

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2008-375

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Frank		RECEIVED OCT 14 2008 WHATCOM COUNTY COUNCIL	10/21/08	Introduction
Division Head:				11/25/08	Hearing
Dept. Head:	Frank Abart	10/10/08			
Prosecutor:	Dan Gibson	10/10/08			
Purchasing/Budget:	OB	10/10/08			
Executive:	Pete Kremen	10/14/08			

TITLE OF DOCUMENT:
Ordinance amending WCC 10.34, Ferry Rates and Unified Fee Schedule

ATTACHMENTS:
Ordinance and Exhibits A & B

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance amends Whatcom County Code 10.34 and the corresponding Whatcom County Unified Fee Schedule to delete and eliminate the summer surcharge (paragraph O) and increases single ride fares to the higher rate year round.

Additionally due to customer requests we have added the Motorcycle 25 round trip multiride card back into the Unified Fee Schedule. It receives the same 20% discount that the Vehicle W/Driver 25 round trip multiride card currently receives (UFS # 5053PC). We have also added Resident School children 12-18 yrs July 1 thru August 31 multiride ticket (UFS # 5048) back into the Unified Fee Schedule as it was inadvertently omitted on the last ordinance.

Lastly both the Bicycle W/Rider and Motorcycle W/Driver single ride fares were each increased by \$1.00. The Bicycle W/Rider fare was increased so it would be the same price as the passenger/pedestrian (UFS # 5052) and the Motorcycle W/Driver was increased so that it will now be both \$1.00 more than passenger/pedestrian and bicycle AND one half the fare of a Vehicle W/Driver (UFS # 5053).

COMMITTEE ACTION:

COUNCIL ACTION:

10/21/2008: Introduced
 11/25/2008: Council Adopted 6-1 Brenner opposed Ord. 2008-052

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Ord. 2008-052

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.

SPONSORED BY: Frank Abart

PROPOSED BY: Public Works

INTRODUCTION DATE: 10/21/08

ORDINANCE NO. 2008-052

**AMENDING WHATCOM COUNTY CODE CHAPTER 10.34 FERRY RATES AND CORRESPONDING
WHATCOM COUNTY 2009 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, the current ferry rate schedule has successfully provided the incentive to significantly increase the number of ferry users purchasing the more labor efficient multiride tickets; and

WHEREAS, it is necessary to delete and remove the summer surcharge (paragraph O) and increase the single ride fares year round, and

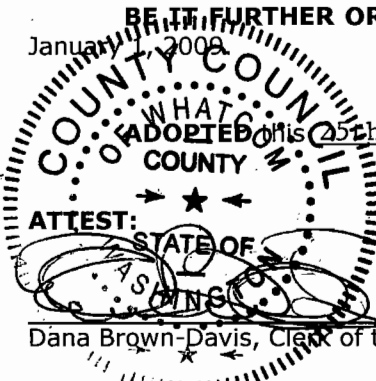
WHEREAS, in order for the user fees to be amended as requested on Exhibit B, it is necessary to amend Chapter 10.34 of the Whatcom County Code as shown on Exhibit A (modifying paragraph O);

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

BE IT FURTHER ORDAINED that the Unified Fee Schedule be amended as set forth in the attached Exhibit B to this ordinance, and

BE IT FURTHER ORDAINED that the amended fares set forth in Exhibit B shall be effective January 1, 2009.

ADOPTED on this 25th day of November, 2008.



ATTEST:
Dana Brown-Davis, Clerk of the Council

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Carl Weimer, Council Chair

**WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON**

Pete Kremen, County Executive

APPROVED AS TO FORM:

Civil Deputy Prosecutor

() Approved () Denied

Date Signed: 12-8-08

Chapter 10.34

FERRY RATES¹

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. 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. 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. Trailers shall include, but not be limited to, ball hitches, military hitches, fifth wheel in bed of pickup, 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 multi-ride 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. 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. 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. A special-needs-based discount is provided for Lummi Island residents who meet the income levels listed below. These special tickets will only be sold at the Whatcom County treasurer's office in Bellingham and will require proof of income and family size. Eligibility will be reviewed at least annually. Forms and procedures will be developed by the Whatcom County treasurer's office.

1. Family of four or more with less than \$40,000 total annual income;
2. Family of three with less than \$30,000 total annual income;
3. Family of two with less than \$20,000 total annual income;
4. Individual with less than \$10,000 total annual income.

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. Multi-ride cards at previous rates shall not be valid after the date that rates change. Credit for any unused portion of multi-ride cards will be given toward the purchase of a new card for 90 days from the date of rate change and will be available through the public works administration offices (not on board the Whatcom Chief).

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.

~~O. A surcharge on single round trip cash vehicle and pedestrian/passenger fares will be charged during the months of June, July, and August, all year round. (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 the 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. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064).

Department Fees and Charges

Exhibit B – 2009 Unified Fee Schedule Amendment

Public Works - Ferry & Docks

UFS#	Description	2008 Rate	2009 Rate	Rate Basis	Authorization	Authority
<u>Pedestrians</u>						
1. 5043	Passenger/Pedestrian	\$ 3.00	\$ 4.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
2. 5043s	Passenger/Pedestrian – (June-August)	\$ 4.00	\$ 4.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
2. 5045	Passenger/Pedestrian - Multiride	\$ 40.00	\$ 40.00	25 Round Trips	WCC 10.34	Ordinance 2008-017
3. 5046	Children under 12 W/ Parent	\$ 0.00	\$ 0.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
4. 5047	Resident School children 12-18 yrs – Sept 1 thru June 30	\$ 0.00	\$ 0.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
5. 5048	Resident School children 12-18 yrs - July 1 thru August 31 -Multiride	\$ 23.00	\$ 23.00	25 Round Trips	WCC 10.34	Ordinance 2008-017
6. 5049	Needs Based Passenger/Pedestrian (Senior/Disabled/Income)	\$ 17.00	\$ 17.00	25 Round Trips	WCC 10.34	Ordinance 2008-017
7. 5050	Post-High School Full-time Students Multiride	\$ 23.00	\$ 23.00	25 Round Trips	WCC 10.34	Ordinance 2008-017
8. 5051	Lummi Tribe W/ I.D.	\$ 0.00	\$ 0.00	Foot Passage Only	WCC 10.34	Ordinance 2008-017
<u>Passenger Vehicles</u>						
9. 5052	Bicycle W/Rider	\$ 3.00	\$ 4.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
10. 5053	Motorcycle W/Driver	\$ 4.00	\$ 5.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
11. 5053PC	Motorcycle W/Driver Multiride	\$ N/A	\$ 80.00	25 Round Trips	WCC 10.34	Ordinance 2008-017
12. 5054	Vehicle W/Driver < 8,001 lbs.	\$ 8.00	\$ 10.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
12. 5054s	Vehicle W/Driver < 8001-lbs. (June-August)	\$ 10.00	\$ 10.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
13. 5055	Vehicle W/Driver < 8,001 lbs. – Multiride	\$ 72.00	\$ 72.00	10 Round Trips	WCC 10.34	Ordinance 2008-017
14. 5056	Vehicle W/Driver < 8,001 lbs. – Multiride	\$ 160.00	\$ 160.00	25 Round Trips	WCC 10.34	Ordinance 2008-017

Department Fees and Charges

Exhibit B – 2008 Unified Fee Schedule Amendment

Public Works - Ferry & Docks

UFS#	Description	Current 2008 Rate	New 2008 Rate	Rate Basis	Authorization	Authority
15. 5057	Needs Based Vehicle W/Driver Senior/Disabled/Income	\$ 36.00	\$ 36.00	10 Round Trips	WCC 10.34	Ordinance 2008-017
<u>Larger Vehicles</u>						
16. 5058	Vehicle W/Driver 8,001- 20,000 lbs.	\$ 23.00	\$ 29.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
17. 5058s	Vehicle W/Driver 8,001- 20,000 lbs. (June-August)	\$ 29.00	\$ 29.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
18. 5059	Vehicle W/Driver 8,001 - 20,000 lbs.	\$ 207.00	\$ 207.00	10 Round Trips	WCC 10.34	Ordinance 2008-017
19. 5060	Vehicle W/Driver 20,001- 36,000 lbs.	\$ 52.00	\$ 65.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
20. 5060s	Vehicle W/Driver 20,001- 36,000 lbs. (June-August)	\$ 65.00	\$ 65.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
21. 5061	Vehicle W/Driver 20,001 - 36,000 lbs.	\$494.00	\$ 494.00	10 Round Trips	WCC 10.34	Ordinance 2008-017
22. 5062	Vehicle W/Driver 36,001- 50,000 lbs.	\$ 104.00	\$ 130.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
23. 5062s	Vehicle W/Driver 36,001- 50,000 lbs. (June-August)	\$ 130.00	\$ 130.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
24. 5063	Vehicle W/Driver 36,001- 50,000 lbs.	\$ 1040.00	\$ 1040.00	10 Round Trips	WCC 10.34	Ordinance 2008-017
25. 5064	Trailer under 16 feet	\$ 15.00	\$ 15.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
26. 5065	Trailer 16 – 30 feet	\$ 31.00	\$ 31.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
27. 5066	Trailer over 30 feet	\$ 60.00	\$ 60.00	1 Round Trip	WCC 10.34	Ordinance 2008-017
28. 5067	Over width Vehicle/Trailers > 1 Lane	50%Surcharge	50%Surcharge	Surcharge	WCC 10.34	Ordinance 2008-017
<u>Special Trips</u>						
29. 5068	Special Trips after regularly scheduled runs	\$575.00	\$575.00	Per trip surcharge	WCC 10.34	Ordinance 2008-017