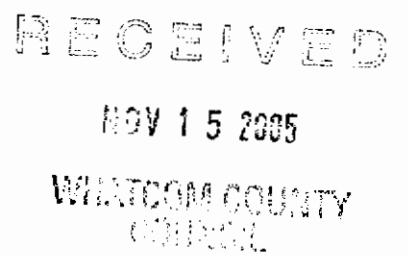


**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2005-443

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Ken Richardson	KJR	10-28-05		11/22/05	Public Works / Introduction
Division Head:				12/06/05	Public Hearing
Dept. Head: Jeffrey M. Monsen, P.E.	JMM	11-07-05			
Prosecutor: Daniel L. Gibson	DLG	11/07/05			
Purchasing/Budget:	PJD				
Executive:	PK	11-15-05			

**TITLE OF DOCUMENT:** Ordinance amending WCC 10.34, Ferry Rates, adding definitions related to the Ferry System

**ATTACHMENTS:**

**Cover Memo  
Ordinance, including Exhibit A**

SEPA review required? ( ) Yes ( X ) NO      Should Clerk schedule a hearing? ( X ) Yes ( ) NO  
 SEPA review completed? ( ) Yes ( ) NO      Requested Date: December 6, 2005

The attached Ordinance amends Whatcom County Code 10.34, intending to establish the relationship between management of the ferry system and the revenues generated through ferry user fees. This includes creating definitions for ferry system, operating cost, capital cost, fare box recovery rate, ferry user fees, and rate schedule. The proposed amendment also revises how the 55% fare box recovery rate will be applied in the future.

**COMMITTEE ACTION:**

11/22/05: Recommended approval to full Council

**COUNCIL ACTION:**

11/22/2005: Introduced  
 12/6/2005: Amended and adopted 7-0  
 Ordinance 2005-090

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution**

**Number:** Ord. 2005-090

**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](http://www.co.whatcom.wa.us/council).

INTRODUCED BY: Consent  
PROPOSED BY: Public Works  
DATE: 11/22/05

**ORDINANCE NO. 2005-090**  
**AMENDING WCC 10.34, FERRY RATES**  
**ADDING DEFINITIONS RELATED TO THE FERRY SYSTEM**

**WHEREAS**, a long-range planning and system improvement program is currently underway addressing the County Ferry System; and,

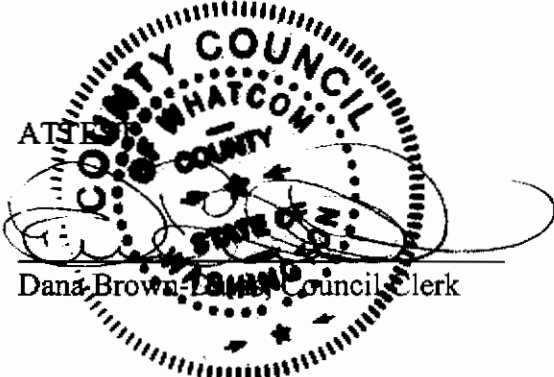
**WHEREAS**, as a part of the planning and system improvement program a new Ferry System Fund has been established dedicated to accounting for all financial aspects of the County Ferry System; and,

**WHEREAS**, Whatcom County Code 10.34 (Ferry Rates) is in need of amendment in order to establish the relationship between management of the Ferry System Fund and the revenues generated through collection of ferry user fees.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code 10.34, Ferry Rates, shall be amended as described in Exhibit A, attached hereto.

**BE IT FURTHER ORDAINED** that the affective date of this amendment shall be January 1, 2006.

ADOPTED this 6th day of December, 2005.



Dana Brown, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Laurie Caskey-Schreiber, Council Chair

APPROVED as to form:

Approved  Denied

Daniel Gibson  
Civil Deputy Prosecuting Attorney

Pete Kremen, County Executive

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 excess fare ferry user fee revenues.

10.34.005 Definitions

A. Ferry System – 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 – All actual daily running expenses and all actual regular and routine maintenance and administrative expenses associated with use and operation of all physical elements of the Ferry System.

C. Capital Cost - 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 – The calculated percentage of total revenue generated through Ferry User Fees in comparison to total actual Operating Costs for the same period of time.

E. Ferry User Fees – 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 - The combination of Ferry User Fees and operational policies affecting the use of the Ferry System.

10.34.010 Effective date for ferry user fees.

Ferry user fees rates 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. 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. Trailers shall include, but not be limited to, ball hitches, military hitches, fifth wheel in bed of pick-up, dump trailers, recreation trailers and mobile homes.

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

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

D. Trucks and tow vehicles with trailers shall be charged a rate based on length and weight. Heavy machinery and motor homes shall be charged at the corresponding vehicle rate.

E. All trucks shall be charged regular round trip rates based on legal license capacity.

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 multiride cards shall be sold to full-time students only. Proof of age and enrollment shall be required at time of purchase. No special student discount is available for drivers of vehicles.

H. A special rate may be applied to children under 12 and children 12 to 18 years of age. No special child discount is available for drivers of vehicles.

I. County employees on official county business shall be exempt from fares.

J. Enrolled members of the Lummi Indian Tribe who are issued appropriate identification cards by the tribe, or current fishing cards, licenses, or Lummi Indian Business Council ID cards and who have legitimate tribal business upon Lummi Island, as indicated by the Lummi Indian Tribe, shall have free foot passage upon and across the ferry operated by Whatcom County between Gooseberry Point and Lummi Island.

~~K. It is the intent of this ferry rate schedule to recover 55 percent of the cost of the ferry operation, exclusive of dock maintenance and operation. Annually the council shall review this rate schedule in order to determine whether additional rate adjustments are necessary to carry out this intent. All revenues collected in excess of 55 percent will be managed as described in WCC 10.34.030.~~

K. (intentionally left blank)

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. Eligibility for a special "senior/disabled" discount is also available to all Lummi Island residents that also qualify for medical assistance within the Medicaid Program.

M. Multiride cards shall be valid until rates change. Credit for multiride cards purchased after October 1st may be received at the courthouse towards cards for the following year until January 31st of that year.

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. 2002-012; Ord. 2001-064; Ord. 93-080 Exh. Q).

#### 10.34.030 Use of ~~excess fare~~ ferry user fee revenues.

~~All revenues collected in excess of 55 percent of the cost of ferry operation, exclusive of dock maintenance and operation, shall be deposited into the county road fund. The annual council review of the ferry rate schedule shall include an accounting of the excess moneys collected above the 55 percent. Set aside excess revenues are intended for, and shall only be utilized for, capital improvements to the ferry, docks, or other appurtenant ferry-related facilities. Set aside excess revenues are not to be utilized to offset any 55 percent recovery rate revenue shortfall for any given year. (Ord. 2002-012; Ord. 2001-064).~~

Beginning January 1, 2006, a 55% 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% Fare Box Recovery Rate is being achieved.

In any given year the actual Fare Box Recovery Rate exceeds 55%, 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%, 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.