



May 23, 2018

To: Finance and Administration Committee

From: Darrell Johnson, Chief Executive Officer
Janet Sutter, Executive Director
Internal Audit

Subject: Brown Act Compliance, Internal Audit Report No. 18-508

Overview

The Internal Audit Department has completed an audit of Ralph M. Brown Act compliance. Based on the audit, the Orange County Transportation Authority operated substantially in compliance with the Ralph M. Brown Act; however, some instances of non-compliance with agenda posting requirements were identified. One recommendation was made to provide staff training and/or enhance procedures to ensure consistent compliance.

Recommendation

Direct staff to implement one recommendation provided in Brown Act Compliance, Internal Audit Report No.18-508.

Background

The Ralph M. Brown Act (Brown Act) guarantees the public's right to attend and participate in meetings of local legislative bodies. The Brown Act dictates agenda posting requirements for both regular and special meetings of the Board of Directors (Board) and its committees. The Brown Act specifies elements required to be included in public agendas, as well as the timing for public posting.

The Clerk of the Board (COB) is responsible for the Board and committee agenda process, including preparation and distribution of agendas, and ensuring compliance with Brown Act posting requirements.

Discussion

Agendas for regular Board and Board committee meetings are required to be posted at least 72 hours prior to the meeting in a location “freely accessible to members of the public”. To accomplish this, the COB uploads agendas to an electronic kiosk located at the OCTA headquarters building. In addition, agendas are made available through the OCTA website.

Internal Audit found that three committee agendas, out of eighty-six during calendar year 2017, were not posted to the publicly-available electronic kiosk, and another seven committee agendas were not posted within the timeframe dictated by the Brown Act.

Summary

Internal Audit has completed an audit of Brown Act compliance and offered one recommendation for improvement.

Attachment

A. Brown Act Compliance, Internal Audit Report No. 18-508

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