

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2011-081

Authorizing Election to Receive O&C Land Related Safety Net Payments for Federal Fiscal Year (FFY) 2011

The Multnomah County Board of Commissioners Finds:

- a. Congress enacted in 1937 and subsequently amended a law that requires 75 percent of the revenues derived from revested Oregon and California Railroad grant lands ("O&C Lands") be paid to counties in which the lands are situated, of which 50 percent has been available for use as general county funds.
- b. The principal source of revenues from O&C Lands is from the sale and removal of timber, which has been sharply curtailed, with a corresponding decline in revenues shared with counties.
- c. The United States Congress recognized a need to stabilize communities through predictable payments to the affected counties and to achieve that goal enacted the Secure Rural Schools and Community Self-Determination Act of 2000, which has been amended and reauthorized for FFY 2008-2011 ("SRS2008").
- d. SRS2008 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 or activities on federal lands, or in county projects or activities.
- e. Title I of SRS2008 gives each eligible county the right to elect to receive either its traditional share of revenues from the O&C Lands ("50-percent payment"), or instead to receive the guaranteed minimum amount pursuant to Sections 102(a)(2)(B) and 103 ("full county payment amount").
- f. An election to receive a 50-percent payment is binding for two years, and an election to receive the guaranteed minimum full county payment amount is binding through FFY 2011.
- g. Any county electing to receive the full county payment amount must further elect to expend not less than 15 percent nor more than 20 percent of its full county payment amount as project funds.
- h. Title I, Section 102(d) requires that counties electing to receive the full county payment amount must allocate its project funds for expenditure between projects under Title II and Title III, and return the balance of project funds unspent under

Title II and Title III to the Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of the Interior.

- i. Title II provides for special projects on federal lands or that benefit resources on federal lands, which projects are nominated by local Resource Advisory Committees ("RACs").
- j. RACs recommend projects for consideration by the Secretary of the Interior, with project funding supplied in whole or in part out of monies allocated for Title II purposes by participating counties.
- k. Counties that allocate funding to projects under Title II, 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 Treasury of the United States under the name of the county with the amount allocated to each RAC.
- l. Title III 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, fire prevention and planning under the Firewise Communities program, and development of community wildfire protection plans.
- m. A county may allocate no more than 7 percent of its full county payment amount for Title III projects.

The Multnomah County Board of Commissioners Resolves:

- 1. Multnomah County has previously elected to receive the guaranteed minimum full county payment amount pursuant to SRS2008 Sections 102(a)(2)(B) and 103.
- 2. Multnomah County allocates 15 percent of its full county payment amount for expenditure on projects under Title II and Title III. Multnomah County will return none (zero percent) of its full county payment amount to the Treasury of the United States.
- 3. Of the percent allocated to Title II and Title III projects above in paragraph 1, Multnomah County further allocates between such Titles for FFY 2011 (for expenditure after FFY 2011) on the following basis: eight percent of the full county payment amount for expenditure on Title II projects and seven percent of the full county payment amount for expenditure on Title III projects.

4. Of the amount of the full county payment amount allocated to Title II projects above in paragraph 3, Multnomah County further allocates between RACs as follows:

100 percent to the Salem District RAC.

5. The original or a certified copy of this Resolution shall be transmitted to Kevin Q. Davis, Attorney, sent to the following address: One SW Columbia Street, Suite 1600, Portland, OR 97258.

ADOPTED this 16th day of June 2011.

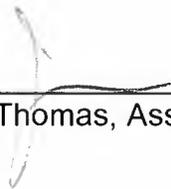


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen 

Jeff Cogen, Chair

REVIEWED:
HENRY H. LAZENBY, JR. COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

John S. Thomas, Assistant County Attorney

SUBMITTED BY: Mindy Harris, Interim Director, Department of County Management