

ORANGE COUNTY TRANSPORTATION AUTHORITY INTERNAL AUDIT DEPARTMENT



Ralph M. Brown Act Compliance

Internal Audit Report No. 26-512

Revised - June 2, 2026



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Conclusion

The Internal Audit Department (Internal Audit) of the Orange County Transportation Authority (OCTA) has completed an audit of compliance with the Ralph M. Brown Act (Brown Act). Based on the audit, OCTA complies with Brown Act requirements; however, one recommendation was made to management to retain evidence demonstrating compliance with agenda posting requirements.

Background

The Brown Act (Government Code Section 54950 et seq.) is an open meeting law that guarantees the public's right to attend and participate in meetings of a local legislative body. The Brown Act dictates agenda posting requirements for both regular and special meetings of the Board of Directors (Board) and its committees, as well as meetings of public committees. The Brown Act specifies information and elements required to be included in public agendas and sets forth limitations and posting requirements for closed session items. AB 2449 (Chapter 285, Statutes of 2022) and SB 707 (Chapter 327, Statutes of 2025) amended the Brown Act by introducing teleconferencing requirements.

The Clerk of the Board (COB) Department reports to the Chief Executive Office and is staffed by a senior section manager and four Board specialists. Among other duties, the COB is responsible for the Board and committee agenda process, including preparation and distribution of agendas, ensuring public meetings are held in compliance with the Brown Act, recording of actions taken by the Board and committees, and maintaining a comprehensive records management system supporting Board and committee actions.

For regularly scheduled Board and committee meetings, the Brown Act requires agendas to be made available 72 hours in advance. For special meetings, agendas are required to be made available at least 24 hours in advance. The Brown Act dictates elements that must be included in the agendas and requires that agendas be made accessible to the public and be included on the agency's website. OCTA agendas are posted for public viewing through an outdoor electronic kiosk located at the administrative offices.

Agendas must include information on how members of the public may request accommodation due to a disability and must provide an opportunity for members of the public to address the legislative body during the meeting.

A closed session item is discussed by the legislative body in private without the attendance of the public or press. Closed sessions are allowed only to the extent

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expressly authorized by the Brown Act. Allowable topics include litigation, real property negotiations, and labor negotiations.

Objectives, Scope, and Methodology

The objective was to test compliance with Brown Act requirements, including notice and agenda posting requirements, conduct of meetings, closed session, public participation, and recordkeeping requirements.

The methodology consisted of testing agenda postings for timeliness and disclosure of the time and location of the meeting, testing a judgmental sample of Board meetings, a judgmental sample of committee meetings, and all public committee meetings to verify that agendas, minutes, and meeting recordings complied with key Brown Act requirements.

The scope was limited to agendas posted to the Granicus Legistar system (Granicus) from January 1, 2025, through April 30, 2026, and all public committee agendas posted to octa.net for meetings from January 1, 2025, through December 31, 2025. The scope also included agendas, minutes, and meeting recordings for a judgmental sample of Board meetings with a bias toward meetings with a closed session item(s) and all Board meetings including teleconferencing by at least one member, a judgmental sample of committee meetings with a bias for coverage throughout the scope period and all committee meetings including teleconferencing by at least one member, and all public committee meetings from January 1, 2025, through March 31, 2026. Since the samples were non-statistical, any conclusions are limited to the sample items tested.

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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Audit Comment, Recommendation, and Management Response

[Evidence of Posting to the Electronic Kiosk](#)

To comply with Brown Act posting requirements, Board and committee meeting agendas are displayed on an outdoor electronic kiosk; however, there is no record of these postings. As such, there is no evidence of compliance with Brown Act requirements for timeframe and content of agendas.

Recommendation 1:

Management should work with Information Systems staff to obtain evidence of the content and timing of agendas posted to the electronic kiosk. Such evidence should be retained for a reasonable period.

Management Response:

Management agrees with this recommendation and the COB Department will work with Information Systems staff to ensure this evidence will be retained going forward. Prior to 2024, the system did retain this evidence; however, a recent software update removed this feature and the COB's office was unaware of this change. Additionally, COB will work with legal to establish a retention policy for the evidence of posting.