

DEPARTMENT: Administration

BY: Rick Benson
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution electing to receive the full county payment under the reauthorization of the Secure Rural Schools and Community Self-Determination Act (SR2008) and of the full county payment to allocate 8-percent to Title II projects and 7-percent to Title III projects.

Please see the attached staff report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors adopted Resolution 08-536 on November 10, 2008, electing to receive the full county payment and of this payment allocating 8-percent to Title II projects and 7-percent to Title III projects.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt the Resolution. The County will be considered to have elected to return 15-percent of its share to the U.S. Treasury in lieu of allocating 15 to 20-percent for Title II and/or Title III projects.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Staff Report
Source:		Resolution
Internal Transfer _____		Allocation Options Spreadsheet
Unanticipated Revenue _____ 4/5's vote		Letter from USDA
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: 09-468 Ord. No. _____
Vote - Ayes: 3 Noes: _____
Absent: Alborn, Bibby
MW Approved
() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

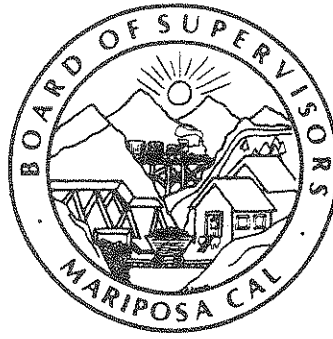
COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

CAO: *[Signature]*

Mariposa County Board of Supervisors

District 1 BRAD ABORN
District 2 LYLE TURPIN
District 3 JANET BIBBY
District 4 KEVIN CANN
District 5 JIM ALLEN



RICHARD J. BENSON
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252
FAX (209) 966-5147
www.mariposacounty.org/board

September 22, 2009

To: Rick Benson, County Administrative Officer

 From: Mary Hodson, Deputy County Administrative Officer

Subject: Reauthorization of Secure Rural Schools and Community Self-Determination Act

The reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 was included in the economic stimulus package that was approved by Congress and signed into law (P.L. 110-343) by the President on October 3, 2008 (SR2008). SR2008 will provide declining payments to counties with federal forest lands over four federal fiscal years (FFY) 2008 through 2011. FFY are from October 1st through September 30th.

SR2008 varies significantly from the prior safety net legislation (HR2389) and listed below are a few of the key features.

- A new and complicated distribution formula is established, but California and seven other states will not receive their payments under the new formula until 2011. For FFY 2008 – 2010, the “transition” states will receive payments that decline from the payment received in FFY 2006.
 - FFY 2008: 90-percent of amount received for FFY 2006 = \$585,706
 - FFY 2009: 81-percent of amount received for FFY 2006 = \$527,135
 - FFY 2010: 73-percent of amount received for FFY 2006 = \$475,072
 - FFY 2011: New formula – estimated amount is \$392,028

Attached is a spreadsheet of how this money can be allocated.

- Gives counties the opportunity to opt to stay on traditional harvest receipt shares (25-percent payment) or accept the safety net payments. Electing to accept the safety net payments is irreversible for the life of the legislation (through FFY 2011). The majority of counties in California will receive more funding electing the safety net payment, which is what Mariposa County has traditionally done.
- Counties are still required to elect to allocate between 20 to 15-percent of their safety net payment amount for Title II and/or Title III projects, however

counties are now limited in how the project funds can be split between Title II and Title III. No more than 7-percent of the safety net payment amount can be applied to Title III projects, with the remaining amount allocated to Title II projects.

Title II projects require the formation of a Resource Advisory Committee (RAC) which is governed by the Meyers-Milius-Brown Act and consists of 15 members appointed by the Secretary of Agriculture. All Title II projects must be recommended by the RAC and approved by the Secretary of Agriculture. Approved uses of Title II project funds may be found under section 202 of SR2008. Mariposa County is now a member of the Tuolumne-Mariposa RAC and has a weed eradication project currently being funded with Title II money.

- Title III projects have been reduced to three approved categories: (1) Carry out programs under the Firewise Communities program through education and assistance to homeowners regarding ways to reduce risks to wildfire; (2) Reimburse counties for the cost of search, rescue, and emergency services including firefighting, on federal lands; and (3) develop community wildfire protection plans in coordination with the Forest Service and/or the Bureau of Land Management (BLM). Additionally, all project funds must be obligated by September 30, 2012, or the funds will be returned to the United States Treasury.

mbh
Attachment

Allocation Options of Safety Net Payments

85% to Title I with the remaining 15% to Title II and Title III projects:

	Safety-Net Payment	85% to Title I	Title I Split Between		8% to Title II	7% to Title III
			Schools	Roads		
FFY 2008	\$585,706	\$497,850	\$248,925	\$248,925	\$46,856	\$40,999
FFY 2009	\$527,135	\$448,065	\$224,032	\$224,032	\$42,171	\$36,899
FFY 2010	\$475,072	\$403,811	\$201,906	\$201,906	\$38,006	\$33,255
FFY 2011	\$392,028	\$333,224	\$166,612	\$166,612	\$31,362	\$27,442

80% to Title I with the remaining 20% to Title II and Title projects:

	Safety-Net Payment	80% to Title I	Title I Split Between		13% to Title II	7% to Title III
			Schools	Roads		
FFY 2008	\$585,706	\$468,565	\$234,282	\$234,282	\$76,142	\$40,999
FFY 2009	\$527,135	\$421,708	\$210,854	\$210,854	\$68,528	\$36,899
FFY 2010	\$475,072	\$380,058	\$190,029	\$190,029	\$61,759	\$33,255
FFY 2011	\$392,028	\$313,622	\$156,811	\$156,811	\$50,964	\$27,442

The 25% traditional harvest receipt payment for Mariposa County in FFY 2008 is \$97,933.

MARIPOSA COUNTY RESOLUTION NO. 09-468

**A RESOLUTION FOR FEDERAL FISCAL YEAR 2009 ELECTIONS FOR
NATIONAL FOREST RELATED SAFETY-NET PAYMENTS**

WHEREAS, Congress enacted in 1908 and subsequently amended a law that requires that 25-percent of the revenue 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 United States Congress recognized a need to stabilize education and road maintenance funding through predictable payments to the affected counties; and to achieve that goal enacted the Secure Rural Schools and Community Self-Determination Act of 2000, which has been amended and re-authorized for federal fiscal years (FFY) 2008 – 2011 (“SR2008”); and

WHEREAS, Title I of SR2008 gives each eligible county the right to elect to receive either its traditional share of revenue from the National Forest lands pursuant to the Act of May 23, 1908, and Section 13 of the Act of March 1, 1911 (the “25-percent payments”), or instead to receive a guaranteed minimum share of the State payment pursuant to Sections 102(a)(1)(B) and 103 (the “full county payment amount”); and

WHEREAS, an election to receive the full county payment amount is effective for all FFY through FFY 2011, and an election to receive the 25-percent payment is binding for two years; and

WHEREAS, any county electing to receive the full county payment that is \$100,000 or more, must further elect to expend an amount not less than 15-percent nor more than 20-percent of its full county payment amount as project funds; and

WHEREAS, Title I, Section 102(d) of SR2008 requires that counties electing to receive the full county payment of \$100,000 or more must allocate its project funds for projects in accordance with Title II and Title III, and return the balance of project funds unspent under Title II and Title III to the Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of Agriculture; and

WHEREAS, Title II provides for special projects on federal lands or that benefit resources on federal lands, and 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 provides for county projects, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue, and emergency services on federal lands, fire prevention and planning under the Firewise Communities program, and development of community wildfire protection plans; and

WHEREAS, a county with a full county payment amount of \$350,000 or more may not allocate more than 7-percent of its full county payment for Title III projects.

NOW, THEREFORE BE IT RESOLVED, that the County of Mariposa hereby elects to receive the guaranteed minimum full county payment amount pursuant to SRS2008 Sections 102(a)(1)(B) and 103.

BE IT FURTHER RESOLVED, the County of Mariposa has elected to receive the full county payment amount that is \$100,000 or more, and hereby allocates 15-percent of its full county payment amount for expenditures on projects under Title II and Title III. The County of Mariposa will return none (zero-percent) of its full county payment amount to the Treasury of the United States.

BE IT FURTHER RESOLVED, of the 15-percent allocated to Title II and Title III projects, the County of Mariposa further allocates between Titles for FFY 2009 (for expenditure after FFY 2009) on the following basis: 8-percent of full county payment amount for expenditure on Title II projects and 7-percent of the full county payment amount for expenditure on Title III projects.

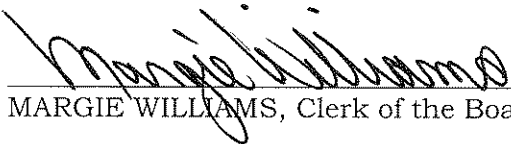
PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this 22nd day of September 2009 by the following vote.

AYES: TURPIN, CANN, ALLEN
NOES: NONE
EXCUSED: ABORN, BIBBY



BRAD ABORN, Chairman

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM:



STEVEN W. DAHLEN, County Counsel



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9240 Text (TDD)

File Code: 1010/1560/6540

Date: JUL 27 2009

Mr. Brad Aborn
District 1 County Supervisor
Mariposa County
P.O. Box 784
Mariposa, CA 95338

AUG 3 2009

Dear Mr. Aborn:

In order to prepare the 2009 payments to the states under the Secure Rural Schools and Community Self Determination Act, as amended and reauthorized by P.L. 110-343 (the Act), we request that you notify us by September 30, 2009 of your allocation of Title II and Title III for the 2009 payments. These payments should be transmitted to California in about December of 2009.

Following are details about this request as outlined in the legislation.

Each eligible county elected by December 2008 will receive one of the following payments: a share of the state's 25-percent rolling average payment, or a share of the "State payment". As a reminder, the "State payment" option for California counties includes an approximate 10% decrease each year for the first three years. In the fourth year (final year) the formula changes to one used by most other States.

Counties that elected to receive a share of the 25-percent rolling average payment do not need to submit information this year. Their 2008 election is effective for 2 years. These counties will be required to make a new election by August 1, 2010.

A county that elected to receive a share of the State payment may not change its election in subsequent years. It will receive its share of the State payment through fiscal year (FY) 2011.

A participating county that receives a share of the State payment that is greater than \$100,000 must make an **additional election to allocate among titles by September 30 each year** as explained below:

- **\$100,000 or less.** If the county share of the State payment is \$100,000 or less, the county may, but is not required to, allocate its share in the same manner as a county with a share that is greater than \$100,000 but less than \$350,000.
- **>\$100,000 and <\$350,000.** If the county share of the State payment is greater than \$100,000 but less than \$350,000, the county must allocate 15 percent to 20 percent of its share to Title II, Title III, or a combination of the two titles. The total percentage allocated to Title II and/or Title III must be no less than 15 percent and no greater than 20 percent.



- **\$350,000 or greater.** If the county share of the State payment is \$350,000 or greater, the county must allocate 15 percent to 20 percent of its share to Title II, Title III, or a combination, except that the allocation for Title III projects may not exceed 7 percent. The total percentage allocated to Title II and Title III combined must be no less than 15 percent and no greater than 20 percent.

By law, participating counties receiving more than \$100,000 as its share of the State payment must allocate a portion of its payment to Titles II and/or III by September 30 each year. For these counties, failure to submit these elections (allocations) by the deadline will result in the county being considered to have elected to return 15 percent of its share to the U.S. Treasury in lieu of allocating 15 to 20 percent for Title II and/or Title III projects.

Keeping in mind the legislative direction outlined above please notify us of the following;

- 1) How much you elect to set aside this year, (between 15-20%).
- 2) How you want it allocated between Title II and Title III funds.

Please send this information to:

USDA Forest Service
Attn: Christine Nota
650 Capital Mall, Room 8-200
Sacramento, CA 95814

Because of the tight time frames we will also accept this information by email or by fax with a follow-up hard copy.

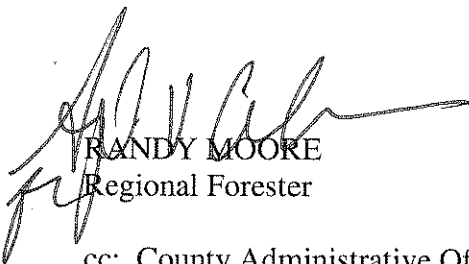
Email: cnota@fs.fed.us

Fax: (916) 498-6675

If you are one of the counties that receive less than \$100,000 or elected to receive payments under the 25-percent rolling average payment you do not need to respond to this letter.

Please feel free to contact Christine Nota of my staff at 916-498-5901 for any questions.

Sincerely,



RANDY MOORE
Regional Forester

cc: County Administrative Officer