragraph K and L are being updated as the changes have already been made effective. Paragraph J has been updated to change the wording that addresses Lummi Nation passage on the Whatcom County Ferry so that the wording now mirrors the language in the Tidelands Lease Agreement dated 10/24/11.

This ordinance also amends ferry user fees. Paragraph M discusses how multi-ride punch cards purchased prior to the rate change will be handled.

The proposed Unified Fee Schedule removes the \$3.00 surcharge (UFS # 2823) and adjusts the ferry fare line items according.

All of these changes will be effective within sixty (60) calendar days from the adopted date of this ordinance.

COMMITTEE ACTION:

COUNCIL ACTION:

7/21/2015: Introduced 6-0, Mann absent
 8/4/2015: Adopted 6-0, Mann absent, Ord. 2015-034

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Ord. 2015-034

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.

PROPOSED BY: Public Works
SPONSORED BY: BY: Public Works
INTRODUCTION DATE: 7/21/2015

ORDINANCE NO. 2015-034
AMENDING WHATCOM COUNTY CODE CHAPTER 10.34, FERRY RATES, AND THE
WHATCOM COUNTY UNIFIED FEE SCHEDULE

WHEREAS, In December 2014, LIFAC (Lummi Island Ferry Advisory Committee) requested the County review ferry fares and presented a fare proposal which the County countered with an alternative proposal that ensured the viability of the ferry fund; and

WHEREAS, LIFAC unanimously approved the counter proposal; and

WHEREAS, The County Council's Public Work Committee recommended forwarding the County's proposal for consideration; and

WHEREAS, Chapter 10.34 of the Whatcom County Code addresses administration of the ferry rates and an interpretation of the rate schedule, included in the Whatcom County Unified Fee Schedule; and

WHEREAS, Chapter 10.34 has been updated to address some housekeeping issues such as "trailer", "self-propelled heavy machinery" definitions and how fares are calculated for these categories; and

WHEREAS, Chapter 10.34 has been updated to change the wording to paragraph J that addresses Lummi Nation passage on the Whatcom County Ferry so that the wording now mirrors the language in the Tidelands Lease Agreement dated October 27, 2011; and

WHEREAS, it is necessary to amend the rates charged to users of the ferry; and

WHEREAS, in order for the user fees to be amended as requested on Exhibit "B", it is necessary to amend Chapter 10.34 of the Whatcom County as shown on Exhibit A to this ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 10.34 is hereby amended as indicated in Exhibit "A" to this ordinance.

BE IT FURTHER ORDAINED that the Whatcom County Unified Fee Schedule is hereby amended as set forth in the attached Exhibit "B".


1 **BE IT FINALLY ORDAINED** that the amended fares set forth in Exhibit "B" shall be
2 effective within sixty (60) calendar days from the adopted date of this ordinance.
3

4
5 **ADOPTED** this 4th day of August, 2015.
6



Dana Brown-Davis, Clerk of the Council

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**


Carl Weimer, Council Chair

APPROVED AS TO FORM:



Chief Civil Deputy Prosecutor

**WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON**


Jack Louws, County Executive

Approved () Denied

Date Signed: 8.5.15

EXHIBIT A

Chapter 10.34 FERRY RATES

Sections:

- 10.34.005 Definitions.
- 10.34.010 Effective date for ferry user fees.
- 10.34.020 Interpretation of rate schedule.
- 10.34.030 Use of ferry user fee revenues.

10.34.005 Definitions.

A. "Ferry system" means all physical elements of the Lummi Island ferry operations, including both the Gooseberry Point and Lummi Island vehicle and pedestrian staging areas, vehicle parking areas, and ferry docks, and any and all boats utilized for transport purposes.

B. "Operating cost" means all actual daily running expenses and all actual regular and routine maintenance and administrative expenses associated with the use and operation of all physical elements of the ferry system.

C. "Capital cost" means all capital expenditures, including financing and depreciation expenses applied to the replacement, expansion, or creation of ferry system physical elements.

D. "Fare box recovery rate" means the calculated percentage of total revenue generated through ferry user fees in comparison to total actual operating costs for the same period of time minus any revenue from the motor vehicle fuel tax meant for ferry operations, or from interest.

E. "Ferry user fees" means the rates and charges required of and collected from any and all users of the ferry system, as established and periodically amended in the Unified Fee Schedule.

F. "Rate schedule" means the combination of ferry user fees and operational policies affecting the use of the ferry system. (Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A).

10.34.010 Effective date for ferry user fees.

Ferry user fees are set forth in the Whatcom County Unified Fee Schedule and become effective as set forth in the ordinance adopting or amending such schedule. (Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064; Ord. 93-080 Exh. Q).

10.34.020 Interpretation of rate schedule.

The following provisions should be observed in application of the ferry rate schedule:

A. Buses, mobile homes, motor homes, fifth wheels in bed of pickup, and trailers including goosenecks are charged by total length. Length includes tongue, hitch, and projections to the rear.

B. Tow vehicles with trailers shall be charged a combined rate based on total length of the trailer, as defined in paragraph A. above, and weight of the tow vehicle based on the gross vehicle weight of the designation of the vehicle. Heavy machinery that is self-propelled onto the ferry shall be charged at the corresponding vehicle weight.

C.. Special trips are a surcharge in addition to the applicable fare.

D.. A weekly run limited to fuel trucks, charged at the regular rate, shall be scheduled by the public works department and published appropriately.

E. All trucks shall be charged regular round-trip rates based on gross vehicle weight.

F. Over-width vehicles or trailers occupying more than one lane shall be charged a 50 percent surcharge. In addition, vehicles towing over-width trailers shall also be charged a 50 percent surcharge.

G. Student multi-ride cards shall be sold to full-time post-high school students only. Proof of post-high school enrollment shall be required at time of purchase. No special student discount is available for drivers of vehicles.

H. Children 12 to under 19 years of age will receive free passenger and pedestrian passage all year round. No special child discount is available for drivers of vehicles.

I. County employees on official county business shall be exempt from fares. All county employee trips exempt from fares will be tracked, and \$10.00 per trip will be credited toward the fare box recovery rate each year.

J. During the term of the Tidelands Lease Agreement dated 10/24/11, Lessee (Whatcom County) shall grant free foot and non-commercial passenger vehicle passage upon and across the ferry operated by Lessee between Gooseberry Point and Lummi Island to those persons going to Lummi Island for legitimate tribal business who are either enrolled members of the Lummi Nation or employees thereof, and who also present appropriate identification issued by the Nation, including Lummi Indian Business Council Identification cards or current fishing cards/licenses as issued by the Lummi Nation.

K. A special needs-based discount is provided for Lummi Island residents who meet the very low income levels set annually by the Department of Housing and Urban Development (HUD). The current year's levels will be posted on the Whatcom County public works ferry web page. The reviewing authority will screen all applicants to determine eligibility. The number of needs-based applications processed annually, regardless of approval, will depend on the constraints of the ferry operations budget for each year. These special needs-based tickets will only be sold at the Whatcom County public works administration building in Bellingham and will require a valid voucher issued from the reviewing authority

and valid ID. Eligibility will be reviewed at least annually by the reviewing authority. Forms and procedures will be developed by the Whatcom County public works and the reviewing authority

L. Eligibility for a special "senior/disabled" discount is available to all Lummi Island residents who currently hold property tax exemptions or deferral as defined under RCW 84.36.381 and 84.38.030 and WAC 458-16-020 and 458-18-020, and as these may be hereafter amended. These special needs-based tickets will only be sold at the Whatcom County public works administration building in Bellingham and will require valid ID..

M. Multi-ride cards purchased prior to the most current fare change shall be valid until six (6) months after the effective date of this ordinance. Multi-ride cards purchased at the previous rate rather higher or lower than the new rate will be accepted for use as one punch equals one round trip. No credit or refund will be allowed or issued. These rate changes will take place within sixty (60) calendar days of the adopted date of this ordinance.

N. All children under the age of 12 years when traveling on the Whatcom County ferry must be accompanied by an adult. An exception to this policy will be made only if the adult parent or guardian signs a waiver exempting Whatcom County from all liabilities for any and all injuries, loss of life, etc., while the child is traveling on the ferry. (Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064; Ord. 93-080 Exh. Q).

10.34.030 Use of ferry user fee revenues.

Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied and evaluated continuously from that time forward. An annual review of ferry system services, actual and projected operating costs, and actual and projected revenue from ferry user fees shall occur in order to verify the 55 percent fare box recovery rate is being achieved.

In any given year the actual fare box recovery rate exceeds 55 percent, the excess revenue shall be retained in the ferry system fund and applied only to future operating costs.

In any given year the actual fare box recovery rate is below 55 percent, the difference shall be recovered in a future ferry user fee increase unless there is adequate excess ferry user fee revenue remaining in the ferry system fund collected during prior years.

Beginning January 1, 2007, any interest income or income from state motor vehicle fuel tax for ferry operation will be deducted from the actual operating costs before the actual 55 percent fare box recovery rate is calculated. (Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064).

¹Prior legislation: Ord. 89-103.

Exhibit B – 2015 Unified Fee Schedule

Department Fees and Charges

Public Works - Ferry & Docks

UFS#	Description	2014 Rate	Rate Basis	Change or New	2015 Rate	Rate Basis	Authorization
2793	Passenger/Pedestrian	\$4.00	1 Round Trip	Change	\$ 7.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2794	Passenger/Pedestrian - Multiride	\$40.00	25 Round Trips	No Change	\$ 88.00	25 Round Trips WCC 10.34	Ordinance 2013-042
2795	Children under 12 W/Parent	\$0.00	1 Round Trip	No Change	\$0.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2796	Children 12 to under 19	\$0.00	1 Round Trip	Change	\$0.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2787				Delete			
2797	Needs Based Passenger/Pedestrian	\$0.00	10 Round Trips	New	\$28.00	10 Round Trips WCC 10.34	
2798	Post-High School Full-time Students	\$23.00	25 Round Trips	Change	\$ 70.00	25 Round Trips WCC 10.34	Ordinance 2013-042
2799	Lummi Tribe W/I.D.	\$0.00	Foot Passenger Only	No Change	\$0.00	Foot Passenger Only WCC 10.34	Ordinance 2013-042
2800	Bicycle W/Rider	\$4.00	1 Round Trip	Change	\$ 7.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2802	Motorcycle W/Rider	\$5.00	1 Round Trip	Change	\$ 8.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2803	Motorcycle W/Rider	\$80.00	25 Round Trips	Change	\$ 140.00	25 Round Trips WCC 10.34	Ordinance 2013-042
2806	Vehicle W/Driver < 8,001lbs	\$10.00	1 Round Trip	Change	\$ 13.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2807	Vehicle W/Driver < 8,001lbs - Multiride	\$72.00	10 Round Trips	Change	\$ 102.00	10 Round Trips WCC 10.34	Ordinance 2013-042
2808	Vehicle W/Driver < 8,001lbs Multiride	\$160.00	25 Round Trips	Change	\$ 210.00	25 Round Trips WCC 10.34	Ordinance 2013-042
2809	Needs Based Vehicle W/Driver (Senior/Disabled/Income)	\$36.00	10 Round Trips	Change	\$ 52.00	10 Round Trips WCC 10.34	Ordinance 2013-042
2810	Vehicle W/Driver 8,001 - 20,000lbs	\$29.00	1 Round Trip	Change	\$ 32.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2812	Vehicle W/Driver 8,001 - 20,000lbs	\$207.00	10 Round Trips	Change	\$ 272.00	10 Round Trips WCC 10.34	Ordinance 2013-042
2813	Vehicle W/Driver 20,001 - 36,000lbs	\$65.00	1 Round Trip	Change	\$ 75.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2814	Vehicle W/Driver 20,001 - 36,000lbs	\$494.00	10 Round Trips	Change	\$ 638.00	10 Round Trips WCC 10.34	Ordinance 2013-042
2815	Vehicle W/Driver 36,001 - 50,000lbs	\$130.00	1 Round Trip	Change	\$145.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2816	Vehicle W/Driver 36,001 - 50,000lbs	\$1,040.00	10 Round Trips	Change	\$ 1233.00	10 Round Trips WCC 10.34	Ordinance 2013-042
2817	Trailer under 16 feet	\$15.00	1 Round Trip	Change	\$ 20.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2818	Trailer 16 - 30 feet	\$31.00	1 Round Trip	Change	\$ 38.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2820	Trailer over 30 feet	\$80.00	1 Round Trip	Change	\$ 70.00	1 Round Trip WCC 10.34	Ordinance 2013-042
2821	Over width Vehicle/Trailers > 1 lane - 50% Surcharge		Surcharge	No Change		Surcharge WCC 10.34	Ordinance 2013-042
2822	Special Trips after regularly scheduled runs	\$575.00	Per trip surcharge	Change	\$ 600.00	Per trip surcharge WCC 10.34	Ordinance 2013-042
				Delete			
8506	Fare waiver for escort for elementary school/children		New	New	\$0.00	One escort 2X daily on school days	Ordinance 2013-042
8507	Fare waiver for personal attendant for qualified ADA clients		New	New	\$0.00	One attendant per ADA client	Ordinance 2013-042

* Subject to adjustment according to federal law