

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. AB2010-354A

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Frank Abart			11/9/10	Introduction to Council
Division Head:				11/23/10	Council Hearing
Dept. Head:	Frank Abart Frank Abart	11/23/2010			
Prosecutor:	Dan Gibson	11/23/10			
Purchasing/Budget:	Brad Bennett				
Executive:	Pete Kremen				

TITLE OF DOCUMENT:

Ordinance amending WCC 10.34, Ferry Rates and 2011 Unified Fee Schedule

ATTACHMENTS:

Ordinance, Exhibits A and B

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

Should Clerk schedule a hearing? (X) Yes () NO
 Requested Date: 11/23/10

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance amends Whatcom County Code 10.34 and the corresponding Whatcom County Unified Fee Schedule to increase Lummi Island ferry fares to capture the required fare box recovery rate.

Implement a \$3.00 surcharge per trip

Additionally, section "M" of Exhibit A is eliminated.

COMMITTEE ACTION:

COUNCIL ACTION:

11/09/2010: Introduced
 11/23/2010: Council Amended & Adopted 4-3,
 Brenner, Weimer & Larson opposed
 Ord. 2010-054

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:
 Ord. 2010-054

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.

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SPONSORED BY: Frank Abart

PROPOSED BY: Public Works

INTRODUCTION DATE: _____

ORDINANCE NO. 2010-054

**AMENDING WHATCOM COUNTY CODE CHAPTER 10.34 FERRY RATES AND
CORRESPONDING WHATCOM COUNTY 2011 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, the ferry rate schedule determines the amount of ticket revenue for the ferry system; and

WHEREAS, it is the desire for ferry fare revenue to achieve the equivalent of 55% total operating costs related to the ferry system; and

WHEREAS, it necessary to amend the rates charged to the 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 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 sixty (60) days from the date of adoption.

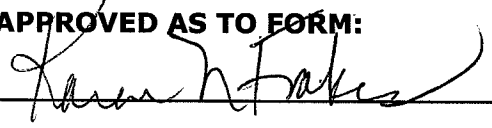
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ADOPTED this 23rd day of November, 2010.

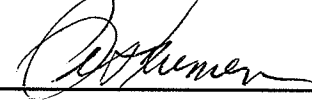
ATTEST

Dana Brown-Davis Clerk of the Council

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**


Sam Crawford, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

**WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON**


Pete Kremen, County Executive

() Approved () Denied

Date Signed: 12-2-10

EXHIBIT A

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. 2008-052 Exh. A, Ord. 2008-017 Exh. A; Ord. 2007001 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. 2008-052 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. 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 the 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.

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. 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).

Prior legislation: Ord. 89-103.

Exhibit B – 2011 Unified Fee Schedule Amendment

Department Fees and Charges

Public Works - Ferry & Docks

UFS#	Description	2010 Rate	2011 Rate	Rate Basis	Authorization	Authority
<u>Pedestrians</u>						
1. 5043	Passenger/Pedestrian	\$ 4.00	\$ 4.00	1 Round Trip	WCC 10.34	Ordinance 2008-052
2. 5045	Passenger/Pedestrian – Multiride	\$ 40.00	\$ 40.00	25 Round Trips	WCC 10.34	Ordinance 2008-052
3. 5046	Children under 12 W/ Parent	\$ 0.00	\$ 0.00	1 Round Trip	WCC 10.34	Ordinance 2008-052
4. 5047	Resident School children 12-18 yrs – Sept 1 thru June 30	\$ 0.00	\$ 0.00	1 Round Trip	WCC 10.34	Ordinance 2008-052
5. 5048	Resident School children 12-18 years – July 1 thru August 31 – Multiride	\$ 23.00	\$ 23.00	25 Round Trips	WCC 10.34	Ordinance 2008-052
6. 5049	Needs Based Passenger/Pedestrian (Senior/Disabled/Income)	\$ 17.00	\$ 17.00	25 Round Trips	WCC 10.34	Ordinance 2008-052
7. 5050	Post-High School Full-time Students	\$ 23.00	\$ 23.00	25 Round Trips	WCC 10.34	Ordinance 2008-052
8. 5051	Lummi Tribe W/ I.D.	\$ 0.00	\$ 0.00	Foot Passage Only	WCC 10.34	Ordinance 2008-052
<u>Passenger Vehicles</u>						
9. 5052	Bicycle W/Rider	\$ 4.00	\$ 4.00	1 Round Trip	WCC 10.34	Ordinance 2008-052
10. 5053	Motorcycle W/Driver	\$ 5.00	\$ 5.00	1 Round Trip	WCC 10.34	Ordinance 2008-052
11. 5053PC	Motorcycle W/Driver	\$ 80.00	\$ 80.00	25 Round Trips	WCC 10.34	Ordinance 2008-052
12. 5054	Vehicle W/Driver < 8,001 lbs.	\$ 10.00	\$ 10.00	1 Round Trip	WCC 10.34	Ordinance 2008-052
13. 5055	Vehicle W/Driver <8,001 lbs. – Multiride	\$ 72.00	\$ 72.00	10 Round Trips	WCC 10.34	Ordinance 2008-052
14. 5056	Vehicle W/Driver <8,001 lbs. – Multiride	\$ 160.00	\$ 160.00	25 Round Trips	WCC 10.34	Ordinance 2008-052

Department Fees and Charges

Exhibit B – 2011 Unified Fee Schedule Amendment

Public Works - Ferry & Docks

UFS#	Description	2010 Rate	2011 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 2008-052 <input type="checkbox"/>
<u>Larger Vehicles</u>						
16. 5058	Vehicle W/Driver 8,001 - 20,000 lbs.	\$ 29.00	\$ 29.00	1 Round Trip	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
17. 5059	Vehicle W/Driver 8,001 - 20,000 lbs.	\$ 207.00	\$ 207.00	10 Round Trips	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
18. 5060	Vehicle W/Driver 20,001 - 36,000 lbs.	\$ 65.00	\$ 65.00	1 Round Trip	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
19. 5061	Vehicle W/Driver 20,001 - 36,000 lbs.	\$ 494.00	\$ 494.00	10 Round Trips	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
20. 5062	Vehicle W/Driver 36,001 - 50,000 lbs.	\$ 130.00	\$ 130.00	1 Round Trip	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
21. 5063	Vehicle W/Driver 36,001 - 50,000 lbs.	\$ 1040.00	\$ 1040.00	10 Round Trips	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
22. 5064	Trailer under 16 feet	\$ 15.00	\$ 15.00	1 Round Trip	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
23. 5065	Trailer 16 – 30 feet	\$ 31.00	\$ 31.00	1 Round Trip	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
24. 5066	Trailer over 30 feet	\$ 60.00	\$ 60.00	1 Round Trip	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
25. 5067	Over width Vehicle/Trailers > 1 Lane	50%Surcharge	50%Surcharge	Surcharge	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
<u>Special Trips</u>						
26. 5068	Special Trips after regularly scheduled runs	\$575.00	\$575.00	Per trip surcharge	WCC 10.34	Ordinance 2008-052 <input type="checkbox"/>
<u>Surcharge</u>						
27. 5044	Per Trip Surcharge	\$ 0.00	\$ 3.00	1 Round Trip	WCC 10.34	Ordinance 2010-054