

**MEMORANDUM**  
**OFFICE OF THE COUNTY EXECUTIVE**  
**COUNTY OF PLACER**

TO: Honorable Board of Supervisors  
FROM: Thomas M. Miller, County Executive Officer  
By: Bekki Riggan, Principle Management Analyst  
DATE: September 9, 2008  
SUBJECT: Memorandum of Understanding for South Placer Animal Shelter

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**Action Requested**

Approve the Memorandum of Understanding (MOU) among Placer County and the municipalities of Roseville, Rocklin, and Lincoln stipulating the parties commitment to the development of a regional South Placer Animal Shelter, to the pro rata cost of the Master Architect contract, and to the future formation of a Joint Powers Authority (JPA) for the funding, design, construction and operation of the South Placer Animal Shelter.

**Background**

Over the past several years, Placer County; the municipalities of Roseville, Rocklin and Lincoln; and the Placer Society for the Prevention of Cruelty to Animals (PSPCA) have been examining the regional partnership opportunities for the development of a new South Placer animal shelter. On July 11, 2006, your Board received a comprehensive briefing on the proposed public/private partnership model and directed staff to secure the commitment of the municipal partners and to commence the planning of the new South Placer Animal Shelter.

As part of the initial project commitment, Placer County requested that each city execute the attached jointly-developed MOU which outlines the key assumptions and anticipated timelines for this project. The MOU also details the parties' pro rata shares of the cost for the Master Architect contract to begin the design of the facility that is scheduled for release this fall. The Parties to the MOU have agreed to work together in reviewing submitted proposals and in selecting the Master Architect. Placer County has also completed an Animal Services Needs Assessment and has completed an initial site assessment of the proposed shelter site located on Phillips Road adjacent to the Roseville Energy Park.

The public-private, regional approach described in the MOU will provide high-quality, cost-effective animal care and sheltering services to the residents of South Placer County. Shelter operations will be governed by the JPA, with actual shelter operations performed by the PSPCA.

**Fiscal Impact**

The total anticipated Master Architect contract fee is \$150,000. Each jurisdiction's pro rata share is provided in the following chart. Placer County's share is \$62,100 and sufficient funding has been appropriated within the Capital Projects Fund project account. Each city is to pay 50% of its allocated costs upon approval and execution of the MOU and the balance is due and payable to the County upon JPA acceptance of the Master Architect's final plans. The portion of the shelter's capital cost associated with new development is anticipated to be offset by the Animal Services Capital Facility Impact Fees.

<b>Jurisdiction</b>	<b>Cost for Master Architect Contract (\$150,000)</b>	<b>Total Anticipated Master Architect Contract Fee</b>	<b>First Payment Amount</b>
Roseville	27%	\$40,500	\$20,250
Rocklin	18%	\$27,000	\$13,500
Lincoln	13.6%	\$20,400	\$10,200
** County	41.4%	\$62,100	\$31,050
<b>TOTAL</b>	<b>100%</b>	<b>\$150,000</b>	<b>\$75,000</b>

\*\*The County share is based on the estimated number of residents of the unincorporated County who would be served by the shelter.

## MEMORANDUM OF UNDERSTANDING FOR SOUTH PLACER ANIMAL SHELTER

This Agreement is entered into as of the 6th day of August, 2008, by and among the County of Placer ("County"), the City of Roseville ("Roseville"), the City of Rocklin ("Rocklin"), and the City of Lincoln ("Lincoln"), with respect to planning, funding, design, construction and operation of an animal shelter to serve south Placer County.

### RECITALS

1. County, Roseville, Rocklin and Lincoln (collectively, the "Parties") acknowledge that the communities of south Placer County are in need of increased and improved facilities for animal shelter.
2. The Parties, collectively and individually, have developed certain information and assumptions regarding animal shelter needs and proposed methods to meet those needs, including but not limited to a Needs Assessment procured by County from George Miers in 2007. Additionally, County has completed initial assessments of two potential animal shelter sites, has developed several tentative cost and shelter utilization estimates, and has provided the other Parties with the information so obtained.
3. The Parties intend to undertake to address south Placer County animal shelter needs for their mutual benefit.

### AGREEMENT

1. The Parties agree to work together and meet as necessary in order to negotiate and accomplish the formation of a joint powers authority (JPA) for the animal shelter. The Parties intend that, through negotiation for formation of the JPA, they will resolve issues including, but not limited to, funding, allocation of costs, roles and responsibilities, and timelines for performance.
2. Upon approval and execution of this Agreement by all of the Parties, County shall issue a request for proposals for a Master Architect for the project. The Parties agree to mutually cooperate in the review of the proposals and selection of the Master Architect. Upon selection, County shall enter into a contract with Master Architect to design the project.
3. Upon approval and execution of this Agreement, Roseville, Rocklin and Lincoln (the "Cities") shall each pay to County a portion of the anticipated Master Architect fee, shown as the First Payment Amount in the following table. County's share shall be as shown. The balance of each City's allocated share shall be due and payable to County upon JPA acceptance of the Master Architect's final plans.

Jurisdiction	Percentage of Cost for Master Architect Contract (\$150,000)	Total Anticipated Master Architect Contract Fee	First Payment Amount
Roseville	27%	\$40,500	\$20,250
Rocklin	18%	\$27,000	\$13,500
Lincoln	13.6%	\$20,400	\$10,200
**County	41.4%	\$62,100	\$31,050
<b>TOTAL</b>	<b>100%</b>	<b>\$150,000</b>	<b>\$75,000</b>

\*\* County share is based on estimated number of residents of unincorporated County who would be served by the shelter.

4. County's understanding of the Parties' tentative agreement for the project is set forth in Attachment A, "Key Assumptions for the South Placer Animal Shelter, July 1, 2008," and is based on discussions conducted among staff of the Parties to date. The terms set forth in Attachment A, and all remaining terms, shall be subject to discussion and negotiation among the Parties as they proceed toward formation of the JPA and planning and implementation of the project.

5. The Parties intend that negotiations should be directed toward meeting the following timeline, to the extent feasible:

- Release of the RFP for Master Architect..... August 2008
- Development of the Joint Powers Authority/Agreement..... Fall 2008
- Release of the RFQ Design/Build Contract..... December 2008
- Shelter Design..... Jan.-June 2009
- Shelter Construction..... June '09-July '10
- Shelter Commissioning and Occupancy..... Fall 2010

6. General Provisions:

- 6.1. Any amendments to this Agreement must be in writing and executed by all Parties.
- 6.2. This instrument and any attachment hereto constitute the entire agreement among the Parties concerning the subject matter hereof.
- 6.3. This Agreement may be executed in counterparts and each of which, when duly executed, shall constitute an original.
- 6.4. The drafting of this Agreement has been a joint effort by the Parties and shall not be deemed prepared or drafted by any one of the Parties.

IN WITNESS WHEREOF, the County of Placer has authorized the execution of this Agreement by its County Executive Officer under the authority of Resolution No. \_\_\_\_\_, adopted by the Board of Supervisors of the County of Placer on the \_\_\_\_ day of \_\_\_\_\_, 2008; and

IN WITNESS WHEREOF, the City of Roseville, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attested to by its City Clerk under the authority of Resolution No. 08-394, adopted by the Council of the City of Roseville on the 6th day of August, 2008; and

IN WITNESS WHEREOF, the City of Rocklin, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attested to by its City Clerk under the authority of Resolution No. \_\_\_\_\_, adopted by the Council of the City of Rocklin on the \_\_\_ day of \_\_\_\_\_, 2008; and

IN WITNESS WHEREOF, the City of Lincoln, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attested to by its City Clerk under the authority of Resolution No. \_\_\_\_\_; adopted by the Council of the City of Lincoln on the \_\_\_ day of \_\_\_\_\_, 2008.

COUNTY OF PLACER

\_\_\_\_\_  
Chairman, Board of Supervisors

Date: \_\_\_\_\_

CITY OF LINCOLN

\_\_\_\_\_  
City Manager, City of Lincoln

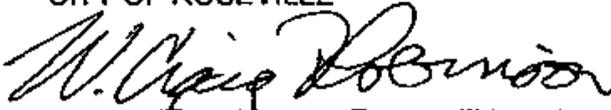
Date: \_\_\_\_\_

CITY OF ROCKLIN

\_\_\_\_\_  
City Manager, City of Rocklin

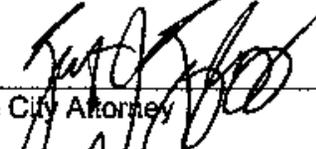
Date: \_\_\_\_\_

CITY OF ROSEVILLE

  
\_\_\_\_\_  
City Manager, City of Roseville

Date: 8.12.08

Approved as to form:  
Office of Roseville City Attorney

  
\_\_\_\_\_  
Roseville City Attorney  
Date: August 12, 2008

Approved as to form:  
Office of Rocklin City Attorney

\_\_\_\_\_  
Rocklin City Attorney  
Date: \_\_\_\_\_

Approved as to form:  
Lincoln City Attorney

\_\_\_\_\_  
Lincoln City Attorney  
Date: \_\_\_\_\_

Approved as to form:  
Office of Placer County Counsel

\_\_\_\_\_  
Placer County Counsel  
Date: \_\_\_\_\_

RESOLUTION NO. 08-394

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ROSEVILLE, COUNTY OF PLACER, CITY OF ROCKLIN AND CITY OF LINCOLN AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF OF THE CITY OF ROSEVILLE AND AUTHORIZING PAYMENT TO PLACER COUNTY FOR MASTER ARCHITECT FEES

WHEREAS, the Placer County Board of Supervisors authorized a plan for the County to replace the Auburn animal shelter and to build a second shelter in cooperation with the Cities of Roseville, Rocklin and Lincoln, to serve the growing south county population; and

WHEREAS, Placer County is requesting that the Cities of Roseville, Rocklin and Lincoln confirm their intent to participate in the project by entering into a Memorandum of Understanding; and

WHEREAS, this memorandum affirms the City's intent to participate with Placer County and the Cities of Rocklin and Lincoln in negotiating and bringing forward for subsequent approval the creation of a joint powers authority and other actions necessary for the building and operation of a South Placer animal control shelter; and

WHEREAS, the memorandum of understanding for the South Placer Animal Shelter, between the City of Roseville, County of Placer, City of Rocklin and City of Lincoln, has been reviewed by the City Council; and

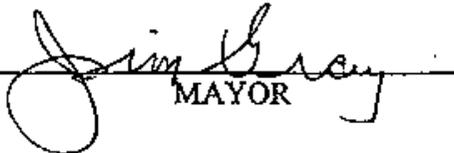
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roseville that said memorandum is hereby approved substantially in the form attached, subject to modification as approved by the City Attorney, and that the City Manager is authorized to execute it on behalf of the City of Roseville.

PASSED AND ADOPTED by the Council of the City of Roseville this 6<sup>th</sup> day of August, 2008, by the following vote on roll call:

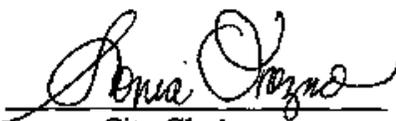
AYES COUNCILMEMBERS: Allard, Garcia, Roccucci, Garbolino, Gray

NOES COUNCILMEMBERS: None

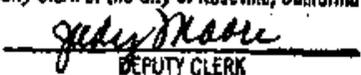
ABSENT COUNCILMEMBERS: None

  
MAYOR

ATTEST:

  
City Clerk

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

ATTEST:  
City Clerk of the City of Roseville, California  
  
DEPUTY CLERK

