

O'Neil: City continues to try to hide behind Brown Act 'closed session' provision

Scott O'Neil
May 27, 2025



Several weeks ago I began writing letters, to the Ridgecrest City Council and the public, to express concern that Mayor Pro Tem Kyle Blades traveled to Sacramento to testify before a hearing in favor of two pieces of legislation relating to groundwater management — a topic that impacts us all. This appears to be in flagrant disregard for the Brown Act, which requires all such matters be publicly noticed and discussed so that residents are permitted their constitutional right to remain informed of and involved in their representative government bodies.

While the issues relating to groundwater management are contentious, and therefore essential for public inclusion, the underlying concern is the lack of transparency and accountability in local government.

I watched the May 21 council meeting to see if there was any movement on this potential Brown Act violation. In short the city officials and attorneys are hiding behind the Brown Act's provision for topics that merit closed discussions (personnel or impending litigation). But even with these provisions, the discussions must be noticed as items on an agenda for discussion, and any action must be reported to the public. I have repeatedly asked for this documentation, which has yet to be provided. City officials apparently acknowledge that prior private discussions have occurred and they warn that future discussions will most likely also be held — also privately.

Even the city's claims of “past discussions” do not line up with the documented timeline. The last time groundwater litigation topic was on the agenda (closed session) was prior to the actual introduction of the AB1413 and AB1466 bills. So, how could the city's position on the bills have been discussed? Why in Ridgecrest is it a private discussion about the merit of these bills when in Sacramento they readily support a public hearing? What is private about who is to represent Ridgecrest in these hearings and the authorization of funding for the trip? Why is a detailed formal endorsement letter, signed by Blades, openly sent to

Sacramento? If Blades' (or the city's) position on this legislation can be made public in Sacramento, why is there no record of it in our local government? The Brown Act demands the public be apprised on the discussions and decisions — even those made in private. Kern County Supervisor David Couch asked questions of Blades, Councilman Hayman, and City Manager Ron Strand. However, our city officials were evasive and deflective in their response. Even if they believe their actions are justified, their process is flawed. And no end goal, lofty or not, is ever justified by the means.

The IWV Groundwater Authority has been charged with working with the public to establish a sustainability plan for groundwater management. For more than 10 years the diversity of positions, concerns, approaches and priorities has been well documented. It is unfortunate that the leadership of the IWVGA has been unable to procure public trust and buy-in for a plan, which even its architects admit has flaws that might be fixed later (although that in and of itself is a dangerous assumption to make in government). The bills moving through our state legislature, if passed, would ban current and future claims against the GA, and would essentially eliminate any check to the authority of the members of this appointed, not elected, board. The public would be forced to pay whatever fees were adopted, regardless of whether those costs actually contributed to a new water source or a solution for sustainability.

This is exactly the kind of behavior the Brown Act was adopted to prevent. However you feel about our the individual members of our city and IWVGA boards, however you feel about our potential plan for groundwater sustainability, every member of our public should be concerned about being boxed out of a “solution” that they will ultimately be forced to pay for, whether it solves the problem or not.

Kudos to Councilmen Gorman and Rajaratnam and Mayor Endicott for persistently seeking an open discussion on the merits of the two bills at the 18 Jun meeting. My Dad used to tell me “if something stinks it usually does not smell better with age.” We all need to pay attention and get involved.

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Ridgecrest