

Whatcom County Ferry Advisory Committee

January 25, 2024 at 6 p.m.

Bold text indicates Committee decision expected. Asterisk* indicates attachment.

6:00 p.m. CALL TO ORDER – Pam Gould, Chair

ROLL CALL and welcome to elected officials and County staff who are present

- | | | |
|--|--|---|
| <input type="checkbox"/> Janice Catrell | <input type="checkbox"/> Pam Gould | <input type="checkbox"/> Carol Landt |
| <input type="checkbox"/> James Dickinson | <input type="checkbox"/> Diane Harper | <input type="checkbox"/> Thomas Philpot |
| <input type="checkbox"/> Richard Frye | <input type="checkbox"/> Todd Lagestee | <input type="checkbox"/> <i>Uninc area position</i> |

FLAG SALUTE & MOMENT OF SILENCE

BUSINESS MEETING:

- Report on response by County Executive and Public Works to information requests
- **Review and changes to printed agenda**
- Committee reviews Whatcom County Code Chapter 2.145* (attachment 1)
- Committee reviews County Expectations of Boards and Commissions* (attachment 2)
- Thank You to Jim Dickinson for many years of service
- News from the ferry (Gary Poole, Senior Master)

6:25 OPEN SESSION: Attendees, then, if possible, Zoom Attendees

6:40 COMMITTEE WORK: Whatcom County Code Chapter 10.34 Ferry Rates* (attachment 3)

- Ferry Funding and How Ferry Fares are Determined by Whatcom County Code Chapter 10.34 (Janice Holmes and Diane Harper)
- Questions/comments from Committee and attendees

7:20 COMMITTEE WORK PROGRAM SCHEDULE:

- Public Works schedule on WCC Chapter 10.34 amendments - draft comes to WCFAC February 1st (Roland Middleton)
- February 8: Public Works Director attends, code discussed by all those present; a draft recommendation to County Executive and Council developed.
- February 22: Draft recommendation on code adopted; Introduction to ferry finances.
- March 14: Public Works presents updated financial information
- **Town Hall – late March or early April date TBD:** Public Works and Consultants present introduction to new ferry and infrastructure: constraints, issues, and costs
- **Decisions on next steps and ad hoc committee**

7:40 ADJOURN

Informal conversations among attendees, WCFAC, and County representatives
(7:52 off-island attendees not wanting to stay until the 9 pm ferry leave)

Location: The Gathering Place – 3913 Legoe Bay Road, Lummi Island WA

Or join Zoom meeting: Meeting ID: 869 4930 2718 Passcode: 882024

<https://us06web.zoom.us/j/86949302718?pwd=w6yRm4f9xeFzSSwmS1w0gPKvUKdkvl.1>

One tap mobile telephone +12532050468,,86949302718#,,,,*882024# US
or find your local number: <https://us06web.zoom.us/u/khl6fy6l9>

Chapter 2.145

WHATCOM COUNTY FERRY ADVISORY COMMITTEE

Sections:

- 2.145.010 Established.**
- 2.145.020 Purpose.**
- 2.145.030 Function.**
- 2.145.040 Membership – Term of office.**
- 2.145.050 Organization – Meetings.**
- 2.145.055 Membership – Rules of procedure and conduct.**
- 2.145.060 Committee staffing.**

2.145.010 Established.

There is hereby established the Whatcom County ferry advisory committee. (Ord. 2023-057 Exh. A; Ord. 2012-005 Exh. A).

2.145.020 Purpose.

The Whatcom County ferry advisory committee provides review and recommendations to the Whatcom County council and executive on issues that affect the ongoing operations and infrastructure of ferry service to Lummi Island. The committee also provides a forum for those who depend upon Lummi Island ferry service to voice their ideas and concerns about the ferry service. (Ord. 2023-057 Exh. A; Ord. 2012-005 Exh. A).

2.145.030 Function.

A. The committee function is solely to advise the county council or the executive on the following functions:

1. Review and provide recommendations on proposed changes to ferry operations and fares; and
2. Review at least annually ferry revenue and expenditures, ferry fund balance, and actual versus targeted fare return; and
3. Assist the county in collecting information from ferry riders on actual and desired ferry services, concerns, and ideas for improved service; and
4. Analyze and develop recommendations to continue and improve the cost-effective operation of ferry service to Lummi Island; and
5. Review and make recommendations on proposed changes to:
 - a. Chapter 10.34 WCC, Ferry Rates;
 - b. Chapter 10.36 WCC, Ferry Multi-Ride Cards and Quarterly Passes;
 - c. The Lummi Island ferry service action plan as approved in County Resolution 2018-026 regarding ferry vessel, terminal, and operations.

B. The committee may advise the county council or the executive by developing recommendations that are approved by a majority of the committee as defined in WCC 2.145.050(E).

C. If a recommendation is approved by less than a unanimous vote, one or more members may submit a dissenting statement with the recommendations.

D. The county council and the county executive may consider the committee's recommendations and advice when making ferry-related decisions. The county council and/or county executive will make the final decisions on all ferry-related matters. (Ord. 2023-057 Exh. A; Ord. 2012-005 Exh. A).

2.145.040 Membership – Term of office.

A. The committee shall consist of nine voting members.

1. Five members who live on the island;
2. Two members who live in unincorporated Whatcom County;
3. Two members who live anywhere on the mainland (incorporated or unincorporated);
 - a. Priority given to one Lummi Nation representative when possible;
4. One county councilmember will be an ad hoc nonvoting member.

B. The county council shall appoint the committee members. Member terms will be three years; provided, that the terms of members first appointed will be staggered so that three of the committee members shall be appointed for two years. Members of the committee shall serve without compensation. (Ord. 2023-057 Exh. A; Ord. 2012-005 Exh. A).

2.145.050 Organization – Meetings.

A. Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act. There will be a good faith effort to host meetings both on and off island.

B. A public comment session will be scheduled at all regular meetings. Public comment is not required at special meetings. Public comment can be provided orally at a regular meeting or in writing prior to or at a regular meeting

C. Written records of meetings, resolutions, research, findings and recommendations shall be kept and such records shall be submitted to county council staff and shall be made public, including posting on the county website.

D. The committee shall adopt its own rules and procedures for the conduct of business, except the number of members required for a quorum to meet and take action.

E. The number of members required for a quorum in order to meet and take action is five voting members, which is a majority of all positions regardless of whether or not any positions are vacant.

F. The committee shall elect a chairperson from among its members who shall preside at its meetings.

G. The committee shall annually, at the first meeting in January, review the most current county council and county executive expectations for boards and commissions. The most current version will be posted on the committee website.

H. The committee shall determine its meeting schedule and agenda, but shall meet at least quarterly.

I. The committee may form and appoint ad hoc committees to work on specific issues, so long as at least two committee members are also members of each ad hoc committee.

J. The committee shall comply with Chapter 2.03 WCC, Boards and Commissions. (Ord. 2023-057 Exh. A; Ord. 2012-005 Exh. A).

2.145.055 Membership – Rules of procedure and conduct.

A. All members shall be trained on and comply with the Open Public Meetings Act, and training shall be done and updated per the state Open Government Training Act and RCW 42.30.205.

B. All members shall comply with the most current version of the county council and county executive expectations for boards and commissions. (Ord. 2023-057 Exh. A).

2.145.060 Committee staffing.

The committee is encouraged to operate and hold its meetings as independent of county staffing and resources as possible, including but not limited to developing its own agendas and minutes.

Ongoing administrative support to the committee shall be provided by the county public works department to ensure the committee complies with county code requirements, the Open Public Meetings Act (OPMA), and the Public Records Act, including but not limited to:

- A. Entering into agreements for and paying the cost of meeting rental venues;
- B. Ensuring meeting agendas and minutes and other required meeting information are posted to the county website per OPMA and county code requirements;
- C. Responding to public records requests and maintaining committee’s records.

Additional staffing and other resources for the committee shall be requested through the county executive’s office.

All staff time and county resources expended in support of the committee, including meeting venue rental fees and costs for providing remote meeting access, will be considered ferry operation expenses. The committee is authorized to request from the executive’s office information from administrative departments as necessary. (Ord. 2023-057 Exh. A; Ord. 2012-005 Exh. A).

The Whatcom County Code is current through Ordinance 2023-063, passed October 24, 2023, and Resolution 2023-044, passed October 24, 2023.

Disclaimer: The Clerk of the Council's Office has the official version of the Whatcom County Code. Users should contact the Clerk of the Council's Office for ordinances passed subsequent to the ordinance cited above.

County Website: <https://www.whatcomcounty.us/>

County Telephone: (360) 676-6700

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County Council and County Executive Expectations for Advisory Body Members

Thank you for serving as an appointee and member of one of Whatcom County's advisory bodies. You play a vital role by bringing citizens' perspectives to assist us as policy makers by studying critical issues and forming well-developed, thoughtful recommendations to aid us in decision-making. We value the perspectives and services contributed by the many volunteers who contribute to our leadership.

In County government, we operate in a complex legal context and follow a series of principles to promote public trust as expectations for your services:

- All advisory body meetings are to be conducted in public session and notice of meetings shall be given in accordance with State law and as advised by County legal counsel.
- A quorum of members will not deliberate about advisory body work and issues via e-mail or in unnoticed "side meetings" or "gatherings" as these actions may be in violation of open meeting laws.
- Individual advisory body members and the collective group will be fair, impartial, professional, and respectful of the public, staff, and each other.
- Members may not use their position to secure special privileges or exemptions for themselves or others.
- Members may not give or receive any compensation, gifts, or gratuities from entities or individuals who are or have been engaged in items of business under consideration before the board or commission to which they are appointed.
- Members may not formally represent an advisory body unless given express direction to do so by a majority vote of the advisory body.
- Members may not, at any time, formally act as a representative of Whatcom County government unless expressly commissioned to do so in writing by the County Executive or by formal action of the County Council.
- Appointed members are expected to regularly attend meetings, and are not allowed to designate proxies to serve in their place unless allowed by the enabling statute.

Dated this January 9, 2024

Satpal Sidhu, County Executive

Barry Buchanan, Chair, County Council

Whatcom County Code 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. 2021-012 Exh. A; Ord. 2015-034 Exh. A; 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. 2021-012 Exh. A; Ord. 2015-034 Exh. A; 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 subsection A of this section, 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 October 24, 2011, lessee (Whatcom County) shall grant free foot and noncommercial 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 months after the effective date of the ordinance codified in this chapter. 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 60 calendar days of the adopted date of the ordinance codified in this chapter.

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 capital surcharge of \$1.00 shall be collected for all fares except for student multi-ride cards (subsection G of this section), special needs-based fares (subsection K of this section), and special senior/disabled fares (subsection L of this section). The capital surcharge shall be used exclusively for the construction of a new ferry vessel and terminal improvements. (Ord. 2021-012 Exh. A; Ord. 2015-034 Exh. A; 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. 2021-012 Exh. A; Ord. 2015-034 Exh. A; 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).

1 Prior legislation: Ord. 89-103.

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