

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	DD	7/28/09	RECEIVED SEP 08 2009 WHATCOM COUNTY COUNCIL	09/15/09	Finance/Council
Division Head:					
Dept. Head:	<i>J. Wiley</i>	7/29/09			
Prosecutor:	<i>R. W.</i>	8/3/09			
Purchasing/Budget:	<i>BB</i>	9/3/09			
Executive:	<i>DK</i>	9-3-09			

TITLE OF DOCUMENT: Resolution to Elect Expenditures of National Forest Related Safety-Net Payments under 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 110-343 (the Act).

COMMITTEE ACTION:
 9/15/2009: Forwarded to Council for approval

COUNCIL ACTION:
 9/15/2009: Council Approved 7-0
 Res. 2009-046

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:
 Res. 2009-046

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: 09/15/09

RESOLUTION NO. 2009-046

In the Matter of the Election to Receive National Forest Related
Safety-Net Payments Under P.L. 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 amended and reauthorized by P.L. 110-343; and

WHEREAS, 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, 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

WHEREAS, Title I, Section 102(d)(1)(B) of P.L. 106-393 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, projects in accordance with Title III of P.L. 106-393, 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 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

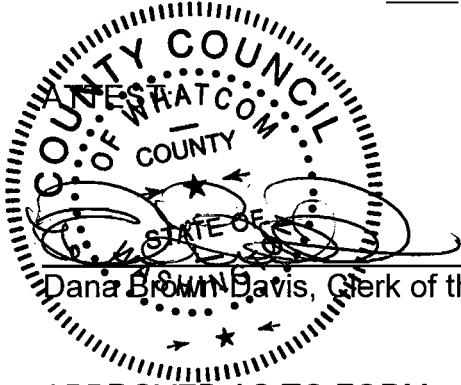
WHEREAS, Title III of P.L. 106-393 provides for county projects or services, some of which are associated with the federal lands, with Title III authorizing expenditures for search, rescue and emergency services, staffing of community service work camps, the purchase of easements, forest related educational opportunities, fire prevention and county planning, and community forestry 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 2009 (for expenditure after federal fiscal year 2009) 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 15th day of September, 2009.



Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Seth Fleetwood, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Approved Denied

Pete Kremen
County Executive