

BEFORE THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

ENDORSED
4:28pm Filed *SPW*
5-5, 2004
Tassi O'Neil
County Clerk

In the Matter of the 2004)
Election to Receive **O&C Land**)
Related Safety-Net Payments)
Under P.L. 106-393)

RESOLUTION NO. R-04-11

WHEREAS, Congress enacted in 1937 and subsequently amended a law that requires that 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 source of revenues from O&C Lands is from the sale and removal of timber, 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 communities 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 or activities on federal lands, or in county projects or activities; and

WHEREAS, Title I, Section 103 of P.L. 106-393 gives each eligible county the right to elect to receive either its traditional share of revenues from the O&C Lands, or instead to receive the guaranteed minimum amount, also known as the "full payment amount;" and

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

WHEREAS, any county electing to receive the full payment amount must further elect 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 and Title III to the General Treasury

of the United States, and communicate such allocation to the Secretary of the United States Department of the 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 the 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:

NOW, THEREFORE, be it resolved as follows:

1. Tillamook County hereby allocates 15% percent [Note: This entry must be not less than 15 percent and not more than 20 percent] of its full payment amount for expenditure on projects under Title II and Title III of P.L. 106-393. Tillamook 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).
2. Of the total amount allocated to Title II and Title III projects above in paragraph 1, hereinafter referred to as the "Project Funds," Tillamook County further allocates between such Titles for federal fiscal year 2004 (for expenditure after federal fiscal year 2004) on the following basis: 65.5 percent of Project Funds for expenditure on Title II projects and 33.5 percent of the Project Funds for expenditure on Title III projects. [Note: Entries for allocation between Titles II and III must add up to 100 percent.]

3. Of the amount of Project Funds allocated to Title II projects above in paragraph 2, Tillamook County further allocates between RACs as follows [Note: Entries for allocation among RACs below must add up to 100 percent]:

100 percent to the Salem District RAC.

4. The original or a certified copy of this Resolution shall be transmitted to the Association of O&C Counties, Mr. Rocky McVay.

ADOPTED this 5 day of May, 2004.

**BOARD OF COMMISSIONERS FOR
TILLAMOOK COUNTY, OREGON**

Paul A. Hanneman
Paul A. Hanneman, Chairperson

Aye	Nay	Absent/Abstain
<u>✓</u>	<u> </u>	<u> 1 </u>

Charles J. Hurliman
Charles J. Hurliman, Vice Chairperson

<u>✓</u>	<u> </u>	<u> 1 </u>
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Tim Josi
Tim Josi, Commissioner

<u>✓</u>	<u> </u>	<u> 1 </u>
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ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

BY: Nancy Wagoner
Special Deputy

William K. Sargent
William K. Sargent, County Counsel



