

DIRECTORS

JOHN D. KLUGE
PRESIDENT - DIV #1

LANCE A. PORTER
VICE PRESIDENT - DIV #2

MICHAEL J. BARRETT
DIV#3

VACANT
DIV #4

VACANT
DIV #5



OFFICERS

CARY KEATEN
GENERAL MANAGER

JAMES S. DANIELS, P.E.
DISTRICT ENGINEER

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON
ATTORNEYS

**SOLANO IRRIGATION DISTRICT
SPECIAL BOARD MEETING**

Berryessa Room
810 Vaca Valley Parkway, Suite 201
Vacaville, CA 95688

**TUESDAY, JANUARY 14, 2020
5 P.M.**

AGENDA

1. PRELIMINARY

- 1.1. Call Meeting to Order
- 1.2. Approval of Agenda
- 1.3. Pledge of Allegiance
- 1.4. Conflict of Interest Notification (*Any Agenda items that might be a conflict of interest to any Board members should be identified at this time by the Director involved*)

2. PUBLIC COMMENT (NON-AGENDA ITEMS)

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Public Comment section. Speaker times are limited to five (5) minutes per person on any matter within SID's jurisdiction, not on the Agenda.

Please submit a Public Comment Card to the Board Secretary prior to the commencement of Public Comment section. Only those who have submitted speaker cards or have expressed an interest to speak prior to the conclusion of Public Comment section will be called upon to speak.

Public comments on agenda or non-agenda items during Board of Directors meetings are for the purpose of informing the Board to assist Board members in making decisions. Please address your comments to the President of the Board. The Board President will request responses from staff, if appropriate. Please be aware the California Government Code

prohibits the Board from taking any immediate action on an item which does not appear on the agenda unless the item meets stringent statutory requirements (see California Government Code Section 54954.2 (a)).

Public comments during Board meetings are not for questions and answers. Should you have questions, please do not ask them as part of your public comments to the Board. Answers will not be provided during Board meetings. Please present your questions to any member of the SID staff via e-mail, telephone, letter, or in-person at a time other than during a Board meeting.

3. SCHEDULED ITEM

3.1. DIVISION 5 APPOINTMENT PROCEEDING: Hold a Board of Directors Appointment Proceeding for the Vacant Division 5 Position and Adopt Resolution 20-01 of the Solano Irrigation District Board of Directors Appointing a New Board Member to Fulfill the Term of the Vacant Division 5 Position.

4. CONVENE TO CLOSED SESSION

4.1. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation under paragraph (2) of subdivision (d) of Section 54956.9 and paragraph (2) of subdivision (e) of Section 54956.9 based on a determination by the Director of Department of Industrial Relations of employee retaliation (Hansen).

5. RECONVENE TO OPEN SESSION

5.1. Report from Closed Session

6. ADJOURN



SOLANO IRRIGATION DISTRICT

DATE: January 14, 2020

AGENDA ITEM NO. 3.1

TITLE: Division 5 Appointment Proceeding

SUBJECT: Hold a Board of Directors Appointment Proceeding for the Vacant Division 5 Position and Adopt Resolution 20-01 of the Solano Irrigation District Board of Directors Appointing a New Board Member to Fulfill the Term of the Vacant Division 5 Position.

BACKGROUND:

On November 19, 2019 Director Michael German, the elected representative from Division 5, submitted his letter of resignation from the Solano Irrigation District (SID) Board of Directors. At a Special Board meeting, the Board decided on a course of action that included the appointment of a replacement Director. The appointed Director would fulfill the duties of the office until the fall 2020 General Election, at which point, the seat would be up for public vote. The Division 5 term ends December 1, 2022 resulting in the person appointed to the position, to be up for public vote in the fall 2020 General Election.

SID Board action in November set into motion an “appointment process” consistent with California Government Code Section 1780 with germane sections as follows based on an appointment process:

Section (b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

Section (d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

Section (d) (2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

TITLE: *Division 5 Appointment Proceeding*

VACANCY NOTIFICATION:

Board directed Staff to proceed with the posting of the anticipated Division 5 vacancy based on requirements in the Government Code and providing additional notifications described below once SID staff had received Former Director German’s resignation:

- ✓ Local Web Sites:
 - SID

- ✓ Posted Notifications:
 - Suisun City Hall – Bulletin Board
 - SID – Outside Bulletin Board

- ✓ Roadside Sign Notifications within Division 5:
 - a. Clayton Road and Gordon Valley Road - “H” Post
 - b. Suisun Valley Road and Mankas Corner Road - “H” Post
 - c. Abernathy Lane and Mankas Corner Road - “H” Post

All notices stated that to be qualified for the appointment, a person must own property in the Solano Irrigation District, reside in Division 5 and be registered to vote in Solano County. If someone had a question, they were encouraged to contact the SID office. If they are interested in the appointment, they were directed to send a letter stating their interest to SID’s office by 5:00 p.m. January 9, 2020.

Following the close of the letter of interest solicitation period (5:00 p.m. January 9, 2020), staff had received two (2) letters of interest. One letter from Mr. Derrick Lum and another letter from Mr. Ronald Lanza.

SELECTION PROCESS:

More than one letter of interest was received. Therefore, both applicants have been asked to attend the January 14, 2020 Board Meeting. During the meeting, and in a public forum, the Board holds proceedings to appoint the Board Member. The Board may, for example, ask some questions of each applicant and accept a statement by the applicants similar to the following:

1. Ask the applicants to make a statement regarding their interest in serving on the Board of Directors.
2. Ask follow-up questions as needed.
3. Hold public deliberations (although uncomfortable, deliberations must be held in a public setting as they do not qualify for Closed Session).
4. Officially vote on the appointment.

TITLE: *Division 5 Appointment Proceeding*

5. Following the vote, the Secretary of the Solano Irrigation District shall swear in the new Board Member prior to the January 21, 2020 SID Regular Board Meeting. The swearing in may take place at the time of the appointment.

Upon selection of one of the applicants, the Board shall cause Staff to notify the county election official.

FINANCIAL IMPACT:

None at this time

ATTACHMENTS:

1. Resolution 20-01

STAFF RESPONSIBLE FOR REPORT:



Cary Keaten, General Manager

Date: January 10, 2020

**SOLANO IRRIGATION DISTRICT
RESOLUTION NO. 20-01**



**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SOLANO IRRIGATION DISTRICT
APPOINTING _____
AS MEMBER OF THE SOLANO IRRIGATION DISTRICT
DIVISION 5**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SOLANO
IRRIGATION DISTRICT AS FOLLOWS:**

The Board of Directors of Solano Irrigation District after review and consideration has selected and appointed a new Board member to fill the Division 5 seat of the Solano Irrigation District Board.

**NOW, THEREFORE, BE IT RESOVLED THAT THE BOARD OF DIRECTORS
OF SOLANO IRRIGATION DISTRICT,**

Does place its full and unreserved support in the appointment of _____ for the position of Board Member of the Solano Irrigation District Division 5. To be sworn in prior to the next Solano Irrigation Board Meeting, January 21, 2020.

Adopted and approved this 14th day of January, 2020.

DATE: January 14, 2020

John D. Kluge, President of the
Board of Directors of the
Solano Irrigation District

I, Cary Keaten, Secretary to the Board of Directors of Solano Irrigation District, hereby certify that the foregoing Resolution was introduced at a special meeting of the Solano Irrigation District Board of Directors of said District, held on the 14th day January, 2020, and was adopted at that meeting by the following role call vote:

AYES:

NOES:

ABSENT:

ATTEST:

Cary Keaten
Secretary to the Board of Directors of
Solano Irrigation District