

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. AB2013-253

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Frank Abart		<div style="font-size: 2em; color: blue; font-weight: bold;">RECEIVED</div> <div style="font-size: 1.2em; color: blue; font-weight: bold;">JUL 1- 2013</div> <div style="font-size: 1.2em; color: blue; font-weight: bold;">WHATCOM COUNTY COUNCIL</div>	7/9/2013	Introduction
Division Head:	Frank Abart				
Dept. Head:	Frank Abart	<i>FA</i> 6/27/2013			
Prosecutor:	<i>Lequing</i>	6/27/13			
Purchasing/Budget:		<i>EL</i> 6/27/13			
Executive:	Jack Louws	<i>JL</i> 6/28/13			

**TITLE OF DOCUMENT:**  
**Ordinance amending WCC 10.34, Ferry Rates**

**ATTACHMENTS:**  
**Ordinance, Exhibit A**

SEPA review required?    ( ) Yes    ( ) NO SEPA review completed?    ( ) Yes    ( ) NO	Should Clerk schedule a hearing?    ( <input checked="" type="checkbox"/> ) Yes    ( ) NO Requested Date:
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**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.)*

This ordinance amends Whatcom County Code 10.34 paragraphs K and L. Both paragraphs concern the Needs Based ticket program. This ordinance amends the income limits from a set amount to the Dept. of Housing and Urban Development (HUD) Very Low Income Levels which are modified each year. It also changes the Needs Based ticket sales location from the Whatcom County Treasurer's Office to the Whatcom County Public Works Administration Building. These changes will occur within sixty (60) calendar days from the adoption date of the ordinance.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number:
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**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)

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**FRANK M. ABART  
Director**



**Ferry Division**  
322 N. Commercial Street,  
Suite 210  
Bellingham, WA 98225-4042  
Telephone: (360) 676-6692  
FAX: (360) 738-4561  
[www.whatcomcounty.us](http://www.whatcomcounty.us)

**MEMORANDUM**

**TO:** The Honorable Jack Louws, Whatcom County Executive, and  
Honorable Members of the Whatcom County Council

**FROM:** Frank M. Abart, Director *FMA 6/27/2013*

**RE:** An Ordinance to Amend WCC 10.34, Ferry Rates

**DATE:** June 26, 2013

**RECEIVED**

JUN 28 2013

**JACK LOUWS  
COUNTY EXECUTIVE**

**Requested Action:**

Consideration of the attached ordinance that amends Whatcom County Code 10.34 paragraphs K and L. Both paragraphs concern the Needs Based ticket program. This ordinance amends the income limits from a set amount to the Dept. of Housing and Urban Development (HUD) Very Low Income Levels which are modified each year. It also changes the Needs Based ticket sales location from the Whatcom County Treasurer's Office to the Whatcom County Public Works Administration Building.

These changes will occur within sixty (60) calendar days from the adoption date of the ordinance.

**Background and Purpose:**

The intended purpose is to amend the income levels from a set amount to the Dept. of Housing and Urban Development (HUD) Very Low Income Levels which are modified each year.

For example, the following is the HUD Very-Low Income Limits for 2013:

\$46,100 or less for a family of eight  
\$43,300 or less for a family of seven  
\$40,500 or less for a family of six  
\$37,700 or less for a family of five  
\$34,900 or less for a family of four  
\$31,450 or less for a family of three  
\$27,950 or less for a family of two  
\$24,450 or less for an individual

**Other Information:**

The Opportunity Council has been selected as the Reviewing Authority for the applications because of their expertise in performing HUD related evaluations. The Citizens' Task Force for the Lummi Island Ferry recommended using the Opportunity Council to perform the screening in their report (Item number 23). The financial impact will be a charge of \$50.00 per application submitted to the Opportunity Council regardless of whether the application is approved or not. The amount of applications processed each year will be dependent upon the constraints of the Ferry Operations budget for each year. The budget for this program is currently \$2051.00 for 2013 and \$2038.00 for 2014.

However, it should be noted that there may be more applications submitted than the budgeted amount for this program. This may cause a need for a mid-year supplemental budget request.

If approved, this Ordinance will also change where the special needs tickets will be sold. Currently the tickets can only be sold at the Whatcom County Treasurer's Office. However, once this ordinance is adopted, the tickets will only be sold at the Whatcom County Public Works Administration Building in Bellingham.

If you have any questions please call Frank Abart at extension 50678. Thank you.

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PROPOSED BY: Frank Abart  
SPONSORED BY: Public Works  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AMENDING WHATCOM COUNTY CODE CHAPTER 10.34 FERRY RATES**

**WHEREAS**, Chapter 10.34 of the Whatcom County Code addresses administration of the special Needs Based discount for Lummi Island residents; and

**WHEREAS**, the Public Works Department would like to change the income levels to the Department of Housing and Urban Development (HUD) Very Low Income Levels; and

**WHEREAS**, the sales location of the Needs Based tickets requires a change from the Whatcom County Treasurer's Office to the Whatcom County Public Works Administration Office; and

**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** these changes will occur within sixty (60) calendar days from the adopted date of the ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**ATTEST:**

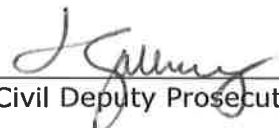
**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Kathy Kershner, Council Chair

**APPROVED AS TO FORM:**

**WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON**

  
\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

( ) Approved      ( ) Denied

Date Signed: \_\_\_\_\_

# 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 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. 2012-016 Exh A, Ord. 2010-054 Exh. A, 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. 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. 2005090 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 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 (nineteen) 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. 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 **very low** income levels ~~listed below~~ **set annually by the Dept. of Housing and Urban Development (HUD). The current year's levels will be posted on the Whatcom County Public Work's 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 treasurer's office Public Works Administration Building in Bellingham and will require proof of income and family size. 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 treasurer's office. Whatcom County Public Works and the Reviewing Authority. These changes will take place within sixty (60) calendar days of the adopted date of the ordinance.

- ~~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 458-18020, 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. These special needs based tickets will only be sold at the Whatcom County Public Works Administration Building in Bellingham and will require valid ID. These changes will take place within sixty (60) calendar days of the adopted date of the ordinance.

M. Intentionally left blank.

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. 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~~).

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Prior legislation: Ord. 89-103



# EXHIBIT A

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C. "Capital cost" means all capital expenditures, including financing and depreciation expenses applied to the replacement, expansion, or creation of ferry system physical elements.

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