

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION NO 2010-

**A RESOLUTION IN THE MATTER OF THE ELECTION TO RECEIVE
NATIONAL FOREST RELATED SAFETY-NET PAYMENTS UNDER 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 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 or benefit resources on federal lands, or in county projects or activities and to achieve those goals enacted P.L. 106-393 in 2000; and

WHEREAS: Title 1, Section 102 of P.L. 106-393 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 amount, also known as the "full payment amount," and

WHEREAS: an election to receive the full payment amount is effective for all federal fiscal years through fiscal year 2009; and

WHEREAS: any county electing to receive the full payment amount in excess of \$100,000 dollars shall further elect each fiscal year to expend an amount not less than 80 percent nor more than 85 percent of its full payment amount in the same manner in which the 25% payments are required to be expended; and

WHEREAS: any county with minor distributions electing to receive the full payment amount which is less than \$100,000 dollars for any fiscal year may elect to expend all such funds in the same manner in which the 25% payments are required to be expended; and

WHEREAS: Title I, Section 102(d)(l)(B) of P.L. 106-393 requires that counties electing to receive the full payment amount in excess of \$100,000 dollars must allocate its project funds, 15 percent to 20 percent of its full payment amount 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 return the balance of unallocated funds 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 ("RAC'S"); and

WHEREAS: RAC's 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: Counties that allocate funding to projects under Title II of P.L. 106-393, and are potential participants in more than one RAC, may further direct that their Title II project funds be divided between different RAC's according to an allocation divided by each participating county, with such funds held in the General Treasury of the United States under the name of the county with a designation of 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 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; and

WHEREAS: Kittitas County is projected to benefit by electing to receive its full payment amount rather than electing to receive its traditional share of National Forest revenue,

NOW, THEREFORE, BE IT RESOLVED:

1. Kittitas County hereby elects to receive its full payment amount pursuant to Title I Section 102(a)(2) of P.L. 106-393.
2. Kittitas County hereby allocates 20 percent.
3. Of the amount allocated to Title II and Title III project above in paragraph 2, hereinafter referred to as the "Project Funds", Kittitas County further allocates between such Titles for the federal fiscal year 2008 for expenditure after federal fiscal year 2007 on the following basis: one-hundred (100) percent of Project Funds for expenditure on Title II projects and zero (0) percent of the Project Funds for expenditure on Title III projects.

4. A copy of this Resolution shall be transmitted as rapidly as possible to the Association of Washington Counties, Mr. Tom Robinson with-instructions to 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 no later than September 30, 2010.

DATED this 17th day of August, 2010.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON

Mark McClain, Chairman

Paul Jewell, Vice-Chairman

Alan Crankovich, Commissioner

ATTEST:

Clerk of the Board
