



Legislation Details (With Text)

File #: 2019-0482 **Version:** 1 **Name:**
Type: Action Item **Status:** Passed
File created: 11/25/2019 **In control:** Board of Port Commissioners
On agenda: 1/9/2020 **Final action:** 1/9/2020
Title: RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR

Sponsors:

Indexes:

Code sections:

Attachments: 1. 5. 2019-0482 Attachment A, 2. 5. 2019-0482 Attachment B, 3. 5. 2019-0482 Draft Resolution

| Date | Ver. | Action By | Action | Result |
|----------|------|-----------------------------|---------|--------|
| 1/9/2020 | 1 | Board of Port Commissioners | adopted | |

DATE: January 9, 2020

SUBJECT:

RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR

EXECUTIVE SUMMARY:

The Audit Oversight Committee's work plan for the current year included a review of BPC Policy No. 035, Powers and Functions of the Port Auditor. The policy defines the purpose, authority, and responsibility of the District's Port Auditor function. The policy was approved by the Board in December 2013 and last amended in April 2017. There is a necessity to make some minor revisions to the policy. The current policy with suggested revisions has been reviewed by the Audit Oversight Committee and is now ready for Board review and approval.

RECOMMENDATION:

Adopt a Resolution amending Board of Port Commissioners (BPC) Policy No. 035, Powers and Functions of the Port Auditor.

FISCAL IMPACT:

This agenda has no financial impact.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port with an innovative and motivated workforce.

DISCUSSION:

BPC Policy No. 035 - Powers and Functions of the Port Auditor, was approved by the Board on December 10, 2013. The Policy describes the Port Auditor as a direct-appointee of the Board that provides independent, objective assurance and consulting services. The Office of the Port Auditor governs itself by adherence to the Institute of Internal Auditors (IIA) International Professional Practices Framework (IPPF). The IPPF constitutes the fundamental requirements for the professional practice of internal auditing and the principles against which to evaluate the effectiveness of the Office of the Port Auditor's performance. BPC Policy No. 035 addresses the core values, general functions of the Port Auditor position and its office. Minor changes to the policy are recommended for clarification purposes (Attachment A, Powers and Functions of the Port Auditor - redlined).

At the Audit Oversight Committee meeting on December 12, 2019, the Committee reviewed and provided input to suggested changes to the Policy. Those changes are now ready for Board review and approval. A version of BPC Policy No. 035 with all redlined, recommended changes incorporated is included as Attachment B (Powers and Functions of the Port Auditor - final).

General Counsel's Comments:

The Office of the General Counsel has reviewed the agenda sheet and attachments, as presented to it, and approves them as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution amending BPC Policy 035, Powers and Functions of the Port Auditor, to incorporate the District's core values and insert minor clarifying revisions, does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the proposed Board direction or action complies with Section 35 of the Port Act which allows the Board to perform acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board action does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Robert Monson
Port Auditor, Office of the Port Auditor

Attachment(s):

Attachment A: BPC Policy No. 035, Powers and functions of the Port Auditor - Redlined

Attachment B: BPC Policy No. 035, Powers and Functions of the Port auditor - Final