

"City on the Gulf"

CITY OF VENICE

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here

March 5, 2008

Mr. Kevin T. Wells, Esq.
22 S. Links Avenue Suite 301
Sarasota, FL 34236

Certified Mail-Return Receipt Requested

Re: Bird Bay Condominium Association, Inc.
Demand for Reimbursement of Utility Overcharges.

Dear Mr. Wells,

I am responding to your demand for reimbursement of utility overcharges dated February 28, 2008, for the Bird Bay Condominium Association, Inc. (herein, the "Association"). The Finance Department does not contest the fact that an error has been made and the Association has been billed incorrectly for a period of time.

Representatives from the City's Finance Department meet with representatives from Bird Bay Condominium Association, Inc. on January 29, 2008, to discuss this unfortunate incident. At this meeting I informed the Association members present that as the Finance Director I could only correct errors for the year that was open per the City's fiscal policies. I also explained that the fiscal year 2007 would only be open for two to three weeks due to the completion of the City's fiscal audit. I further explained that any other settlement agreement would require City Council approval at an open public meeting.

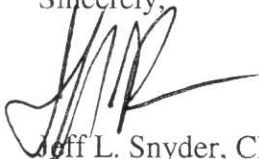
In addition, as stated above, we do know that the Association has been billed incorrectly since 2000, the time at which the City made significant changes to the method of billing. We do not have records dating before this year as these records have been appropriately discarded. We are unable to ascertain whether the Association has been billed incorrectly for 23 of the 30 years you are claiming (Chapter 119 Florida Statutes, Public Records sets the record retention requirements that the City must follow).

CC: [illegible]

Bird Bay Condominium
March 5, 2008
Page 2

Currently we are confirming the numbers provided in your demand notice. When we both agree with the numbers presented, I will take this item to City Council and recommend that they authorize reimbursing the Association for the overpayments that occurred in 2004, 2005, 2006, and 2007. It would be very helpful to see how you calculated the amounts for comparison purposes as soon as possible so that I can make the March 17, 2008 cut-off to include this on the March 25, 2008, City Council meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Snyder', with a long horizontal flourish extending to the right.

Jeff L. Snyder, CPA
Finance Director

cc: Mayor and City Council
Charter Officers
Lenox Bramble, Utility Director