

John Kidd, President  
Paul Warda, Vice President  
Tom Van Groningen  
Cecil Hensley  
Glen Wild

Div. 5 \_\_\_\_\_  
Div. 4 \_\_\_\_\_  
Div. 3 \_\_\_\_\_  
Div. 1 \_\_\_\_\_  
Div. 2 \_\_\_\_\_

MEETING OF THE BOARD OF DIRECTORS  
MODESTO IRRIGATION DISTRICT BOARD ROOM  
1231 Eleventh Street  
Special Meeting, August 31, 2010  
Open Session: 9:00 A.M.

**AGENDA ITEMS**

CALL TO ORDER

ROLL CALL

**PUBLIC COMMENT - The Board of Directors welcomes participation in meetings. The public is welcome to comment on matters appearing on the agenda at the time they are called.**

**The public is also welcome to comment on matters which are not on the agenda when the President calls for "Public Input for the Good of the District." This time is provided for the public to introduce any topic within the District's jurisdiction. Because these are non-agenda matters, generally no discussion or comment by the Board should be expected except to properly refer the matter for review as appropriate, but no action will be taken at this meeting.**

**Public Comment will be limited to five minutes per speaker. If you wish to speak, please step up to the podium at the appropriate time and begin by stating your name and address.**

**CONSENT ITEMS 1-6 - All items are approved by a single action. There will be no separate discussion of those items unless an item is removed at the request of any Director or member of the public. Those items removed will be considered at the end of the consent agenda or be placed on the action agenda for the next meeting.**

Tab  
No.

1. Motion approving Warrants in the amount of \$1,090,886.71
2. Motion approving Wire Transfers in the amount of \$19,243,313.17

WRITINGS DISTRIBUTED TO BOARD MEMBERS IN CONNECTION WITH THE OPEN SESSION ITEMS ON THIS AGENDA ARE AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE BOARD SECRETARY. ALTERNATE FORMATS OF THIS AGENDA ARE ALSO AVAILABLE UPON REQUEST TO QUALIFIED INDIVIDUALS WITH DISABILITIES. PERSONS WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, SHOULD CONTACT THE BOARD SECRETARY AT LEAST 24 HOURS PRIOR TO THE MEETING FOR WHICH THE MODIFICATION OR ACCOMMODATION IS REQUIRED.

THE BOARD SECRETARY, PAT MILLS, CAN BE CONTACTED IN PERSON OR BY MAIL AT 1231 11TH STREET, MODESTO, CA, OR BY TELEPHONE AT (209) 526-7360.

- 3. Motion approving Disbursement Account payments
- 4. Grant of Easement (irrigation easement) from James R. Lemos, Betty J. Lemos, Darin Daniel Lemos, Derek David Lemos, Mary Catherine Garecht, Jeffrey Joseph Lemos and Lance Edward Lemos to Modesto Irrigation District  
Resolution of Acceptance
- 5. Grant of Easement (electric easement no. 1) from James R. Lemos, Betty J. Lemos, Darin Daniel Lemos, Derek David Lemos, Mary Catherine Garecht, Jeffrey Joseph Lemos and Lance Edward Lemos to Modesto Irrigation District  
Resolution of Acceptance
- 6. Grant of Easement (electric easement no. 2) from James R. Lemos, Betty J. Lemos, Darin Daniel Lemos, Derek David Lemos, Mary Catherine Garecht, Jeffrey Joseph Lemos and Lance Edward Lemos to Modesto Irrigation District  
Resolution of Acceptance

END OF CONSENT ITEMS

STAFF REPORTS/COMMITTEE REPORTS/JPA REPORTS/ACTION ITEMS, ETC. (Requested action underlined.)

WARD

WATER REPORT

- 7. SALYER OLIVARES

VALLEY BIO-ENERGY BIOMASS PROJECT:

Consider the following Resolution to:

- 1. Find that as lead agency for the Project, Modesto Irrigation District has conducted an Initial Study to evaluate the potential for adverse environmental impacts;
- 2. Find that the Modesto Irrigation District has prepared, filed and posted for public comment an Initial Study/Mitigated Negative Declaration for the Project;

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3. Find that the Modesto Irrigation District has independently reviewed and analyzed the Initial Study, the Mitigated Negative Declaration, all comments received by the District on the Initial Study/Mitigated Negative Declaration, and responded to comments in the Initial Study/Mitigated Negative Declaration;
4. Find that, when considering the record as a whole, there is no substantial evidence before the District that the Project will have any potential for an adverse effect on fish and wildlife resources or the habitat upon which the wildlife depends;
5. Find that the District has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in California Code of Regulations, Title 14, Section 753.5(d);
6. Find that based on the record as a whole there is no substantial evidence that the Project will have a significant effect on the environment;
7. Adopt the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring Plan (MMP) for the Project prepared pursuant to Public Resources Code Section 21081.6 (a);
8. Authorized and direct the District's General Manager to, upon approval of the Project, cause a Notice of Determination for the Project to be prepared, executed and filed in the manner prescribed by the CEQA Guidelines;
9. Designate the Electric Resource Planning and Development Manager at the District's offices at 1231 11<sup>th</sup> Street, Modesto, California, to be the custodian of all documents and other material which constitute the record of proceedings upon which the Board's findings and determinations are based;
10. Adopt the findings incorporated herewith as Attachment A of the Board Resolution

8. SALYER  
OLIVARES

Resolution approving and authorizing the General Manager to take all actions necessary to implement the following:

1. Power Purchase Agreement between Modesto Irrigation District and Valley Bio-Energy, LLC;

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2. Approve a Project budget of \$4.4 million for environmental work and interconnection facilities;
3. Execute all documents necessary to effectuate MID's ability to deliver power from the Project to MID;
4. Execute all documents required to comply with the California Energy Commission's Emission Performance Standard regulations

9. WORKSHOP: ELECTRIC RESOURCES OPERATIONS & MAINTENANCE BUDGET REVIEW

PUBLIC INPUT FOR THE GOOD OF THE DISTRICT

FUTURE BOARD MEETINGS

ITEMS TOO LATE FOR THE AGENDA

CLOSED SESSION:

- (a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Subdivision (a) of Government Code section 54956.9.)

San Joaquin Wetlands Associates, et al. v. Modesto Irrigation District  
Stanislaus County Superior Court, Case No. 646227

- (b) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9)

(One potential case)

RECONVENE OPEN SESSION

ANNOUNCEMENTS FOLLOWING CLOSED SESSION

ADJOURN

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