

[https://www.ridgecrestca.com/news/council-session-to-clarify-ab1413-and-ab1466-leaves-public-more-confused/article\\_1480f8d1-dd1d-4c64-bdbe-3e9bf879377a.html](https://www.ridgecrestca.com/news/council-session-to-clarify-ab1413-and-ab1466-leaves-public-more-confused/article_1480f8d1-dd1d-4c64-bdbe-3e9bf879377a.html)

## Council session to clarify AB1413 and AB1466 leaves public more confused

By Aaron Crutchfield [acrutchfield@ridgecrestca.com](mailto:acrutchfield@ridgecrestca.com)  
Jun 20, 2025



Counsel Kyle Brochard, left, and lobbyist Michael McKinney make a presentation on AB1413 and AB1466 over the internet at Wednesday's Ridgecrest City Council meeting.

Aaron Crutchfield/The Daily Independent



In what was supposed to be a clarifying presentation at Wednesday's Ridgecrest City Council meeting regarding the city's positions on two pieces of legislation moving through Sacramento, AB1413 and AB1466, after an hour of public comment and back-and-forth with lobbyist Michael McKinney of lobbying firm Capitol Core Group, many in the audience of nearly 100 people reported being more confused afterward than before.

The presentation came on the heels of more than a month of controversy regarding the city's support for the bills and how that support came about, with several citizens and even elected officials from other jurisdictions questioning the lack of a public process, while the city council and especially its legal counsel have stated that supporting the bills is its legal strategy and that public discussion risks attorney-client privilege.

A week prior, the council met for more than 4.5 hours in closed session to discuss the bills and water adjudication litigation with attorney Keith Lemieux. At the previous meeting before that, the council had agreed to place the item on the public agenda with a caveat that it could still be pulled if need be.

When the agenda for the June 18 meeting released, it showed discussion on the two bills as a presentation item, which typically does not involve public discussion. But allowing it is at the mayor's discretion, and Mayor Travis Endicott did allow it, with 15 separate speakers taking the opportunity to come up to either blast the council and/or McKinney for its dealings or get elusive clarification on various questions.

## **The presentation**

City Manager Ron Strand began the presentation with introducing McKinney and legal counsel Kyle Brochard. McKinney then gave his presentation, starting with mentioning a few comprehensive groundwater adjudications in water basins around the state, notably one in Borrego Springs that is the only one to be settled; one in Ventura County; one in Cuyama Valley at the intersection of Kern, San Luis Obispo and Santa Barbara counties; and the Indian Wells Valley.

"This is a statewide public policy issue that is being addressed by these bills," McKinney said. "They are not designed to solely impact the Indian Wells Valley."

He then said that the California Department of Water Resources has identified three areas where current adjudications impact or conflict with the Sustainable Groundwater Management Act (SGMA): efforts to modify the safe and/or sustainable yield throughout the adjudication process can adversely affect the ability for public agencies to get financing for "sustainability" projects; adjudications can bring about competing or conflicting water

management plans within a basin; and adjudication processes can drag on for decades, conflicting with the SGMA 2040 deadline and allowing for water to be overdraft in the meantime.

“The main thrust behind AB1413 and 1466 is that SGMA requires a local process,” McKinney said. “It establishes a process by which there is public meetings, stakeholder input by the various parties, public hearings that have to take place, various forms where the public can participate and help create the groundwater sustainability plan that is then approved by the groundwater sustainability agency and submitted to the DWR for its approval or validation, if you will, in that case.”

He said AB1413 creates a mechanism to remove the conflict between SGMA and the Comprehensive Adjudication Act, laying out a legal process to challenge a Groundwater Sustainability Plan (GSP).

“AB1413 says, very simply, where you have a challenge to the sustainable yield, which is included within the groundwater sustainability plan, you must do that through the validation action,” McKinney said, adding that it creates a statute of limitations to add certainty and facilitate financing sustainability projects, and that a court would only be able to set the safe yield to equal to or less than the sustainable yield.

He then went over a few arguments opponents of AB1413 have stated, notably due process issues.

“I read in the Ridgecrest Daily Independent recently that someone had asserted that it would set the sustainable yield and fix the sustainable yield at whatever the amount that the GSA said,” McKinney said. “That’s fundamentally incorrect. During a periodic review, the GSA is required to look at the sustainable yield and to make any modifications. And if there are substantive modifications to any portion of the GSP, SGMA by denying requires that to be subject to the validation action. So it’s not like the GSP is adopted as it was back in 2020 and becomes a static or non-changeable document.”

He then went over AB1466, which he said deals with the de novo review aspect of reviewing the GSP, and deals with the ability of the court to consider small farmers and disadvantaged community members.

“That means that deference isn’t given to the Groundwater Sustainability Agency that produced the GSP, and that you can’t just literally take everything and start over, which is a de novo review,” McKinney said. “Opponents have argued that it is their right to argue a de novo review in a groundwater adjudication. We simply disagree.”

After his presentation, McKinney took questions from the council, including whether there is fear of adjudications becoming a major problem in California.

“If this bill is not passed, there will be several additional groundwater adjudications filed in California as a means to stop,” McKinney said. This means to change the DSP to stop implementation of SGMA or to stave off probationary measures. It’s a pattern that the state in DWR has recognized. I wanna be very clear, this legislation was not written for the Indian Wells Valley by itself. It was written to address a statewide public policy issue that DWR sees on the horizon, and if they do not correct it, then yes, you will have additional groundwater adjudications filed in California.”

He also said that due process, in terms of a public and local process, was afforded to Indian Wells Valley residents during the development of the GSP, and that if a higher sustainable yield is proven for a basin with better science, the GSP can be modified to take that into account without having to wait for the five-year review.

## **Public comments**

Tom Wiknich was the first to give public comment, mentioning that during the two terms he’s served on the council, everything he did to represent the city was decided in open session.

“There was public comment and open discussion, and the council gave direction, which I followed,” he said. “It was not done in secret or behind closed doors or hidden under the guise of attorney kind of privilege, which we’ve heard a few times now. When we talk about attorney-client privilege, it’s a legal principle that protects confidential communication between a lawyer and their clients. OK. We understand that. Guess what’s part of that, though? The part of it is the client’s privilege, and this is the law. The privilege belongs to the client, that’s you, who can choose to waive it, but the lawyer cannot disclose information without your permission. So you can provide information to the people under the attorney-client privilege.”

He then mentioned a big issue regarding water in the past, for which the city and Indian Wells Valley Water District hosted a joint meeting.

“You all sat together and listened to the public and took questions from the public so that both sides, Water District and the city, could have a discussion in front of the people,” Wiknich said. Because right now, what we hear, well, what I’ve heard at least, is that there is not much discussion going on between the Water District and the city. And I think that’s the problem. And then when you come along and say, hey, we’re going to make a decision on

these bills without actually involving the people, what you should do instead is remember one thing. And this is a hard concept to people that get up on the council there and they think they've got all the information. If you've got a position on an issue that a lot of people don't agree with, then you're not explaining yourself well enough to convince the public that you have an answer. And you need to do that. It's your responsibility not to ignore the concerns."

McKinney responded, stating that the IWVGA had requested evidence from the IWWVD to consider as part of the periodic evaluation, but the IWWVD entered it into evidence in a courtroom instead. He also said IWWVD hired a lobbyist and did not publish a letter saying what it's doing in Sacramento.

"Again, the public process of discussing any new scientific evidence should be done through SIGMA, which is then subject to a validation action," McKinney said. "It should not be subject to an internal review in a courtroom 160 miles away where nobody can see it."

Shirley Kirkpatrick was next to speak, stating that she wants SGMA undermined because "this is communism under the guise of environmentalism."

"It doesn't make sense, but we have globalists that are making decisions for our water," she said. "You know, I kind of find it funny because it talks about us being just handling it locally, and Ridgecrest is a local process, but we've got these globalists that are sitting in our meeting that are part of the United Nations making these decisions, and that's all I have to say."

Next to comment was Ron Kicinski, a member of the IWWVD Board of Directors.

"The first thing I want to say is as director of Indian Wells Valley Water District, I heard Mr. McKinney's lecture, and that's exactly what it was," he said. "I wouldn't expect anything else out of the organization that was responsible for writing these bills. So I want to offer myself up. There were a lot of points that he made that I would love to sit and debate them on one at a time. I would absolutely love to because there were misstatements made. There was just things were just not right, so you heard it from one side only from him. Keep that in mind. And basically that's all I'm going to say as a district representative now."

He then spoke as a private citizen, stating that he hadn't before seen the city support legislation that would grant unfettered power to any unelected bureaucratic body to impose mandates, fees, taxes, or directives.

“You should all have received some information about people who stand against this, and I’m just going to read a few because I do have a couple minutes,” Kicinski said. “I’m not going to go through them all because there’s lots. There’s going to be three or four people supporting this bill. There’s dozens against it.”

He then read the names of 19 agencies that have come out against the bills.

“So when you look at this as a statewide issue, you’re not just talking about us, you’re talking about affecting the state,” Kicinski said. “And I truly believe that this community, I thought about this, this community has always fought against unfettered bureaucratic directives. And what these bills are going to do is allow just that.”

Chris Ellis was next to speak, and he said he didn’t think Councilman Skip Gorman’s question about how these bills were initiated was fully answered, and also that the community would like to hear both sides rather than just one.

“So I’m curious who’s paying these consultants, if the city’s paying them or if the GA is paying them, and if we’ll get an opportunity to hear from other experts that would make us understand the other side of this issue,” Ellis said. “Because as, again, Director Kaczynski points out, there are a multiple of detractors as compared to the number of proponents. And so I’d like to understand it better.”

McKinney responded, stating that AB1413 was drafted by Assemblywoman Diane Papan (D-San Mateo) with work from DWR, the State Water Resources Control Board, and members of the Assembly Judiciary Committee, while AB1466 was partially drafted by people in the Cuyama Basin and was also drafted by legislative counsel.

“It was not drafted by anybody in this area,” McKinney said. In terms of who I work for, I work for the city. I also work for the Indian Wells Valley Groundwater Authority. I’m paid by both. And there are a number of supporters of this bill. Also, I heard a number of groundwater sustainability agencies that, I’m sorry, I have not encountered in Sacramento as we have testified on this bill or who have put in letters of opposition.”

Ellis responded with, “Again, the only time I get upset is when people tap dance around and give BS answers, and that’s what’s happening here. I mean, we can doubt this on Assemblymember Papan.”

McKinney: “I’m sorry, what part of my answer wasn’t clear?”

Ellis: “You’re saying that Assemblymember Papan wrote this legislation?”

McKinney: "I said in conjunction with state agencies."

Ellis: "Someone else wrote the legislation because Papan didn't even know what it was when she was questioned until after, is what I was saying. And I'm not saying there aren't a bunch of proponents either. There's a bunch of proponents. What I'm saying is they'd like to hear both sides. That's all I'm saying."

Scott O'Neil was next to the podium with two comments, one regarding the bills and the other regarding the process.

"So first off, we heard tonight that AB 1413 doesn't provide anything new beyond what's already provided in SGMA," he said. "So my first question is, then, why do we need the legislation?"

He also said he has a major problem with the bills giving absolute authority to an unelected group that can choose whether or not to listen to new data.

"Now, regarding the city and the support that the city has already provided to representatives in Sacramento regarding this legislation, these two bills, I personally think that that support has been brought forth illegally, and I would like to see the city retract that letter," O'Neil said. "That was signed out basically illegally. And then I would like to see tonight a motion made on what the city is going to do, whether we can support the legislation or not, and then to make a vote on it, so we can see how our representatives actually stand."

McKinney responded that in the IWV and Cuyama cases, the judges said the current law was unclear and they were having trouble reconciling requests from both sides.

"So the legislation is necessary to do what the judge is asked to do, which is to help reconcile that and clarify the legislature's intent and position," McKinney said. "There is, from the position of the proponents, there is nothing new. This is the way we believe SGMA should have worked. And again, that public process, if the GSA was not, quote, listening, then it is subject to validation action, and that is the due process. Or it is subject to regulatory requirements within DWR that could declare it to be insufficient and kicked back."

Next, Isabel Tejeda spoke.

"I come to speak to you guys about what everybody else has already said," she said. "I feel like the council has not been transparent with what is going on. I watched a meeting in early May where Mr. Skip suggested a public forum, and nobody supported him. And I believe he did say that he would have a nervous council by speaking up about a public forum. As a

citizen of Ridgecrest, that's very suspicious. It's not something I want to hear, that the council is going to be nervous to hear public comments about things. I agree with Mr. Ellis about having both sides of the argument."

She also said she wishes the IWVGA would hold its meetings at a more convenient time, like when people are off of work.

"Because having them in the middle of the day on a Wednesday is not really something that a lot of people can attend," Tejeda said. "So yeah, I just feel like everybody needs to be a little bit more transparent."

Next up was former councilwoman Lindsey Stephens.

"I wasn't really planning on saying anything this evening, but it seems like since I was on council a while ago, nothing has changed in regards to this except for hundreds of thousands of dollars continuing the flow to what I would call out-of-town special interests," she said. The lawyers have racked up hundreds of thousands. Now we're paying for even more out-of-town special interests to write ridiculous laws that give over power that these agencies shouldn't have. Then he says, oh, we listen to public comment. Throwing someone's comment at the back of a 700-page document isn't really listening to it."

She also said that the closed session process has been overly abused for years.

"Everything is labeled as potential litigation," Stephens said. "I questioned this when I was on council because it's like you could potentially say everything is potential litigation, and then you're just back behind closed doors discussing whatever you want, and no one can hold you accountable for anything. A lot of business is behind closed doors. In addition, there's a lot of meetings that the Brown Act is supposed to prevent from happening, but they still happen anyways."

Following her comments, Tyrell Staheli came up to speak.

"I speak for myself," Staheli said, pointing out that he is an IWVWD employee. "I appreciate you guys having this meeting, having an open session, having a discussion about it, about this legislation. One of the reasons brought up earlier about why we're having this legislation is to maintain local control. I find that a little ironic with the groundwater authority, where three members of that groundwater authority board live two hours away. So they're making decisions for us, even though they don't live in this valley. So I want you to keep that in mind when you're thinking about this."

Next to speak was Sandra Boyle.



“To be honest, I don’t understand any of this stuff,” she said. “I came here hoping for some clarification. I am more confused than when I walk in the door. I don’t know what any of this is. If somebody could explain this stuff in layman’s terms, I would love it.”

Terry Mitchell then came to the podium.

“I wasn’t going to say anything,” she said. “I was coming here to try and get some clarification, understand where things are going. But all it’s done is made me question things even more. It is very unclear. But you also have to understand, I’m a graduate of Big Pine High School from the Owens Valley, and I don’t trust anybody on water issues.”

She then asked why we aren’t listening to newer surveys from newer experts with better equipment. “Why aren’t we taking these things into consideration? I just don’t think we’re utilizing what we should.”

Cathy Russell was next to speak, noting that McKinney was paid by the city and was thus giving the opinion supporting these bills, while we don’t get any opposing opinions like she’d hoped.

“So it seems to me this is, like, a little late in the program, that the bills are already there, being ready to be passed by the Senate,” she said. “What happens if the bills pass? Do all the adjudications go away? Is that what happens? So what does it solve?”

McKinney responded.

“If the legislation were to pass, that’s actually a great question,” he said. “And the answer is that the adjudication to determine the water rights within the Indian Wells Valley would continue. In addition, there would be a validation action to determine whether or not the GSB sustainable yield is the correct sustainable yield and would be validated or invalidated. And then you would move forward with the various aspects of the adjudication trial. So it is not that an adjudication stops at the result of the passage of AB 1413 or 1466. Again, it is just setting up that mechanism for the court to reconcile those two positions.”

Following those remarks, Mike Neel came to the podium.

“What I just heard was, I’m going to say, a smokescreen,” he said. “I think that was. We all know, anybody who’s looked at this, these bills are designed to put a hand around the throat of this adjudication lawsuit and defeat the entire purpose of it, which is to get good, actual

groundwater studies put forward so that we can determine who gets what allocations and how much everybody gets. Instead of the predetermined outcome, it's always been the case with the GA since within the first six months it ever started, period."

He also said that while the IWVWD listens to people, the IWVGA does not.

"I used to come to the GA meetings and then I just quit," Neel said. "I got so sick of going and watching how obvious it was that there was an agenda being pursued and it didn't matter what people had to say. So I just quit. There's no point. It's a waste of time. Besides that, it's ridiculous to have something this important to be heard at 11 in the morning in the middle of the week. And they refused to change the meeting time, period."

He then proposed that the IWVGA be dissolved altogether.

"It needs to be done away with," Neel said. "And that's exactly what I'm proposing to certain groups in town who may have the firepower to make that happen. We need to be done with the GA because the GA does not listen to the people. We don't want a pipeline that's going to double or triple our water bill. It's already taken \$14 million from the Water District, paid it all to lawyers and consultants, and hasn't yet bought one single water allocation at all. And look at the state of water in California and tell me how successful you think they're going to be in buying 8,000 acre feet of water allocation to pump through a \$350 million pipeline."

### **Follow-up question**

This reporter then came to the podium to take his best opportunity to ask McKinney a follow-up question.

In response to Ellis' comments earlier, McKinney said that the two bills were written in collaboration with legislative counsel and the DWR, with the Cuyama Basin collaborating on one bill.

But in the agenda packet for the May IWVGA meeting, the monthly legislative update would seem to contradict that.

It states: "IWVGA is the primary proponent on two pieces of State Legislation dealing with groundwater adjudication. These bills were developed in response to a legislative proposal, authored by the authority for the 2025- 2026 Legislative Session."

This reporter asked which was correct.

“As the primary proponent, Indian Wells along the Fox Canyon are the primary proponents,” McKinney said. “They are not the sponsors of the legislation and did not write the legislation. As I indicated, the legislative proposal that was put forward that was developed in coordination with some of the agencies or with the comment of some of the agencies was rejected, and the bills that were drafted were drafted by the authors and the agencies separately from them. We support them as the Indian Wells Valley Groundwater Authority, Fox Canyon, and another GSA in the area does that as well. They support those bills along with the California Alliance for Family Farmers, but we are not the sponsors or the author of that legislation. Those were written differently. We are the primary proponent of what they wrote.”

Reporter: “OK, so the part where it says authored by the authority for the 2025-26 legislative session ...”

McKinney: “The legislative proposal, as you said before, read the entire statement. It says the legislative proposal for the 2025-2026 session. It is partially based upon the concerns that were raised upon them by DWR and the state, but it is not the same proposal.”

Reporter: “OK, I was just making sure that the legislative update here was correct or incorrect, so ...”

McKinney: “It is accurate.”

The final speaker at the podium for the evening was Sophia “Sam” Merk of the BLM roundtable.

“There seems to be a difference in the water estimates from the GSA and the Indian Wells Valley Water District,” she said. My question is, if it proves out to be that the Indian Wells Valley Water Department, their estimate is better and more logical, then that would bring us back to be, instead of being critically overdraft, to medium overdraft. So, therefore, the way that we approach it will be different. So, is this council going to look at that?”

## **End of the presentation**

After public comment ended, Gorman pointed out that his understanding is that because the item was a presentation item, anyone expecting a motion to be made and possibly voted on wouldn't see it happen because of the difference between a presentation and a discussion item.

Endicott delegated the question to counsel Martin Koczaniewicz.

“Action can only be taken by the council on action items,” he said. “Action items are agendized as action items, whether it’s discussion, consent, number. Presentations, like the employee presentation that preceded the update on the two bills, which is the item that is agendized is an update on the status of AB1413 and AB1466. The council and the mayor obviously allow the public to comment and even ask questions on this item. It’s not an action item, however, so no action can be taken under Brown Act by the council.”

After that, Endicott called for a five-minute break to allow everyone to use the bathroom or get a drink. During the break, Endicott shook the hand of everyone he could find in the council chambers who spoke at the podium.