From:	Greg Wilder
To:	Barry Jacobs; Donna Baker
Cc:	Earl McKee; Bonnie Hammersley; Bernadette Pelissier; Penny Rich; Renee Price; Mark Dorosin; ""mia@miaburroughs.com" (mia@miaburroughs.com)"; David Hunt; John Roberts
Subject:	RE: Agenda questions
Date:	Monday, December 08, 2014 3:05:23 PM

Commissioner Jacobs,

Please see follow-up information below in **BOLD BLUE.**

Greg

-----Original Message-----
From: Barry Jacobs
Sent: Monday, December 08, 2014 9:11 AM
To: Greg Wilder; Donna Baker
Cc: Earl McKee; Bonnie Hammersley
Subject: Agenda questions

All,

6c...I don't recall ever getting an answer from the county attorney regarding how we might include in vendor contracts a stipulated preference for living wages. Therefore I'm going to pull items at this meeting that don't answer that question. Does the engineering firm pay a living wage? (And not just to engineers.) And where is this firm located? How many years has Draper Aden had this contract?

John Roberts noted that he responded at the meeting to this concern. John also shares now that:

Pursuant to 153A-449 the County cannot require contractors to "abide by any restriction that the county could not impose on all employers in the county, such as paying minimum wage or providing paid sick leave to its employees, as a condition of bidding on a contract." I interpret this to mean that no contract in the formal or informal bidding ranges or any other contract for which the county solicits bids can include requirements that a contractor provide a living wage. Also at that meeting Commissioner Jacobs asked if it would be permissible in some circumstances to charge staff to examine whether bidders have any "outstanding issues that might be brought to our attention that would affect our decision." I informed the board that the establishment of this type of charge to staff would be fine,

however, the board took no action.

Contracts to which a policy requiring vendors pay a living wage would likely apply:

Construction:	**< $30k unless the county solicits bids**
Design, architect, engineer:	**< $50k unless the county solicits bids**
Purchasing:	**< $30k unless the county solicits bids**
Service:	**Any amount unless the county solicits bids**

Establishing a policy requiring vendors to pay a living wage or a policy to direct staff to report outstanding issues would need to be a decision of the full board after careful consideration of multiple policy issues. Among other considerations the following would need to be examined: Since most of the contracts to which such a policy would apply would be small contracts with small vendors the BOCC would need to determine whether it should apply to contracts for small amounts and what constitutes a small amount. The BOCC would also need to consider that if this is made a requirement, county contract costs will likely go up since these vendors will probably pass on these costs to the County. Equal protection issues would need careful examination, and if staff is to be charged with reporting "outstanding issues", what those issues should be and how much staff time should be spent doing this.

6g...We've gone back to a generic proclamation about Bill of Rights Day, leaving out the very germane Whereas regarding the fact that North Carolina had a constitution convention in Hillsborough in 1788 at which delegates purposely delayed ratification pending adoption of a Bill of Rights. An historical marker to that effect was just dedicated in Hillsborough less than a month ago. Surely, as in other years, this fact is sufficiently significant to add to an annual resolution, and not get lost every few years.

Information provided in earlier email. Board can revise as necessary.

7b...Are members of county staff doing the proposed construction at Blackwood Farm?

Yes, except for the picnic shelter and parking lot. Those will have to be

designed with specs (which staff will do) and then bid/constructed. The remainder would be done by DEAPR staff with some assistance from Cooperative Extension on the ag demonstration areas.

Follow-up Action...Commissioner Rich asked where county funds are invested/managed, and a response is programmed for Jan. 30. I asked a very similar question about the banks we use -- at least twice in BOCC meetings -- starting in the spring, and have yet to get an answer. The issue seems to have fallen off the radar.

Staff has been working with the County's Financial Advisor, Davenport and Company, to obtain this information and will have this ready for the January 22, 2015 meeting.

Thanks.

Barry

"A great tailor cuts little."
Lao Tsu, Tao Te Ching