

W. 7. b.

**AGENDA COVER MEMORANDUM**

AGENDA DATE: Wednesday May 17, 2006

PRESENTED TO: Board of County Commissioners

PRESENTED BY: Christine Moody, Management Analyst I  
County Administration

AGENDA TITLE: IN THE MATTER OF MAKING CERTAIN ELECTIONS TO RECEIVE O&C AND NATIONAL FOREST LAND RELATED PAYMENTS PURSUANT TO THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000. P.L. 106-393

**I. MOTION**

**MOVE TO APPROVE BOARD ORDERS 06-05-17-XX MAKING ELECTIONS PURSUANT TO THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.**

**II. ISSUE**

Each year, the Secure Rural Schools and Community Self-Determination Act of 2000 (Secure Rural Schools Act) requires the Board to make certain elections to distribute funds to Lane County and the Resource Advisory Committees (RACs) that represent Federal lands in Lane County.

**III. DISCUSSION**

**A. Background**

The Secure Rural Schools Act provides funds for schools, roads and county general funds in Title I and provides funds for projects on federal lands and county projects in Titles II and III. The primary election, the choice of either the traditional share of timber sale revenue or the new full payment amount, was made when the Act was first passed and remains in effect for the entire six years of the legislation.

The Act requires that the Board make certain other elections by September 30 of each year. However, the County budget process requires the Board to determine the funds it will allocate to Title III now so that the FY 06-07 projects supported by these funds can be approved by the Budget Committee. The specific Title III projects will be submitted to the Board at a later date. In addition, the RACs will begin meeting in June to allocate the Title II funds to proposed projects. They will benefit by knowing the amount of Title II funds allocated by Lane County.

The Legislative Committee has provided a recommendation to the Board for the allocation of Title II funds among the three Forest Service RACs that cover Lane County. In FY 05-06, the board allocated 70.5 percent to Hood-Willamette, 17.1 percent to Siuslaw, and 12.4 percent to Rogue-Umpqua. The same percentages are recommended for FY 06-07.

The Legislative Committee further recommends that 100% of Title II funds under the O&C lands be allocated to the Eugene District BLM RAC for FY 06-07. This is the same percentage of the FY 05-06 allocation.

WHEREAS, in 2001, Lane County elected to receive its full payment amount rather than electing to receive its traditional share of O&C Land revenues, and that election is binding through federal fiscal year 2006; and

WHEREAS, the election to receive either the full payment amount, or instead, the traditional share of revenues, must be communicated to the Secretary of the United States Department of Interior; and

WHEREAS, an election to receive the full payment amount is effective for all federal fiscal years through fiscal year 2006; and

WHEREAS, any county electing to receive the full payment amount must further election to expend not less than 15 percent nor more than 20 percent of its full payment amount as project funds in accordance with Title I, Section 103(c)(1)(B) of P.L. 106-393; and

WHEREAS, Title I, Section 103(c)(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 Title II to the General Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of Interior; and

WHEREAS, Title II of P.L. 106-393 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 such purposes by participating counties; and

WHEREAS, 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 an amount allocated to each RAC; and

WHEREAS, 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; and

NOW THEREFORE, IT IS HEREBY ORDERED that Lane County allocate 15 percent of its full payment amount for expenditures on projects under Title II and Title III of P.L. 106-393. Lane 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).

Of the total amount allocated to Title II and Title III projects above in the preceding paragraph, hereinafter referred to as the "Project Funds," Lane County further allocates between such Titles for federal fiscal year 2006 (for expenditure after federal fiscal year 2006) on the following basis: 49 percent of Projects Funds for expenditure on Title II projects and 51 percent of the Project Funds for expenditure on Title III projects.

Of the amount of Project Funds allocated to Title II projects in the preceding paragraph, 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

IT IS ALSO HEREBY FURTHER ORDERED, that the County Administrator is granted delegated authority to sign all contracts, applications, subsequent orders and materials needed to apply for, implement and complete Title II and Title III projects associated with the county's elections and allocations.

ADOPTED this 17th day of May, 2006.

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Chair, Lane County Board of Commissioners

APPROVED /

5-10-06

*William* *Robell*  
OFFICE OF THE COUNTY ADMINISTRATOR

IN THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON

ORDER NO. 06-5-17-

) In the Matter of Making Certain  
) Elections to Received **National Forest**  
) Related Payments Pursuant to the  
) Secure Rural Schools and Community  
) Self-Determination Act of 2000. P.L.  
106-393

WHEREAS, 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; and

WHEREAS, the principal sources of revenues from National Forest lands is from the sale and removal and timber, and which has been sharply curtailed in recent years with a corresponding precipitous decline in revenues shared with counties; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, Title I, Section 102 of P.L. 16-393 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;" and

WHEREAS, an election to receive either the full payment amount is effective for all federal fiscal years through fiscal year 2006; and

WHEREAS, in 2001, Lane County elected to receive its full payment amount rather than electing to receive its traditional share of National Forest revenues; and

WHEREAS, any county electing to receive the full payment amount must further election to expend 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; and

WHEREAS, 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 Title II to the General Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of Agriculture; and

WHEREAS, Title II of P.L. 106-393 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 Agriculture, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties; and

WHEREAS, 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 an amount allocated to each RAC; and

WHEREAS, 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; and

NOW THEREFORE, IT IS HEREBY ORDERED that Lane County allocate 20 percent of its full payment amount for expenditures on projects under Title II and Title III of P.L. 106-393. Lane 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).

Of the total amount allocated to Title II and Title III projects above in the preceding paragraph, hereinafter referred to as the "Project Funds," Lane County further allocates between such Titles for federal fiscal year 2006 (for expenditure after federal fiscal year 2006) on the following basis: 49 percent of Projects

Funds for expenditure on Title II projects and 51 percent of the Project Funds for expenditure on Title III projects.

Of the amount of Project Funds allocated to Title II projects in the preceding paragraph, Lane County further allocates between RACs as follows:

12.4 percent to the Rogue/Umpqua RAC

17.1 percent to the Siuslaw RAC

70.5 percent to the Hood/Willamette RAC

IT IS ALSO HEREBY FURTHER ORDERED, that the County Administrator is granted delegated authority to sign all contracts, applications, subsequent orders and materials needed to apply for, implement and complete Title II and Title III projects associated with the county's elections and allocations.

ADOPTED this 17th day of May, 2006.

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Chair, Lane County Board of Commissioners

APPROVED AT THE REGULAR MEETING

5-10-06

*Marianne Krull*