

## OC ANIMAL CARE SERVICES

### NEW AGREEMENTS FOR SHELTER CONSTRUCTION AND SERVICES

#### MAJOR TERMS

##### Participation Agreement (New Shelter)

1. Establishes a Design Advisory Board consisting of three (3) city representatives. Two of the representatives must be from cities individually constituting more than 8% of the total usage of the existing shelter (Anaheim, Santa Ana, Garden Grove or Orange).
2. If at any time the County elects to discontinue providing animal sheltering services, the cities have an option to take over the operation of the shelter from the County under a ground lease arrangement. This option is in play for 55 years.
3. Maximum shelter cost is based on a \$35M shelter with the County contributing the first \$5M toward costs incurred after April 1, 2016. The remaining \$30M is divided proportionally among cities based on the previous 5 years of shelter usage. See attached draft exhibit D.
4. Payments may be made in advance, or at the election of each individual city, over a ten year period. For those cities electing the 10 year payment period, payments will be due quarterly beginning in October 2016 and will include an additional funding cost (0.77%) See attached draft exhibit E.
5. After year 5, each city's respective percentage share of the maximum construction costs shall be recalculated based on the same formula as set forth in draft exhibit D but using then current statistical data. If any city's respective percentage share is altered by the recalculation by more than 5%, then each city's total share of the maximum construction costs shall be recalculated so that the originally calculated percentage shall be applied to one half of the maximum construction costs and the recalculated percentage shall be applied to the second half of the maximum construction costs.
6. No city will be added to OC Animal Care program for a period of three years to allow for appropriate sizing and establishment of operational protocols for the new shelter. New cities will be required to pay a pro rata portion of the maximum construction costs

based on the formula in draft Exhibit D. New monies will first be applied toward any necessary shelter expansion and the remainder will be deposited into a shelter maintenance and repair fund to off-set future costs to all contract cities.

7. Any excess funds (maximum construction costs less actual construction costs) shall be credited to cities against future charges under each city's Services Agreement.
8. Participating cities are making a ten (10) year operational commitment.
9. Maximum construction costs may increase under the following conditions:
  - I. The recalculation under number 5 above. There will be winners and losers, if applied.
  - II. One or more cities fail to execute the Participation Agreement. The maximum shelter cost of \$35M is based on all existing contract cities signing the Participation Agreement. If any cities do not sign the Participation Agreement, then the maximum cost to the remaining cities may increase. While there is built-in scalability in the County's design-build contract, there are also some fixed costs that cannot be adjusted.
  - III. When a city fails to make payment under the 10 year payment plan. If a city defaults on its payments, the County will pursue all legal remedies and the remaining cities may also pursue legal remedies. Should the non-paying city pay any amount owing, the increased cost to other cities will be reimbursed.

#### **Agreement for Provision of Animal Care Services**

- A. Ten year term. County will still issue an annual Notice of Intent.
- B. May be terminated by County immediately upon default by a city under the Services Agreement or the Participation Agreement.
- C. County will no longer be able to terminate without cause.
- D. City and County may agree to individualized services if the resulting service level will not conflict with state or federal statutes and not endanger the public health.

- E. Cities may adopt fee amounts that differ from the County's fee schedule.
- F. The FOAB is changed to the City Managers Association Animal Care Committee (CMAAC) and will be constituted at the discretion of the cities. The County no longer has the right to change the constitution of the committee.
- G. No less than once every three years, the County will engage an external auditor to review city billings.
- H. The Services Agreement must be executed simultaneously with the Participation Agreement.

**IMPORTANT NOTE**

*The County is requesting that cities approve and execute the agreements by April 1. If an individual city requires more time, they should contact Steve Franks directly at (714) 480-2788.*

Exhibit D  
Maximum Construction Costs and Participation Formula

<u>Maximum Construction Costs</u>	
\$35,000,000 *	
\$5,000,000	County Contribution
\$30,000,000	Contract Cities Funding Share

\*Costs included are identified in Section 2.1 of the Participation Agreement.

**Participation Formula**

The total projected cost to the Contract Cities is based on \$30.0 million as the total contract city contribution. The distribution among the Contract Cities is an estimate assuming participation by all 18 cities currently contracting with the County for OC Animal Shelter services. Estimates do not include Additional Funding Costs associated with a 10-year Payment Schedule.

Estimated costs for each city are based on a historical five-year average of Animal Charge Days, expressed as a percentage of the total. Animal Charge Days represents the number of days animals receive board and care at OCAC.

Calculation of pro rata portion of Maximum Construction Costs for new cities added after initial contract execution and three year period as set forth in Section 3. of the Participation Agreement will be based upon comparability to similar sized cities under contract with the County based upon a five year average annual Shelter Utilization figure using actual admissions and shelter days for the new city with their current/previous Shelter provider. In the absence of available shelter data for a new city, the pro rata portion will be based upon comparability to similar sized cities under contract with the County based upon city population as identified in the most recent California State Department of Finance publications.

	Distribution of Cities' Share of Maximum Construction Costs	
Anaheim	\$ 7,017,529	23.39%
Brea	\$ 367,454	1.22%
Cypress	\$ 568,874	1.90%
Fountain Valley	\$ 777,973	2.59%
Fullerton	\$ 2,240,317	7.47%
Garden Grove	\$ 4,142,755	13.81%
Huntington Beach	\$ 1,829,954	6.10%
Laguna Hills	\$ 222,122	0.74%
Lake Forest	\$ 555,539	1.85%
Orange	\$ 2,467,472	8.22%
Placentia	\$ 548,846	1.83%
Rancho Santa Margarita	\$ 209,618	0.70%
San Juan Capistrano	\$ 270,168	0.90%
Santa Ana	\$ 6,867,112	22.89%
Stanton	\$ 612,821	2.04%
Tustin	\$ 791,152	2.64%
Villa Park	\$ 46,853	0.16%
Yorba Linda	\$ 463,442	1.54%
<b>Total</b>	<b>\$ 30,000,000</b>	<b>100.00%</b>

EXHIBIT E  
DRAFT

Cities Share of Max Construction Costs		30,000,000.00							
Additional Funding Cost Rate		0.77%							
Number of Payments		40							
Payments		\$779,966.81							
Quarterly Payment Schedule									
# Payments	Period	Beginning Balance	Payment	Cities Share of MCC	Additional Funding Cost	Cumulative Cities Share of MCC	Cumulative Additional Funding Cost	Ending Balance	
5	Year Average* (%)								
1	10/1/2016	30,000,000.00	\$779,966.81	722,216.81	57,750.00			29,277,783.19	
2	1/1/2017	29,277,783.19	779,966.81	723,607.08	56,359.73	723,607.08	56,359.73	28,554,176.11	
3	4/1/2017	28,554,176.11	779,966.81	725,000.02	54,966.79	1,448,607.10	111,326.52	27,829,176.09	
4	7/1/2017	27,829,176.09	779,966.81	726,395.65	53,571.16	2,175,002.75	164,897.68	27,102,780.44	
5	10/1/2017	27,102,780.44	779,966.81	727,793.96	52,172.85	2,902,796.71	217,070.53	26,374,986.48	
6	1/1/2018	26,374,986.48	779,966.81	729,194.96	50,771.85	3,631,991.67	267,842.38	25,645,791.52	
7	4/1/2018	25,645,791.52	779,966.81	730,598.66	49,368.15	4,362,590.33	317,210.53	24,915,192.86	
8	7/1/2018	24,915,192.86	779,966.81	732,005.06	47,961.75	5,094,595.39	365,172.28	24,183,187.80	
9	10/1/2018	24,183,187.80	779,966.81	733,414.17	46,552.64	5,828,009.56	411,724.92	23,449,773.63	
10	1/1/2019	23,449,773.63	779,966.81	734,826.00	45,140.81	6,562,835.56	456,865.73	22,714,947.63	
11	4/1/2019	22,714,947.63	779,966.81	736,240.54	43,726.27	7,299,076.10	500,592.00	21,978,707.09	
12	7/1/2019	21,978,707.09	779,966.81	737,657.80	42,309.01	8,036,733.90	542,901.01	21,241,049.29	
13	10/1/2019	21,241,049.29	779,966.81	739,077.79	40,889.02	8,775,811.69	583,790.03	20,501,971.50	
14	1/1/2020	20,501,971.50	779,966.81	740,500.51	39,466.30	9,516,312.20	623,256.33	19,761,470.99	
15	4/1/2020	19,761,470.99	779,966.81	741,925.98	38,040.83	10,258,238.18	661,297.16	19,019,545.01	
16	7/1/2020	19,019,545.01	779,966.81	743,354.19	36,612.62	11,001,592.37	697,909.78	18,276,190.82	
17	10/1/2020	18,276,190.82	779,966.81	744,785.14	35,181.67	11,746,377.51	733,091.45	17,531,405.68	
18	1/1/2021	17,531,405.68	779,966.81	746,218.85	33,747.96	12,492,596.36	766,839.41	16,785,186.83	
19	4/1/2021	16,785,186.83	779,966.81	747,655.33	32,311.48	13,240,251.69	799,150.89	16,037,531.50	
20	7/1/2021	16,037,531.50	779,966.81	749,094.56	30,872.25	13,989,346.25	830,023.14	15,288,436.94	
21	10/1/2021	15,288,436.94	779,966.81	750,536.57	29,430.24	14,739,882.82	859,453.38	14,537,900.37	
22	1/1/2022	14,537,900.37	779,966.81	751,981.35	27,985.46	15,491,864.17	887,438.84	13,785,919.02	
23	4/1/2022	13,785,919.02	779,966.81	753,428.92	26,537.89	16,245,293.09	913,976.73	13,032,490.10	
24	7/1/2022	13,032,490.10	779,966.81	754,879.27	25,087.54	17,000,172.36	939,064.27	12,277,610.83	
25	10/1/2022	12,277,610.83	779,966.81	756,332.41	23,634.40	17,756,504.77	962,698.67	11,521,278.42	
26	1/1/2023	11,521,278.42	779,966.81	757,788.35	22,178.46	18,514,293.12	984,877.13	10,763,490.07	
27	4/1/2023	10,763,490.07	779,966.81	759,247.09	20,719.72	19,273,540.21	1,005,596.85	10,004,242.98	
28	7/1/2023	10,004,242.98	779,966.81	760,708.64	19,258.17	20,034,248.85	1,024,855.02	9,243,534.34	
29	10/1/2023	9,243,534.34	779,966.81	762,173.01	17,793.80	20,796,421.86	1,042,648.82	8,481,361.33	
30	1/1/2024	8,481,361.33	779,966.81	763,640.19	16,326.62	21,560,062.05	1,058,975.44	7,717,721.14	
31	4/1/2024	7,717,721.14	779,966.81	765,110.20	14,856.61	22,325,172.25	1,073,832.05	6,952,610.94	
32	7/1/2024	6,952,610.94	779,966.81	766,583.03	13,383.78	23,091,755.28	1,087,215.83	6,186,027.91	
33	10/1/2024	6,186,027.91	779,966.81	768,058.71	11,908.10	23,859,813.99	1,099,123.93	5,417,969.20	
34	1/1/2025	5,417,969.20	779,966.81	769,537.22	10,429.59	24,629,351.21	1,109,553.52	4,648,431.98	
35	4/1/2025	4,648,431.98	779,966.81	771,018.58	8,948.23	25,400,369.79	1,118,501.75	3,877,413.40	
36	7/1/2025	3,877,413.40	779,966.81	772,502.79	7,464.02	26,172,872.58	1,125,965.77	3,104,910.61	
37	10/1/2025	3,104,910.61	779,966.81	773,989.86	5,976.95	26,946,862.44	1,131,942.72	2,330,920.75	
38	1/1/2026	2,330,920.75	779,966.81	775,479.79	4,487.02	27,722,342.23	1,136,429.74	1,555,440.96	
39	4/1/2026	1,555,440.96	779,966.81	776,972.59	2,994.22	28,499,314.82	1,139,423.96	778,468.37	
40	7/1/2026	778,468.37	779,966.81	778,468.26	1,498.55	29,277,783.08	1,140,922.51	0.11	
<b>TOTAL</b>			<b>31,198,672.40</b>	<b>29,999,999.89</b>	<b>1,198,672.51</b>				









EXHIBIT E  
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Cities Share of Max Construction Costs	30,000,000.00
Additional Funding Cost Rate	0.77%
Number of Payments	40
Payments	\$779,966.81

Quarterly Payment Schedule						RANCHO SANTA MARGARITA			SAN JUAN CAPISTRANO			SANTA ANA			STANTON		
# Payments	Period	Beginning Balance	Payment	Cities Share of MCC	Additional Funding Cost	Total Payment	Cities Share of MCC	Additional Funding Cost	Total Payment	Cities Share of MCC	Additional Funding Cost	Total Payment	Cities Share of MCC	Additional Funding Cost	Total Payment	Cities Share of MCC	Additional Funding Cost
Basis: 5 Year Average* (%)						0.70%			0.90%			22.89%			2.04%		
1	10/1/2016	30,000,000.00	\$779,966.81	722,216.81	57,750.00	5,449.84	5,046.32	403.51	7,024.07	6,504.00	520.07	178,537.31	165,318.12	13,219.19	15,932.67	14,752.99	1,179.68
2	1/1/2017	29,277,783.19	779,966.81	723,607.08	56,359.73	5,449.84	5,056.04	393.80	7,024.07	6,516.52	507.55	178,537.31	165,636.36	12,900.95	15,932.67	14,781.39	1,151.28
3	4/1/2017	28,554,176.11	779,966.81	725,000.02	54,966.79	5,449.84	5,065.77	384.07	7,024.07	6,529.06	495.01	178,537.31	165,955.21	12,582.10	15,932.67	14,809.84	1,122.83
4	7/1/2017	27,829,176.09	779,966.81	726,395.65	53,571.16	5,449.84	5,075.52	374.32	7,024.07	6,541.63	482.44	178,537.31	166,274.67	12,262.64	15,932.67	14,838.35	1,094.32
5	10/1/2017	27,102,780.44	779,966.81	727,793.96	52,172.85	5,449.84	5,085.29	364.55	7,024.07	6,554.22	469.85	178,537.31	166,594.75	11,942.56	15,932.67	14,866.92	1,065.75
6	1/1/2018	26,374,986.48	779,966.81	729,194.96	50,771.85	5,449.84	5,095.08	354.76	7,024.07	6,566.84	457.23	178,537.31	166,915.45	11,621.87	15,932.67	14,895.54	1,037.14
7	4/1/2018	25,645,791.52	779,966.81	730,598.66	49,368.15	5,449.84	5,104.89	344.95	7,024.07	6,579.48	444.59	178,537.31	167,236.76	11,300.55	15,932.67	14,924.21	1,008.46
8	7/1/2018	24,915,192.86	779,966.81	732,005.06	47,961.75	5,449.84	5,114.72	335.12	7,024.07	6,592.14	431.92	178,537.31	167,558.69	10,978.62	15,932.67	14,952.94	979.73
9	10/1/2018	24,183,187.80	779,966.81	733,414.17	46,552.64	5,449.84	5,124.56	325.28	7,024.07	6,604.83	419.23	178,537.31	167,881.24	10,656.07	15,932.67	14,981.72	950.95
10	1/1/2019	23,449,773.63	779,966.81	734,826.00	45,140.81	5,449.84	5,134.43	315.41	7,024.07	6,617.55	406.52	178,537.31	168,204.41	10,332.90	15,932.67	15,010.56	922.11
11	4/1/2019	22,714,947.63	779,966.81	736,240.54	43,726.27	5,449.84	5,144.31	305.53	7,024.07	6,630.29	393.78	178,537.31	168,528.21	10,009.11	15,932.67	15,039.46	893.21
12	7/1/2019	21,978,707.09	779,966.81	737,657.80	42,309.01	5,449.84	5,154.21	295.62	7,024.07	6,643.05	381.02	178,537.31	168,852.62	9,684.69	15,932.67	15,068.41	864.26
13	10/1/2019	21,241,049.29	779,966.81	739,077.79	40,889.02	5,449.84	5,164.14	285.70	7,024.07	6,655.84	368.23	178,537.31	169,177.66	9,359.65	15,932.67	15,097.42	835.26
14	1/1/2020	20,501,971.50	779,966.81	740,500.51	39,466.30	5,449.84	5,174.08	275.76	7,024.07	6,668.65	355.42	178,537.31	169,503.33	9,033.98	15,932.67	15,126.48	806.19
15	4/1/2020	19,761,470.99	779,966.81	741,925.98	38,040.83	5,449.84	5,184.04	265.80	7,024.07	6,681.49	342.58	178,537.31	169,829.62	8,707.69	15,932.67	15,155.60	777.07
16	7/1/2020	19,019,545.01	779,966.81	743,354.19	36,612.62	5,449.84	5,194.02	255.82	7,024.07	6,694.35	329.72	178,537.31	170,156.55	8,380.77	15,932.67	15,184.77	747.90
17	10/1/2020	18,276,190.82	779,966.81	744,785.14	35,181.67	5,449.84	5,204.01	245.82	7,024.07	6,707.24	316.83	178,537.31	170,484.10	8,053.22	15,932.67	15,214.00	718.67
18	1/1/2021	17,531,405.68	779,966.81	746,218.85	33,747.96	5,449.84	5,214.03	235.81	7,024.07	6,720.15	303.92	178,537.31	170,812.28	7,725.03	15,932.67	15,243.29	689.38
19	4/1/2021	16,785,186.83	779,966.81	747,655.33	32,311.48	5,449.84	5,224.07	225.77	7,024.07	6,733.08	290.98	178,537.31	171,141.09	7,396.22	15,932.67	15,272.63	660.04
20	7/1/2021	16,037,531.50	779,966.81	749,094.56	30,872.25	5,449.84	5,234.13	215.71	7,024.07	6,746.05	278.02	178,537.31	171,470.54	7,066.77	15,932.67	15,302.03	630.64
21	10/1/2021	15,288,436.94	779,966.81	750,536.57	29,430.24	5,449.84	5,244.20	205.64	7,024.07	6,759.03	265.04	178,537.31	171,800.62	6,736.69	15,932.67	15,331.49	601.18
22	1/1/2022	14,537,900.37	779,966.81	751,981.35	27,985.46	5,449.84	5,254.30	195.54	7,024.07	6,772.04	252.03	178,537.31	172,131.34	6,405.98	15,932.67	15,361.00	571.67
23	4/1/2022	13,785,919.02	779,966.81	753,428.92	26,537.89	5,449.84	5,264.41	185.43	7,024.07	6,785.08	238.99	178,537.31	172,462.69	6,074.62	15,932.67	15,390.57	542.10
24	7/1/2022	13,032,490.10	779,966.81	754,879.27	25,087.54	5,449.84	5,274.55	175.29	7,024.07	6,798.14	225.93	178,537.31	172,794.68	5,742.63	15,932.67	15,420.20	512.47
25	10/1/2022	12,277,610.83	779,966.81	756,332.41	23,634.40	5,449.84	5,284.70	165.14	7,024.07	6,811.23	212.84	178,537.31	173,127.31	5,410.00	15,932.67	15,449.88	482.79
26	1/1/2023	11,521,278.42	779,966.81	757,788.35	22,178.46	5,449.84	5,294.87	154.97	7,024.07	6,824.34	199.73	178,537.31	173,460.58	5,076.73	15,932.67	15,479.62	453.05
27	4/1/2023	10,763,490.07	779,966.81	759,247.09	20,719.72	5,449.84	5,305.06	144.77	7,024.07	6,837.48	186.59	178,537.31	173,794.49	4,742.82	15,932.67	15,509.42	423.25
28	7/1/2023	10,004,242.98	779,966.81	760,708.64	19,258.17	5,449.84	5,315.28	134.56	7,024.07	6,850.64	173.43	178,537.31	174,129.05	4,408.27	15,932.67	15,539.28	393.39
29	10/1/2023	9,243,534.34	779,966.81	762,173.01	17,793.80	5,449.84	5,325.51	124.33	7,024.07	6,863.83	160.24	178,537.31	174,464.24	4,073.07	15,932.67	15,569.19	363.48
30	1/1/2024	8,481,361.33	779,966.81	763,640.19	16,326.62	5,449.84	5,335.76	114.08	7,024.07	6,877.04	147.03	178,537.31	174,800.09	3,737.22	15,932.67	15,599.16	333.51
31	4/1/2024	7,717,721.14	779,966.81	765,110.20	14,856.61	5,449.84	5,346.03	103.81	7,024.07	6,890.28	133.79	178,537.31	175,136.58	3,400.73	15,932.67	15,629.19	303.48
32	7/1/2024	6,952,610.94	779,966.81	766,583.03	13,383.78	5,449.84	5,356.32	93.52	7,024.07	6,903.54	120.53	178,537.31	175,473.71	3,063.60	15,932.67	15,659.28	273.40
33	10/1/2024	6,186,027.91	779,966.81	768,058.71	11,908.10	5,449.84	5,366.63	83.21	7,024.07	6,916.83	107.24	178,537.31	175,811.50	2,725.81	15,932.67	15,689.42	243.25
34	1/1/2025	5,417,969.20	779,966.81	769,537.22	10,429.59	5,449.84	5,376.96	72.87	7,024.07	6,930.14	93.92	178,537.31	176,149.94	2,387.37	15,932.67	15,719.62	213.05
35	4/1/2025	4,648,431.98	779,966.81	771,018.58	8,948.23	5,449.84	5,387.31	62.52	7,024.07	6,943.48	80.58	178,537.31	176,489.03	2,048.28	15,932.67	15,749.88	182.79
36	7/1/2025	3,877,413.40	779,966.81	772,502.79	7,464.02	5,449.84	5,397.69	52.15	7,024.07	6,956.85	67.22	178,537.31	176,828.77	1,708.54	15,932.67	15,780.20	152.47
37	10/1/2025	3,104,910.61	779,966.81	773,989.86	5,976.95	5,449.84	5,408.08	41.76	7,024.07	6,970.24	53.83	178,537.31	177,169.17	1,368.15	15,932.67	15,810.58	122.09
38	1/1/2026	2,330,920.75	779,966.81	775,479.79	4,487.02	5,449.84	5,418.49	31.35	7,024.07	6,983.66	40.41	178,537.31	177,510.22	1,027.10	15,932.67	15,841.01	91.66
39	4/1/2026	1,555,440.96	779,966.81	776,972.59	2,994.22	5,449.84	5,428.92	20.92	7,024.07	6,997.10	26.96	178,537.31	177,851.92	685.39	15,932.67	15,871.51	61.16
40	7/1/2026	778,468.37	779,966.81	778,468.26	1,498.55	5,449.84	5,439.37	10.47	7,024.07	7,010.57	13.50	178,537.31	178,194.29	343.02	15,932.67	15,902.06	30.61
<b>TOTAL</b>			<b>31,198,672.40</b>	<b>29,999,999.89</b>	<b>1,198,672.51</b>	<b>217,993.55</b>	<b>209,618.10</b>	<b>8,375.45</b>	<b>280,962.76</b>	<b>270,168.00</b>	<b>10,794.77</b>	<b>7,141,492.48</b>	<b>6,867,111.87</b>	<b>274,380.61</b>	<b>637,306.82</b>	<b>612,821.10</b>	<b>24,485.73</b>

