

## Miller Barondess Wins Brown Act Appeal on behalf of Los Angeles County

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In a unanimous published decision, the California Court of Appeal held that the County of Los Angeles's process for entering into "social program agreements" does not violate the Brown Act. Every year, the County enters into contracts with social service organizations that provide vital services to County residents. These programs feed the homeless, provide medical care to underserved populations, support independent living for seniors and help people suffering from HIV and AIDS.

The County has an administrative review process whereby each social program agreement or SPA is reviewed by officials in the Executive Office of the County Board of Supervisors, as well as the office of the Auditor-Controller and County Counsel, and ultimately approved by the County's CEO. Each County department uses its special expertise to review each SPA to determine that the recipient program will serve the social good.

The Brown Act is intended to ensure the public's right to attend the meetings of public agencies. The lawsuit brought by Robert Golightly asserted that the County's SPA review process violated the Brown Act. The Court of Appeal rejected that argument. It concluded that the administrative approval process does not involve a legislative body and that there was no collective action under the Brown Act. The Court also explained that the Board of Supervisors has the right to delegate its contracting authority to enter into SPAs.

In California, local governments often chart murky waters when developing policies that comply with Brown Act disclosure rules. The decision confirms when the Brown Act applies to administrative decision making. It also helps to bring clarity to cities and counties in carrying out delegated responsibilities.

Mira Hashmall, head of Miller Barondess's appellate department, argued the case on appeal. Skip Miller, Brian Procel, Amnon Siegel and Vinay Kohli were part of the litigation team that obtained summary judgment for the County in the trial court.