

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2006-260

<i>CLEARANCES</i>	<i>Initial</i>	<i>Date</i>	<i>Date Received in Council Office</i>	<i>Agenda Date</i>	<i>Assigned to:</i>
Originator:	kjr R	09-06-06	<b>RECEIVED</b>  <b>SEP 06 2006</b>  <b>WHATCOM COUNTY COUNCIL</b>	September 12, 2006	Introduction
Division Head:	kjr R	09-06-06		September 26, 2006	Public Hearing
Dept. Head:	jmm <i>mc</i>	09-06-06		10/10/2006	Public Hearing
Prosecutor:	KNE	9/6/06		10/24/2006	Public Works
Purchasing/Budget:				11/21/2006	Council
Executive:				12/05/2006 1/16/07	Introduction Public Hearing

**TITLE OF DOCUMENT:**

An ordinance amending Whatcom County Code 10.34 Ferry Rates, and the Unified Fee Schedule for user fees for the Lummi Island Ferry. (Substitute Agenda Bill for 2006-260)

**ATTACHMENTS:**

Memorandum, proposed Ordinance, Exhibit "A" Proposed changes to WCC 10.34, and Exhibit "B" Proposed changes to the 2007 Unified Fee Schedule.

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

Should Clerk schedule a hearing? ( X ) Yes ( ) NO  
 Requested Date: September 26, 2006

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Intended to replace Agenda Bill 2006-260. An ordinance is proposed to change the provisions of Whatcom County Code 10.34 Ferry Rates and the 2007 Unified Fee Schedule as it pertains to the user fees charged for the Lummi Island Ferry.

**COMMITTEE ACTION:**

10/24/06: Discussion held

**COUNCIL ACTION:**

9/12/06: Introduced  
 10/10/06: Rescheduled to 10/24/2006  
 Public Works  
 11/21/06: Revised ordinance - will be introduced at a later date  
 12/05/06: Introduction  
 1/16/07: Council Adopted 6-1, Crawford opposed Ord. 2007-001

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Ord. 2007-001

**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).

SPONSORED BY: Council

PROPOSED BY: Weimer & Brenner

INTRODUCTION DATE: December 5, 2006

ORDINANCE NO. 2007-001

AMENDING WHATCOM COUNTY CODE  
CHAPTER 10.34, FERRY RATES, AND THE  
WHATCOM COUNTY UNIFIED FEE SCHEDULE

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

WHEREAS, ferry rates are set forth in the Unified Fee Schedule; and

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

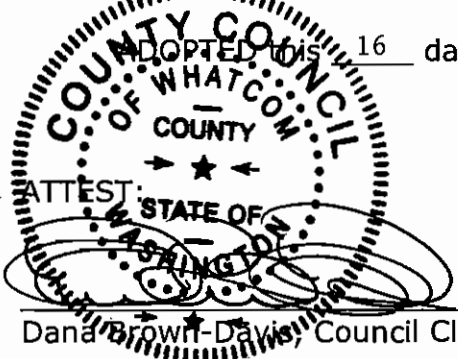
WHEREAS, in order for the user fees to be amended as requested on Exhibit B, it is necessary to amend Chapter 10.34 of the Whatcom County Code as shown on Exhibit A.

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".

BE IT FINALLY ORDAINED that the amended fares set forth in Exhibit "B" shall be effective March 1, 2007.

ADOPTED this 16 day of January, 2007.



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Approved  Denied

Civil Deputy Prosecutor

Pete Kremen, County Executive

Date: 1/17/07

1  
2 **EXHIBIT A**

3 **Chapter 10.34**  
4 **FERRY RATES<sup>1</sup>**

5 **Sections:**

6 **10.34.005 Definitions.**

7 **10.34.010 Effective date for ferry user fees.**

8 **10.34.020 Interpretation of rate schedule.**

9 **10.34.030 Use of ferry user fee revenues.**

10  
11 **10.34.005 Definitions.**

- 12 A. "Ferry system" means all physical elements of the Lummi Island  
13 ferry operations, including both the Gooseberry Point and Lummi  
14 Island vehicle and pedestrian staging areas, vehicle parking areas,  
15 and ferry docks, and any and all boats utilized for transport  
16 purposes.  
17  
18 B. "Operating cost" means all actual daily running expenses and all  
19 actual regular and routine maintenance and administrative  
20 expenses associated with the use and operation of all physical  
21 elements of the ferry system.  
22  
23 C. "Capital cost" means all capital expenditures, including financing  
24 and depreciation expenses applied to the replacement, expansion,  
25 or creation of ferry system physical elements.  
26  
27 D. "Fare box recovery rate" means the calculated percentage of total  
28 revenue generated through ferry user fees in comparison to total  
29 actual operating costs for the same period of time.  
30  
31 E. "Ferry user fees" means the rates and charges required of and  
32 collected from any and all users of the ferry system, as established  
33 and periodically amended in the unified fee schedule.  
34  
35 F. "Rate schedule" means the combination of ferry user fees and  
36 operational policies affecting the use of the ferry system. (Ord.  
37 2005-090 Exh. A).

38 **10.34.010 Effective date for ferry user fees.**

39 Ferry user fees are set forth in the Whatcom County unified fee  
40 schedule and become effective as set forth in the ordinance adopting or  
41 amending such schedule. (Ord. 2005-090 Exh. A; Ord. 2002-012; Ord.  
42 2001-064; Ord. 93-080 Exh. Q).

43 **10.34.020 Interpretation of rate schedule.**

44 The following provisions should be observed in application of the ferry  
45 rate schedule:  
46

- 1 A. Trailers shall include, but not be limited to, ball hitches, military  
2 hitches, fifth wheel in bed of pickup, dump trailers, recreation  
3 trailers and mobile homes.  
4 B. Special trips are a surcharge in addition to the applicable fare.  
5  
6 C. A weekly run limited to fuel trucks, charged at the regular rate,  
7 shall be scheduled by the public works department and published  
8 appropriately.  
9  
10 D. Trucks and tow vehicles with trailers shall be charged a rate based  
11 on length and weight. Heavy machinery and motor homes shall be  
12 charged at the corresponding vehicle rate.  
13  
14 E. All trucks shall be charged regular round-trip rates based on legal  
15 license capacity.  
16  
17 F. Over-width vehicles or trailers occupying more than one lane shall  
18 be charged a 50 percent surcharge. In addition, vehicles towing  
19 over-width trailers shall also be charged a 50 percent surcharge.  
20  
21 G. Student multiride cards shall be sold to full-time students only.  
22 Proof of age and enrollment shall be required at time of purchase.  
23 No special student discount is available for drivers of vehicles.  
24  
25 H. A special rate may be applied to children under 12 and children 12  
26 to 18 years of age. No special child discount is available for drivers  
27 of vehicles.  
28  
29 I. County employees on official county business shall be exempt from  
30 fares.  
31  
32 J. Enrolled members of the Lummi Indian Tribe who are issued  
33 appropriate identification cards by the tribe, or current fishing  
34 cards, licenses, or Lummi Indian Business Council ID cards and  
35 who have legitimate tribal business upon Lummi Island, as  
36 indicated by the Lummi Indian Tribe, shall have free foot passage  
37 upon and across the ferry operated by Whatcom County between  
38 Gooseberry Point and Lummi Island.

39  
40 *(Intentionally left blank.) K. A special needs based discount is provided*  
41 *for Lummi Island residents who meet the income levels listed*  
42 *below. These special tickets will only be sold at the Whatcom*  
43 *County Treasurer's Office in Bellingham and will require proof of*  
44 *income and family size. Eligibility will be reviewed at least*  
45 *annually. Forms and procedures will be developed by the Whatcom*  
46 *County Treasurer's Office*

- 47
- 48 • *Family of 4 or more with less than \$40,000 total annual income*
- 49 • *Family of 3 with less than \$30,000 total annual income*
- 50 • *Family of 2 with less than \$20,000 total annual income*
- 51 • *Individual with less than \$10,000 total annual income*
- 52

1 L. Eligibility for a special "senior/disabled" discount is available to all  
2 Lummi Island residents who currently hold property tax exemptions  
3 or deferral as defined under RCW 84.36.381 and 84.38.030 and  
4 WAC 458-16-020 and 458-18-020, and as these may be hereafter  
5 amended. Eligibility for a special "senior/disabled" discount is also  
6 available to all Lummi Island residents that also qualify for medical  
7 assistance within the Medicaid Program.

8 M. Multiride cards shall be valid until *six (6 months after* rates change.  
9 *No credit or refund will be allowed.* ~~for multiride cards purchased~~  
10 ~~after October 1st may be received at the courthouse towards cards~~  
11 ~~for the following year until January 31st of that year.~~

12  
13 N. All children under the age of 12 years when traveling on the  
14 Whatcom County ferry must be accompanied by an adult. An  
15 exception to this policy will be made only if the adult parent or  
16 guardian signs a waiver exempting Whatcom County from all  
17 liabilities for any and all injuries, loss of life, etc., while the child is  
18 traveling on the ferry. (Ord. 2005-090 Exh. A; Ord. 2002-012;  
19 Ord. 2001-064; Ord. 93-080 Exh. Q).  
20

21 **10.34.030 Use of ferry user fee revenues.**

22 Beginning January 1, 2006, a 55 percent fare box recovery rate shall be  
23 applied and evaluated continuously from that time forward. An annual  
24 review of ferry system services, actual and projected operating costs, and  
25 actual and projected revenue from ferry user fees shall occur in order to  
26 verify the 55 percent fare box recovery rate is being achieved.  
27

28 In any given year the actual fare box recovery rate exceeds 55 percent,  
29 the excess revenue shall be retained in the ferry system fund and applied  
30 only to future operating costs.  
31

32 In any given year the actual fare box recovery rate is below 55 percent,  
33 the difference shall be recovered in a future ferry user fee increase unless  
34 there is adequate excess ferry user fee revenue remaining in the ferry  
35 system fund collected during prior years. (Ord. 2005-090 Exh. A; Ord.  
36 2002-012; Ord. 2001-064).  
37

38 **Footnotes**

39 <sup>1</sup>Prior legislation: Ord. 89-103.  
40  
41

## Exhibit B – 2007 Unified Fee Schedule Amendment Department Fees and Charges

### Public Works - Ferry & Docks

UFS#	Description	2002 Rate	2007 Rate	Rate Basis	Authorization	Authority
<b><u>Pedestrians</u></b>						
1. 5043	Passenger/Pedestrian – Cash	\$ 1.00	\$ 2.00	1 Round Trip	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
2. 5044	Passenger/Pedestrian – Multiride	\$ 23.00	\$ 25.00	25 Rnd Trips	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
3. 5045	Passenger/Pedestrian Multi-ride	\$ 9.00	\$ 15.00	10 Rnd Trips	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
4. 5046	Children under 12 W/ Parent	\$ 0.00	\$ 0.00	1 Round Trip	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
5. 5047	Resident School children 12-18 yrs – Sept 1 thru June 30	\$ 0.00	\$ 0.00	1 Round Trip	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
6. 5048	Resident School children 12-18 years – July 1 thru August 31 – Multiride	\$ 15.00	\$ 20.00	25 Rnd Trips	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
<del>7. 5049</del>	<del>Senior/Disabled Passenger/Pedestrian</del>	<del>\$ 15.00</del>	<del>\$ 25.00</del>	<del>25 Rnd Trips</del>	<del>WCC 10.34</del>	<del>Ordinance 2002-013 <input type="checkbox"/></del>
<b>7. 5049</b>	<b>Needs Based Passenger/Pedestrian (Senior/Disabled/Income)</b>		<b>\$15.00</b>	<b>25 Rnd Trips</b>	<b>WCC.10.34</b>	
8. 5050	Post-High School Full-time Students	\$ 15.00	\$ 20.00	25 Round Trips	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
9. 5051	Lummi Tribe W/ I.D.	\$ 0.00	\$ 0.00	Foot Passage Only	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
<b><u>Passenger Vehicles</u></b>						
<del>10. 5052</del>	<del>Quarterly Passes</del>	<del>\$ 220.00</del>	<del>Option Eliminated</del>		<del>WCC 10.36 Repealed</del>	<del>Ordinance 2002-013 <input type="checkbox"/></del>
10. 5052	Bicycle W/Driver	\$ 1.00	\$ 2.00	1 Round Trip	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
11. 5053	Motorcycle W/Driver	\$ 3.00	\$ 3.00	1 Round Trip	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
<del>13. 5055</del>	<del>Motorcycle W/Driver – Multiride</del>	<del>\$ 69.00</del>	<del>Option Eliminated</del>	<del>25 Rnd Trips</del>	<del>WCC 10.34</del>	<del>Ordinance 2002-013 <input type="checkbox"/></del>
12. 5054	Vehicle W/Driver < 8,001 lbs.	\$ 4.00	\$ 7.00	1 Round Trip	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
13. 5055	Vehicle W/Driver < 8,001 lbs. – Multiride	\$ 92.00	\$ 119.00	25 Rnd Trips	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>
14. 5056	Vehicle W/Driver < 8,001 lbs. – Multiride	\$ 37.00	\$ 60.00	10 Rnd Trips	WCC 10.34	Ordinance 2002-013 <input type="checkbox"/>

**Exhibit B – 2007 Unified Fee Schedule Amendment**

**Department Fees and Charges**

**Public Works - Ferry & Docks**

UFS#	Description	2002 Rate	2007 Rate	Rate Basis	Authorization	Authority
<del>17. 5059</del>	<del>Senior/Disabled Vehicle w/Driver &lt;8,001 lbs.</del>	<del>\$ 40.00</del>	<del>\$ 66.00</del>	<del>25 Rnd Trips</del>	<del>WCC 10.34</del>	<del>Ordinance 2002-013</del>
<b>15. 5057</b>	<b>Needs Based Vehicle w/Driver (Senior/Disabled/Income)</b>		<b>\$ 30.00</b>	<b>10 Rnd Trips</b>		
	<b><u>Larger Vehicles</u></b>					
16. 5058	Vehicle W/Driver 8,001 - 20,000 lbs.	\$ 8.00	\$ 20.00	1 Round Trip	WCC 10.34	Ordinance 2002-013
17. 5059	Vehicle W/Driver 8,001 - 20,000 lbs.	\$ 80.00	\$ 100.00	10 Rnd Trips	WCC 10.34	Ordinance 2002-013
18. 5060	Vehicle W/Driver 20,001 - 36,000 lbs.	\$ 15.00	\$ 45.00	1 Round Trip	WCC 10.34	Ordinance 2002-013
19. 5061	Vehicle W/Driver 20,001 - 36,000 lbs.	\$150.00	\$ 225.00	10 Rnd Trips	WCC 10.34	Ordinance 2002-013
20. 5062	Vehicle W/Driver 36,001 - 50,000 lbs.	\$ 30.00	\$ 90.00	1 Round Trip	WCC 10.34	Ordinance 2002-013
21. 5063	Vehicle W/Driver 36,001 - 50,000 lbs.	\$ 300.00	\$ 450.00	10 Rnd Trips	WCC 10.34	Ordinance 2002-013
22. 5064	Trailer under 16 feet	\$ 7.00	\$ 12.00	1 Round Trip	WCC 10.34	Ordinance 2002-013
23. 5065	Trailer 16 – 30 feet	\$ 10.00	\$ 25.00	1 Round Trip	WCC 10.34	Ordinance 2002-013
24. 5066	Trailer over 30 feet	\$ 16.00	\$ 48.00	1 Round Trip	WCC 10.34	Ordinance 2002-013
25. 5067	Over width Vehicle/Trailers > 1 Lane	50%Surcharge	50%Surcharge	Surcharge	WCC 10.34	Ordinance 2002-013
	<b><u>Special Trips</u></b>					
28. 5068	Special Trips after regularly scheduled runs	\$250.00	\$500.00	Per trip surcharge	WCC 10.34	Ordinance 2002-013