

IN THE BOARD OF COMMISSIONERS
FOR LANE COUNTY, OREGON

W. S. C.

RESOLUTION AND ORDER NO.) IN THE MATTER OF MAKING THE FFY
) 2008 ELECTIONS FOR O&C SECURE
) RURAL SCHOOLS LAND RELATED
) SAFETY NET PAYMENTS

WHEREAS, 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; and

WHEREAS, the principal sources 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; and

WHEREAS, the United States Congress recognized a need to stabilize communities through predictable payments to the affected counties and to achieve that goal enacted in the Secure Rural Schools and Community Self-Determination Act of 2000, which as been amended and reauthorized for FFY 2008-2011 ("SRS2008"); and

WHEREAS, 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; and

WHEREAS, 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"); and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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 communicated such allocation to the Secretary of the United States Department of the Interior; and

WHEREAS, 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"); and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, a county with a full county payment amount of \$350,000 or more may not allocate more than 7 percent of its full county payment amount for Title III projects;

NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED as follows:

1. Lane County hereby elects to receive the guaranteed minimum full county payment amount pursuant to SRS2008 Sections 102(a)(2)(B) and 103.
2. Lane County hereby allocates 15 percent of its full county payment amount for expenditures on projects under Title II and Title III. Lane 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 2, Lane County further allocates between such Titles for FFY 2008 (for expenditure after FFY 2008) on the following basis: 8 percent of the full county payment amount for expenditure on Title II projects and 7 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, Lane County further allocates between RACs as follows:

0 percent to the Salem District RAC

100 percent to the Eugene District RAC

0 percent to the Roseburg 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; and

IT IS FURTHER ORDERED, that the County Administrator is delegated authority to sign all applications, task orders, contract documents and materials needed to apply for, implement and complete SRS2008 projects and elections in conformance herewith.

ADOPTED this 29th day of October, 2008.

Faye Stewart, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 10-27-08 lane county


OFFICE OF LEGAL COUNSEL