

**RESOLUTION NO. 2004-01**

Not yet  
Signed

as of 8/2/04

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WHEREAS, the Board of Directors (Board) of the Volcano Community Services District ("VCSD" or "District") has reviewed VCSD records and the findings and recommendations of the Committee to Investigate Black Pipeline Connection; and

WHEREAS, the Board finds that the Brian and Susan Bonneau, individually and as trustees of the Brian and Susan Bonneau Charitable Remainder Unitrust, and Kevin Bonneau, individually and as trustee of the Kevin Bonneau Charitable Remainder Unitrust (hereafter collectively referred to as "Bonneaus") own the old redwood tank ("Bonneau Tank") per the terms of the Tank License Agreement signed in July, 1998; and,

WHEREAS, the Board finds that a one-inch black plastic pipeline ("black pipeline") is connected to the District's Cleveland Tunnel waterworks, as described in the Phase 1 Summary of Findings presented to the Board by the Committee to Investigate Black Pipeline Connection on November 3, 2003; and

WHEREAS, the Board finds that the black pipeline connects from the District's Cleveland Tunnel waterworks to: (1) the residential property at 16237 Charleston Grade Road (owned by Willard C. (deceased) and Doris Bonneau) and (2) the residential property at 16401 Charleston Grade Road (owned by Kevin A. and Doris D. Bonneau), (hereafter collectively referred to as the "Bonneau Properties"); and

WHEREAS, the Board finds that the black pipeline also connects from the Bonneau Properties to the Bonneau Tank; and

WHEREAS, the Board finds that the black pipeline currently transports nonpotable water from the District's Cleveland Tunnel waterworks to the Bonneau Properties and to the Bonneau Tank; and

WHEREAS, there is no written documentation that the District agreed to provide nonpotable water from the District's Cleveland Tunnel waterworks to Bonneau Properties or to the Bonneau Tank through the black pipeline connection.

WHEREAS, to the VCSD's knowledge, Kevin Bonneau installed the black pipeline connection to the District's Cleveland Tunnel waterworks in various stages over the 1996-1999 period; and

WHEREAS, verbal and written statements presented by prior Board members in 2003 to the current Board indicate that the prior Board members understood there to be a verbal agreement with the Bonneaus to jointly use the black pipeline in order to: (1) bring nonpotable water from the District's Cleveland Tunnel waterworks to the town park and the outdoor theater during the water crisis, (2) bring nonpotable water from the District's Cleveland Tunnel waterworks to irrigate the Bonneau Properties, and (3) fill the Bonneau



Tank with nonpotable water so that additional water storage would be available for the town's emergency fire suppression, if needed; and

WHEREAS, by letter dated November 19, 2003, the Environmental Health Department has directed the VCSD to evaluate the potential for cross connection between the black pipeline conveying unfiltered water and the domestic system, that includes a description of any corrective action and installation of cross connection control devices.

WHEREAS, the Board desires to bring this matter to resolution.

NOW, THEREFORE, it is resolved by the Board of the VCSD as follows:

1. The connection of the black pipeline to the District's Cleveland Tunnel waterworks, as described in the Phase 1 Summary of Findings presented to the Board by the Committee to Investigate Black Pipeline Connection on November 3, 2003, may continue in effect subject to the following conditions:
  - a. Only nonpotable water shall be permitted through this connection, and shall not exceed the current volume of 1500 gallons per day. This connection shall be used exclusively to fill the Bonneau Tank and to irrigate the Bonneau Properties, and for no other purposes. The one-inch diameter pipeline cannot be increased in size. The District's water plant operator shall monitor and report the volume of water through the pipeline as directed by the Board.
  - b. The Bonneau Tank remains at its current location and the water in the tank is available to the town for emergency fire suppression purposes, as needed.
  - c. The owners of the residential property at 16237 and 16401 Charleston Grade Road install, at their expense, any cross-connection prevention devices that may be required by the Environmental Health Department (or their agents) for using nonpotable water on their properties.
2. The Board reserves the right to revisit the issue of this pipeline connection in the future, should circumstances warrant, including diminished water supply or increased town water needs.



I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of the VCSD at a regular meeting held on February 2, 2004, by the following vote:

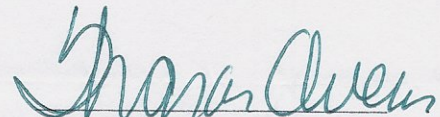
AYES: 3

NOES: 0

ABSENT: 0

ABSTAINED: 0

DATED: 9/13/04

  
Sharon Owens  
for the Volcano Community  
Service District