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county of ventura
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VENTURA COUNTY SUPERIOR COURT

VENTURA COUNTY
GRAND JURY

COUNTY EXECUTIVE OFFICE
MICHAEL POWERS
County Executive Officer

JUL 28 2015

July 24, 2015

OFFICE OF THE
PRESIDING JUDGE

Sent Via E-Mail

J. Matthew Carroll
Assistant County Executive Officer

Paul Dorse
Assistant County Executive Officer/
Chief Financial Officer

Catherine Rodriguez
Assistant County Executive Officer/
Labor Relations & Strategic Development

Shawn Atin
Human Resources Director

Honorable Donald D. Coleman
Presiding Judge of the Superior Court
Superior Court of California, Ventura County
800 South Victoria Avenue
Ventura, CA 93009

Subject: Board of Supervisors' Response to 2014-15 Grand Jury Final Report "Ventura County Green Procurement Policy"

Honorable Judge Coleman:

In accordance with State requirements, the response from the Ventura County Board of Supervisors to the 2014-15 Final Grand Jury report referenced above is hereby submitted.

By way of this e-mail, copies of the response, which consists of a Minute Order, Board Letter and Exhibit 1, were provided to the Ventura County Clerk, to Superior Court Jury Services and to the Foreperson of the 2014-15 Ventura County Grand Jury. As has been the usual practice in past years, Jury Services will provide copies of the response to the State Archives.

For informational purposes only, this office has supplied the Board with copies of the responses, previously submitted to the Superior Court, from the County Clerk and Recorder/Register to the Grand Jury Report "Election and Polling Place Observations" (Exhibit 2) and from the Fox Canyon Groundwater Management Agency to the Grand Jury Report "City of Oxnard and its Adjoining Agricultural and Business Water Resources" (Exhibit 3).

Should you have any questions, please call me at 654-2864 or Kathleen Van Norman at 654-2566.

Respectfully submitted,

Handwritten signature of J. Matthew Carroll

J. Matthew Carroll
ASSISTANT COUNTY EXECUTIVE OFFICER

Attachment: Board of Supervisors' response to 2014-15 Grand Jury Final Report on "Ventura County Green Procurement Policy" (consisting of a Minute Order, Board Letter and Exhibit 1)

Copies:

- County Executive Officer, Michael Powers
- County Clerk, Mark A. Lunn
- Foreperson, 2014-15 Ventura County Grand Jury
- Superior Court Jury Services, Nan Richardson, Manager



**BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA**

**SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, PETER C. FOY AND JOHN ZARAGOZA
July 21, 2015 at 8:30 a.m.**

COUNTY EXECUTIVE OFFICE - Approval of Response to the 2014-15 Ventura County Grand Jury Report "Ventura County Green Procurement Policy" for Submittal to the Presiding Judge of the Superior Court in Accordance with State Statute; and Receive and File the Response from the County Clerk and Recorder/Registrar to the 2014-15 Grand Jury Report "Elections and Polling Place Observations," and from the Fox Canyon Groundwater Management Agency to the 2013-14 Grand Jury Report "City of Oxnard and its Adjoining Agricultural and Business Water Resources."

- (X) All Board members are present.
- (X) The following person is heard: Matt Carroll.
- (X) Upon motion of Supervisor Foy, seconded by Supervisor Bennett, and duly carried, the Board hereby approves staff recommendations as stated in the Board letter.

By: 
Brian Palmer
Chief Deputy Clerk of the Board

**ATTEST: MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California**

By: 
Deputy Clerk of the Board



Response to 2014/2015 Grand Jury Report Form

Report Title: Ventura County Green Procurement Policy

Report Date: July 21, 2015 **Responding Agency/Dept.** County Board of Supervisors

Response Prepared by: Scott Powers **County Executive Office**
Paul Grossgold **Title:** Director, General Service Agency

FINDINGS

- I (we) agree with the findings numbered: FI-02
- I (we) disagree wholly or partially with the findings numbered: FI-01, FI-03, FI-04

RECOMMENDATIONS

- Recommendations numbered R-01, R-03 have been implemented.
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
- Recommendations numbered R-02 require further analysis.
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.

Date: 7/21/15 Signed: Kathy J. Long
Chair Board of Supervisors

Number of pages attached: _____

ATTEST: MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By: M. Feliciano
Deputy Clerk of the Board



EXHIBIT 1

FY 2014-2015 GRAND JURY FINAL REPORT		
RESPONSES TO FINDINGS (FI) AND RECOMMENDATIONS (R)		
Report Number (& Date)	Report Title	Respondents (With FI and R #)
REPORT NO. 01 March 25, 2015		
Title:	<u>Ventura County Green Procurement Policy</u>	
Required Respondent:	Board of Supervisors (FI-01, and FI-02 plus R-01)	
Requested Respondent:	General Services Agency (FI-01, FI-02, FI-03 and FI-04 plus R-01, R-02 and R-03) NOTE: Department response incorporated within Board of Supervisors' response.	

**Responses to 2014-2015 Grand Jury Final Report
Ventura County Green Procurement Policy
From Ventura County General Services Agency**

GSA is committed to environmental stewardship in all aspects of operations. The copy machine contract requires that the vendor supply recycled content paper for exclusive use in over 600 copy machines which produce over 50 million impressions annually. GSA has also set aggressive waste diversion goals for facility waste for several waste types, including paper and cardboard, metal/glass/plastic, electronic waste, and toner cartridges. This recycling program consists of Occupant Awareness & Communications, Workstation Recycling Collection Boxes, and Central Recycling Stations.

FINDINGS

FI-01 The Grand Jury found that the Policy as written is unclear and in general has not been enforced. The Policy did not clearly identify whether the allowable 10% price preference was an absolute limit, aimed at containing the cost of recycled paper or whether it could be ignored if operational budgets were not exceeded.

Partially Agree. The policy definitively states a 10% premium (higher price) is allowed for agencies and departments to purchase recycled paper versus non-recycled paper. However the Policy, is intended as a guideline in that it does allow County agencies, boards, commissions, departments and offices discretion in determining the feasibility and cost versus benefit of using recycled paper.

FI-02 The Grand Jury found that the costs of implementing the Policy, i.e., any additional costs for using recycled paper, were not known by all departments. It was not clear that recycled paper goods were revenue neutral or within the Policy's defined 10% price preference. Hence, monies spent beyond the 10% price preference placed the priority on achieving the goal of the Policy at the expense of operational funds that could have been used for other purposes.

Agree. There is currently is no active Countywide monitoring of the incremental costs associated with the use of recycled paper. The County actively monitors costs at the program and budget unit level and the policy provides departments with some flexibility to procure recycled paper dependent on department-specific factors, such as budget availability, quantity needed, type of use, etc.

FI-03 The Grand Jury found that the GSA websites for Bid Listings and Bid Histories are not consistently updated with current and complete procurement data. Thus they do not provide a reliable source of procurement information in support of public transparency.

We partially agree. As stated in this finding and FA-09, a number of bid histories did not have an associated recap or abstract. However, vendors who responded are always

notified of the Bid and RFP results at the conclusion of the Bid or RFP. Additionally, vendors and members of the public may request copies of the vendor responses and recaps.

FI-04 The Grand Jury found that limiting items to a targeted subset of choices available for purchase from County suppliers was an effective way to control costs.

Partially agree. The process of volume/bulk discounts is a basic Procurement principle. In the area of office supplies specifically, pricing could be reduced if all agencies were to purchase the exact same items. Such a policy, however, would reduce the flexibility of departments to choose the items that they deem necessary to perform their daily functions. Currently, the decision to limit choices is left to each agency without GSA oversight.

RECOMMENDATIONS

R-01 The Grand Jury recommends that the Board of Supervisors direct the GSA to revise the Policy in order to eliminate the ambiguity between a policy that establishes requirements and a policy that states goals.

If the intent of the Board of Supervisors is to establish a goal to achieve increased use of recycled paper products, then the Policy should be revised to that effect. For example, replace "should" with "shall," eliminate "feasibility" from statements meant to be goals, and remove the 10% price preference. The goal of the Policy would be to use recycled paper products to the extent each agency and department is able within its allocated budget.

If the intent of the Board of Supervisors is to establish a requirement to increase use of recycled paper products with a financial cap limited to revenue neutral or a 10% price preference, then the Policy should clearly define the entities responsible for monitoring the costs, enforcing the requirements, and formally approving any deviations falling under the umbrella of "feasibility."

Previously implemented. We believe the Green Procurement Policy as written does meet the intent of the Board to provide the appropriate direction to departments, with the necessary discretion to balance the goal of increasing the use of recycled products with operational requirements and agency/department cost versus benefit considerations. With this intent, we also believe the use of the terms "should" and "feasibility" are appropriate.

R-02 The Grand Jury recommends that the Procurement Department within GSA help the County's agencies and departments to develop restricted lists of post-consumer recycled content products that satisfy the Policy's guidelines for price preference and are compatible with the operational needs of each of those organizations. GSA should help to ensure that County departments and agencies are aware of the Policy and the cost differences between recycled and non-recycled paper products.

Further analysis is needed to determine how GSA would implement this recommendation. One option would be to work with our office supply provider to identify all paper options that meet or exceed a minimum of 30% post-consumer recycled content. Each department will share in the responsibility to support the County's policy on Green Procurement and the Procurement division will avail themselves to departments to assist in meeting the County's goals. Departments will be responsible for the purchase and use of environmentally preferable products. This analysis will be finalized by September 2015.

R-03 The Grand Jury recommends that GSA develop a policy for the content of its Procurement website pages and maintain the content of those pages in a timely manner per the policy.

Implemented. The majority of the missing information identified in the report has now been populated. The recommendation to develop an internal policy regarding content on the website already exists for posting Bid recaps on the internet. The policy also states that all responding bidders be notified of the results prior to award.

EXHIBIT 2

FY 2014-2015 GRAND JURY FINAL REPORT

RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Number (& Date)	Report Title	Respondents (With FI and R #)
REPORT NO. 02 March 5, 2015	Title: <u>Elections and Polling Place Observations</u>	
Required Respondent:	County Clerk and Recorder/Registrar * (FI-03, FI-04, FI-05, FI-07, FI-08 and FI-09) Plus (R-01, R-02, R-03, R-04, R-05, R-06, R-07 and R-08)	

* Provided to the Board of Supervisors for information only, approval is not required.