

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-127

Authorizing Election to Receive **National Forest** Related Safety-Net Payments Under P.L. 106-393

The Multnomah County Board of Commissioners Finds:

- a. Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest lands be paid to states for use by the counties in which the lands are situated for the benefit of public schools and roads.
- b. The sharing of revenues from the National Forest lands is, in part, a recognition that these lands are not subject to local taxation, and also that counties provide services that directly benefit the lands and the people who use the lands.
- c. The principal source of revenues from National Forest lands is from the sale and removal of timber, which has been sharply curtailed in recent years.
- d. The volume of timber sold annually from most National Forest lands has declined precipitously, with a corresponding precipitous decline in revenues shared with counties.
- e. The United States Congress recognized a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance and stewardship of federal lands, and to achieve those goals enacted P.L. 106-393 in 2000.
- f. P.L. 106-393 provides for guaranteed minimum payments for the benefit of affected counties, as well as an opportunity to invest a portion of the guaranteed minimum payments in projects on federal lands or that benefit resources on federal lands, or in county projects or activities.
- g. Title I, Section 102 of P.L. 106-393 gives each eligible county the right to elect to receive either its traditional share of revenues from the National Forest lands pursuant to the Act of May 23, 1908 and Section 13 of the Act of March 1, 1911, or instead to receive the guaranteed minimum amount, also known as the "full payment amount."
- h. The election to receive either the full payment amount, or instead, the traditional share of revenues, must be communicated to the Governor of Oregon, who in turn must communicate the election by each county to the Secretary of the United States Department of Agriculture.

- i. An election to receive the full payment amount was effective for all federal fiscal years through fiscal year 2006, with the sunset of P.L. 106-393. However, on May 25, 2007, Congress and the President approved a one year extension of PL 106-393.
- j. Multnomah County is an eligible, affected county with the right to make an election pursuant to Title I, Section 102 of P.L. 106-393.
- k. Any county electing to receive the full payment amount must further elect to expend an amount not less than 15 percent nor more than 20 percent of its full payment amount as project funds in accordance with Title I, Section 102(d)(1)(B) of P.L. 106-393.
- l. Title I, Section 102(d)(1)(B) of P.L. 106-393 requires that counties electing to receive the full payment amount must allocate its project funds for expenditure between projects in accordance with Title II of P.L. 106-393, projects in accordance with Title III of P.L. 106-393, and a return of the balance unspent under Titles II and III to the General Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of Agriculture.
- m. Title II of P.L. 106-393 provides for special projects on federal lands or that benefit resources on federal lands, which projects are recommended by local resource advisory committees ("RACs").
- n. RACs recommend projects for consideration by the Secretary of Agriculture, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties.
- o. Counties that allocate funding to projects under Title II of P.L. 106-393, and are participants in more than one RAC, may further direct that their Title II project funds be divided between different RACs according to an allocation decided by each participating county, with such funds held in the General Treasury of the United States under the name of the county with a designation of the amount allocated to each RAC.
- p. Title III of P.L. 106-393 provides for county projects or services, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue and emergency services, staffing of community service work camps, the purchase of easements, forest related educational opportunities, fire prevention and planning, and community forestry pursuant to the Cooperative Forest Assistance Act of 1978.
- q. In 2001, Multnomah County elected to receive its full payment amount rather than electing to receive its traditional share of National Forest revenues.

The Multnomah County Board of Commissioners Resolves:

- 1. Multnomah County elects to receive its full payment amount under Title I, Section 102(a)(2) of P.L. 106-393 as extended.

2. Multnomah County allocates 15 percent of its full payment amount for expenditure on projects under Title II and Title III of P.L. 106-393. Multnomah County will return none (zero percent) of its full payment amount to the General Treasury of the United States pursuant to Title I, Section 102(d)(1)(B)(iii).
3. Of the total amount allocated to Title II and Title III projects above in paragraph 1, hereinafter referred to as the "Project Funds," Multnomah County further allocates between such Titles for federal fiscal year 2007 (for expenditure after federal fiscal year 2007) on the following basis: \$30,000 of Project Funds for expenditure on Title II projects and the balance of the Project Funds for expenditure on Title III projects.
4. The original or a certified copy of this Resolution shall be transmitted to Mr. Rocky McVay with instructions to reconvey the Resolution to the Office of Governor of the State of Oregon with a request that the Governor communicate the elections made herein to the Secretary of the United States Department of Agriculture.

ADOPTED this 28th day of June, 2007.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

SUBMITTED BY:

Carol M. Ford, Director, Department of County Management