

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2008-393

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	LK	11/5/08	RECEIVED NOV 07 2008 WHATCOM COUNTY COUNCIL	11/12/08	Finance/Council
Division Head:					
Dept. Head:					
Prosecutor:	KNF	11/6/08			
Purchasing/Budget:	Dewey	11/6/08			
Executive:	PK	11-7-08			

TITLE OF DOCUMENT: Resolution to Elect Expenditures of National Forest Related Safety-Net Payments under PL 106-393 and PL 110-343.

ATTACHMENTS: Resolution

SEPA review required?	() Yes	() NO	Should Clerk schedule a hearing?	() Yes	() NO
SEPA review completed?	() Yes	() NO	Requested Date:		

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Resolution to Elect Expenditures of National Forest Related Safety-Net Payments under PL 106-393 and PL 110-343

COMMITTEE ACTION:

11/12/2008: Forwarded to Council for approval

COUNCIL ACTION:

11/12/2008: Council Approved 7-0
Res. 2008-076

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Res. 2008-076

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

SPONSORED BY: County Executive

PROPOSED BY County Executive

INTRODUCTION DATE: 11/12/08

RESOLUTION NO. 2008-076

In the Matter of the Election to Receive National Forest Related
Safety-Net Payments Under P.L. 106-393 and 110-343

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 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; and

WHEREAS, 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; and

WHEREAS, the volume of timber sold annually from most National Forest lands has declined precipitously, 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 further defined in P.L. 110-343; and

WHEREAS, P.L. 106-393 and P.L. 110-343 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, per Title 1, Section 102 of P.L. 106-393 and P.L. 110-343, Whatcom County in Resolution 2001-47 elected to receive the full payment amount from the National Forest lands pursuant to the Act of May 23, 1908 and Section 13 of the Act of March 1, 1911.

WHEREAS, an election to receive the full payment amount is effective for all federal fiscal years through fiscal year 2011; and

WHEREAS, 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 1, Section 102(d)(1)(B) of P.L. 106-393 and P.L. 110-343; and

WHEREAS, Title I of P.L. 106-393 and P.L. 110-343 requires that counties electing to receive the full payment amount must yearly allocate its project funds for expenditure between projects in accordance with Title II of P.L. 106-393 and P.L. 110-343, projects in accordance with Title III of P.L. 106-393 and P.L. 110-343, 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; and

WHEREAS, Title II of P.L. 106-393 and P.L. 110-343 provides for special projects on federal lands or that benefit resources on federal lands, which projects are recommended by local resource advisory committees ("RACs"); and

WHEREAS, 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; and

WHEREAS, Title III of P.L. 106-393 and P.L. 110-343 provides for county projects or services, some of which are associated with the federal lands, with Title III authorizing expenditures for search, rescue and emergency services and fire prevention pursuant to the Cooperative Forest Assistance Act of 1978;

NOW, THEREFORE, be it resolved as follows:

1. Whatcom County hereby allocates 20 percent of its full payment amount for expenditure on projects under Title II and Title III of P.L. 106-393 and P.L. 110-343. Whatcom County will return none of its payment amounts to the General Treasury of the United States pursuant to Title I, Section 102(d)(1)(B)(iii).
2. Of the amount allocated to Title II and Title III projects above, hereinafter referred to as the "Project Funds," Whatcom County further allocates between such Titles for federal fiscal year 2008 (for expenditure after federal fiscal year 2008) on the following basis:
 - 100 percent of the Project Funds for expenditure on Title II projects.
3. A copy of this Resolution shall be transmitted as rapidly as possible to the Association of Washington Counties with instructions to re-convey the Resolution to the Office of Governor of the State of Washington with a request that the

Governor communicate the elections made herein to the Secretary of the United States Department of Agriculture.

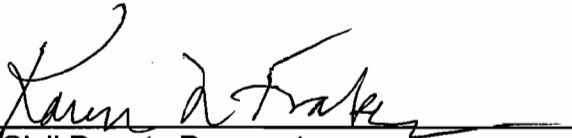
ADOPTED this 12th day of November, 2008.

ATTEST
COUNTY COUNCIL
OF WHATCOM COUNTY
STATE OF WASHINGTON
Dana Brown-Davis, Clerk of the Council
APPROVED AS TO FORM:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Council Chair



Civil Deputy Prosecutor

Approved Denied



Pete Kremen
County Executive