

- Revised -

CUSTOMER NAME	ACCOUNT NUMBER	ADDRESS	TOTAL CHARGE/CREDIT	REASON FOR ADJUSTMENT
Apogee Beach Condo Assoc	364793-257882	3951 S Ocean Dr Irri	\$ 42,192.41	No meter readings from 03/13/2014 to 12/18/2017 (47 months). Back billing processed for water and utility tax for this period.

	Prior Water Usage
1	11,300
2	11,300
3	11,300
4	17,600
5	14,600
6	
7	
8	
9	
10	
11	
12	
TOTAL	66,100
AVERAGE	13,220

WATER	\$ 38,356.74
SEWER	
UT TAX	\$ 3,835.67
TOTAL	\$ 42,192.41

Prepared:	
Reviewed:	
Approved:	
Approved:	
Approved:	

Utility Bill - 1530908


CITY OF HOLLYWOOD
 UTILITY BILLING CUSTOMER SERVICE
 2600 HOLLYWOOD BLVD, ROOM 103
 HOLLYWOOD, FL 33020

UTILITY BILL
 CUSTOMER COPY
 KEEP THIS PORTION FOR YOUR RECORDS

CUSTOMER NAME			SERVICE ADDRESS				ROUTE	UNITS	
APOGEE BEACH CONDO. ASSOC.			3951 S OCEAN DR IRRIG				0851	1.00000	
BILL NUMBER	BILL DATE	ACCOUNT NUMBER			TYPE		CURRENT BILL DUE DATE		
1530908	12/13/2017	364793-257882			CM		01/02/2018		
DESCRIPTION OF CURRENT CHARGES		METER	PREVIOUS READ DATE	CURRENT READ DATE	PREVIOUS METER READING	CURRENT METER READING	READ CODE	USAGE (CU. FT.)	CHARGE
IRRIGATION USAGE		60674608	10/17/2017	11/16/2017	252700	252700	A	0	0.00
IRRIGATION BASE CHARGE									54.04
UTILITY TAX									5.40

Service Orders

Reference: 96357 Seq: 001 Entered: 12/14/2017

Type: MISC - MISCELLANEOUS SERVICE

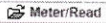
Reason: MSTK - METER STUCK

Account: 257882

Parcel: 514225AA0000

Location: 3951 S OCEAN DR IRRIG

Prop desc:

Primary svc: 2000 1 IRRIGATION USAGE 

Read meter/item: NEP 60674608 20

Install date: 06/21/2013 # Dials: 7 Remote ID: 2650011

Other meter: REGI 20112028 20

Customer: 364793 APOGEE BEACH CONDO. ASSOC.

Approved by:

Department:

Assigned to: UG - UNDERGROUND

Priority: UR - URGENT

Comments: replace stuck meter

By: ABENTLEY

Status: C - COMPLETED

Default route: 0851 Seq: 9999

District: I Type: CM

Requested: at

Scheduled: 12/14/2017 at

Completed: 12/18/2017 by 32

Reason: MSTK - METER STUCK

Create miscellaneous charges

Start time:

End time:

Recorded by: JP

 Notes

Repaired meter, replaced chamber. P-252778

 Browse WO
 Add WO

[illegible]

2"	C	Bills FY 2014													
Irrigation Usage		1	2	3	4	5	6	7	8	9	10	11	12		
Rate Tiers		November	December	January	February	*March	April	May	June	July	August	September	October		
0 - 11300	\$0.0603	0	0	0	0	8,100	11,300	11,300	11,300	11,300	11,300	11,300	11,300		
11301 - 15300	\$0.0723	0	0	0	0	1,920	1,920	1,920	1,920	1,920	1,920	1,920	1,920		
15301 - over	\$0.0844	0	0	0	0	0	0	0	0	0	0	0	0		
TOTAL	CF	0	0	0	0	10,020	13,220	13,220	13,220	13,220	13,220	13,220	13,220		
TOTAL	\$	\$0.00	\$0.00	\$0.00	\$0.00	\$627.25	\$820.21	\$820.21	\$820.21	\$820.21	\$820.21	\$820.21	\$820.21		
Usage Charged	\$	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
Adj Irrigation Usg	\$	\$0.00	\$0.00	\$0.00	\$0.00	\$627.25	\$820.21	\$820.21	\$820.21	\$820.21	\$820.21	\$820.21	\$820.21	Adj Water Usg	\$6,368.69
Adj UT Tax	10%	\$0.00	\$0.00	\$0.00	\$0.00	\$62.72	\$82.02	\$82.02	\$82.02	\$82.02	\$82.02	\$82.02	\$82.02	Adj UT Tax	\$636.87

*AVERAGE CONSUMPTION - BILLED CONSUMPTION (13220CF-3200CF=10020CF)

09/10/2016 11:51
DOCHRISTIE

City of Hollywood, FL
 TH Consumption History Report

putmding

[illegible]

09/10/2016 11:51
DCHWISTEP

City of Hollywood, FL
WD Consumption History Report

P 2
utdmdding

Account #	Map	Map	Customer Name	Parcel	Parcel	Location	Charge and Billed Amt	Status
Account #	Map	Map	Customer Name	Parcel	Parcel	Location	Charge and Billed Amt	Status
257892			257892	ASAC	514225A30000	3951 OCHN		CURRENT
2000	1	NEP 60674608	A 07/24/2016	876319	252,700	0	0	30
2000	1	NEP 60674608	A 06/24/2016	836060	252,700	0	0	30
2000	1	NEP 60674608	A 05/25/2016	795712	252,700	0	0	30
2000	1	NEP 60674608	A 04/25/2016	755478	252,700	0	0	30
2000	1	NEP 60674608	A 03/26/2016	715295	252,700	0	0	30
2000	1	NEP 60674608	A 02/25/2016	674803	252,700	0	0	30
2000	1	NEP 60674608	A 01/26/2016	634606	252,700	0	0	30
2000	1	NEP 60674608	A 12/27/2015	594386	252,700	0	0	30
2000	1	NEP 60674608	A 11/27/2015	554065	252,700	0	0	30
2000	1	NEP 60674608	A 10/28/2015	513865	252,700	0	0	30
2000	1	NEP 60674608	A 09/28/2015	473669	252,700	0	0	30
2000	1	NEP 60674608	A 08/29/2015	433321	252,700	0	0	30
2000	1	NEP 60674608	A 07/30/2015	393021	252,700	0	0	30
2000	1	NEP 60674608	A 06/30/2015	352231	252,700	0	0	30
2000	1	NEP 60674608	A 05/31/2015	311957	252,700	0	0	30
2000	1	NEP 60674608	A 05/01/2015	271708	252,700	0	0	30
2000	1	NEP 60674608	A 04/01/2015	231402	252,700	0	0	28
2000	1	NEP 60674608	A 03/04/2015	191114	252,700	0	0	24
2000	1	NEP 60674608	A 02/08/2015	150810	252,700	0	0	30
2000	1	NEP 60674608	A 01/09/2015	110716	252,700	0	0	30
2000	1	NEP 60674608	A 12/10/2014	84611	252,700	0	0	30
2000	1	NEP 60674608	A 11/10/2014	16821102	252,700	0	0	31
2000	1	NEP 60674608	A 10/10/2014	16821101	252,700	0	0	30
2000	1	NEP 60674608	A 09/10/2014	16821100	252,700	0	0	30
2000	1	NEP 60674608	A 08/11/2014	16821099	252,700	0	0	32
2000	1	NEP 60674608	A 07/10/2014	16821098	252,700	0	0	28

07/10/2016 11:51
CHRISTIE

City of Hollywood, FL
Water Consumption History Report

P 3
Outstanding

Account #	Customer Name	Parcel	Location	Charge Amt Billed	Status
Account #	Customer Name	Parcel	Location	Charge Amt Billed	Status
257000	ALMA-DE RIVER CONDO. ASSOC.	514225AA0000	3951 OCKAN		CURRENT
2000	1 NEP 60674608	A 06/12/2014	16821097	252,700	0
2000	1 NEP 60674608	A 05/14/2014	16821096	252,700	0
2000	1 NEP 60674608	A 04/14/2014	16821095	252,700	0
2000	1 NEP 60674608	A 03/13/2014	16821094	252,700	3,200
2000	1 NEP 60674608	A 02/12/2014	16821093	249,500	64,800
2000	1 NEP 60674608	A 01/13/2014	16821092	184,700	58,800
2000	1 NEP 60674608	A 12/13/2013	16821091	125,900	125,900
2000	1 NEP 60674608	A 06/21/2013	16821090		0

** END OF REPORT - Generated by Diane Christie **

Alberto Jimenez

From: Oscar Behncke <obehncke@apmanagement.net>
Sent: Tuesday, September 11, 2018 2:01 PM
To: Alberto Jimenez
Cc: Darrin Gursky
Subject: ACCOUNT 364793-257882
Attachments: Consumption History.pdf; City Letter.pdf; Minutes.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Alberto Jimenez

Thank you for meeting with me yesterday regarding the letter the Association received last Friday from the Depart of Public Utilities (copy attached) dated August 13, 2018.

As you explained, the City used the consumption of the irrigation meter shown in the pages attached for the three (3) months, December 2013, January and February of 2014 to calculate the alleged outstanding charges for water consumption in the amount of \$ 104,803.12.

Unbeknownst to the City, I informed you that from December of 2013 until March of 2014, the building was under the control of the developer and in its final construction stages. As such, anything could have happened to the pipes of the system as a result of subcontractors still working under the supervision of the General Contractor in charge of the construction of Apogee Beach, and not under the control of the Association. The outrageous consumption shown in the attached pages for December 2013 is 125,900 gallons, which is equivalent to filling the swimming pool at the building THREE TIMES OVER. Accordingly, it appears that this amount in the invoice could be the result of pipes broken by subcontractors or by the usage of the irrigation water for any other purposes but for irrigation.

As you requested, and in an effort to further support the Association's position, I have attached a copy of the official Association meeting Minutes showing the date of the turner over of the Association from the Developer to the current Board of Directors representing the 49 families of this community, which was in March of 2014 as I mentioned to you in our meeting.

As per our agreement for the recalculation purposes of the unbilled charges, the City should consider the consistent and constant consumption recorded by the meter for May, June and July of this year of 11, 300 gallons with an average bill charge of \$ 800.00 (pages attached and highlighted). Thus, the amount not billed during 47 months should be much closer to \$ 38,000.00 as opposed to \$ 104,803.12.

It is hopeful that the City understands these unusual circumstances, and the hardship this will cause to our residents and taxpayers. Therefore, the Association is hereby requesting that the City be willing to waive half of the amount of the recalculated charge (\$ 38,000.00) the Association will accept, and to take the City's one time settlement offer included in the attached letter in the amount of \$ 19,000.00.

The Association will need additional time to pay off this amount, and is further requesting to take part in the city's offered payment plan option of 60 months. The Association is willing to make the first payment in January of 2019.

I am confident that, as you confirmed it during our meeting, that the Association's proposal is approved by the Utilities Department Director without need to go to the City Commissioners. If so, please I respectfully request that you advise me in advance of the date and time of that meeting.

Thank you in advance for your favorable response.

Regards,

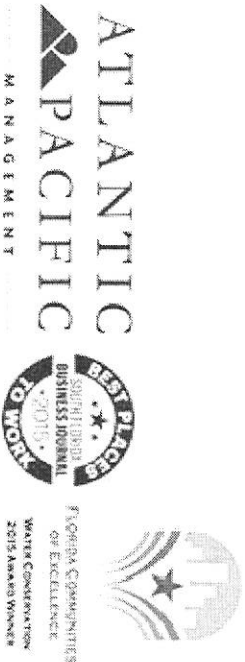
OSCAR BEHNCKE, BSMEE, CPE, CGC, CMC, CPO, LCAM
Property Manager

APOGEE BEACH CONDOMINIUM ASSOCIATION INC.

3951 South Ocean Drive - Hollywood, FL 33019

Phone (754) 217-2820 Fax: (754) 217-2819

E-Mail [V-Card](#) [Website](#) [Facebook](#) [Twitter](#) [LinkedIn](#)



APOGEE BEACH

Organizational Meeting Minutes Friday, March 21, 2014, Lounge AM Floor

Call to Order:

The Turnover Meeting of Apogee Beach Condominium Association was held on the date, time and at the place set forth in the Notice of Meeting fixing such time and place and attached to the Minutes of this meeting. Notice of the Meeting was posted in the first floor lobby mailroom 48 hours in advance of the Meeting.

There were present the following Board Members:

Lisa Allen- in person
David Va -- attended by conference call

Management Representatives:

Judy Dandy, Regional Director
Rita Meneses, Community Association Manager

Material Attendees:

Marnie Dale Ragan, Esq. with Gursky Ragan, P.A.

The Meeting was called to Order at 10:01 am.

David Va motioned to appoint Lisa Allen as President. Lisa Allen accepted and seconded the motion. All in favor; motioned passed.

Lisa Allen motioned to appoint David Va as Vice President; David Va accepted and seconded the motion. All in favor; motioned passed.

Lisa Allen made the motion to appoint Darlene Perez as the third director and Secretary/ Treasurer. The motion was seconded by David Va. All in favor. Motion passed.

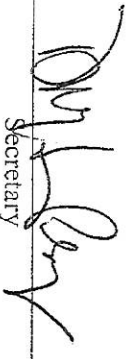
The following organization of the Board of Directors motion was proposed:

Lisa Allen-President
David Va-Vice-President
Darlene Perez-Secretary-Treasurer
All in favor. Motion passed.

Lisa Allen made the motion to designate all three directors as signatories with two signatures on all checks issued by the Association. David Va seconded the motion. All in favor. Motion passed.

Directors made the motion to adjourn the meeting at 10:10 am.

Dated: March 21, 2014


Secretary 5/5/14

U/B Contacts

Account: 257882

SEE BELOW RESPONSE FROM THE BEACH MAINTENANCE SUPERVISOR REGARDING CUSTOMER'S COMPLAINT THAT INDICATES THAT A CITY TRACTOR BROKE THEIR IRRIGATION PIPES:

From: Steven Salafrio
Sent: Wednesday, March 28, 2018 11:57 AM
To: Alberto Jimenez; obehncke@apmanagement.net
Cc: Yvonne Jackson; John Plaza; Charles Lassiter
Subject: RE: Apogee Beach-City Truck-Damage to our Irrigation System

Good morning

This morning I meet with Chief engineer of the Apogee viosniet Montenegro. I also brought Glenroy my tractor operator and we spoke about the area of concern. This is very possible that this was a pvc blowout and not a City Truck running over the pipe, as we are not to drive vehicles in the green dune vegetation as per our State beach cleaning permit. If you look at the photograph there is no tractor tires on either side of the hole where the water is coming from. In the email below it states that the water break happened back in February, that was some time ago, the beach profile has changed a lot from the weather as this area experiences a lot of erosion. Back in February there was heavy equipment putting sand on the beach as it could have been one of those big dump trucks that could have done this also,

I am not sure on how this plastic pvc water pipe broke.

Steve

Steven Salafrio
Beach Maintenance Supervisor
City of Hollywood
2201 N Ocean Drive
P.O. Box 229045
Hollywood, FL 33020
Office: 954-921-3260
E-mail: SSalafrio@hollywoodfl.org

From: Alberto Jimenez
Sent: Tuesday, March 27, 2018 1:55 PM
To: obehncke@apmanagement.net
Cc: Steven Salafrio <SSalafrio@hollywoodfl.org>; Yvonne Jackson <yjackson@hollywoodfl.org>; John Plaza <jplaza@hollywoodfl.org>; Charles Lassiter <classiter@hollywoodfl.org>
Subject: FW: Apogee Beach-City Truck-Damage to our Irrigation System
Importance: High

Good afternoon Mr. Behncke,
Please find below the email addresses:

Steven Salafrio: SSalafrio@hollywoodfl.org
Yvonne Jackson: yjackson@hollywoodfl.org

Regards,

Alberto Jimenez
Utilities Customer Service Manager
City of Hollywood
AJIMENEZ@hollywoodfl.org

Customer Service Offices are open Monday - Thursday from 7:00 am to 6:00 pm and
CLOSED on Fridays.

From: Oscar Behncke [mailto:obehncke@apmanagement.net]
Sent: Tuesday, March 27, 2018 1:25 PM
To: Alberto Jimenez
Cc: Steven Salafrio; Yvonne Jackson
Subject: Apogee Beach-City Truck-Damage to our Irrigation System
Importance: High

Dear Alberto Jimenez,

Good afternoon. Thank you for taking time of your important and busy schedule to meet with me yesterday and helping locate the authorities that will help me recover the overcharge of the Association irrigation bill for the damage the city truck that cleans the beach, **did to our pipes last February.**

I have left voice message to Ivonne and Steven without response.

Might you please send me their email addresses.

Thank you!

OSCAR BEHNCKE, BSME, CPE, CGC, CMC, CPO, ICAM
Property Manager

APOGEE BEACH CONDOMINIUM ASSOCIATION INC.
3951 South Ocean Drive - Hollywood, FL 33019
Phone (754) 217-2820 | Fax: (754) 217-2819

[2018-03-28 12:39:47 AJIMENEZ]:
From: Oscar Behncke [mailto:obehncke@apmanagement.net]
Sent: Wednesday, March 28, 2018 12:33 PM
To: Steven Salafrio; Alberto Jimenez; Yvonne Jackson; John Plaza; Charles
Tessier
Cc: Darin Gursky; William Coleman; Charles Smith; Yisrael Montenegro; Julio
Chirides; Lara Arresegor; Colleen Lavery; John Ingrassia
Subject: Re: Apogee Beach-City Truck-Damage to our Irrigation System
Importance: High

To All,

Good afternoon.

Steve, thank you for making yourself and your driver available to see the pipe
in dispute.

Please consider the following:

1. There is no way that this could be a PVC blow out. The dunes are inspected on a monthly basis by the State of Florida, Wild and Life Marine Conservation Department. Our maintenance staff has a daily routine inspection procedure that is followed in order to prevent any problems with the irrigation as the one occurred in February. The main valve of the irrigation system was shut off once the incident was discovered. This pipe was inspected a week before the incident happened it was in perfect conditions as shown in the picture attached.
2. **We never said that the City Truck ran over the pipe. It was the element that is attached behind the truck, that looks like a blade that hit our pipe and destroyed it.** The pictures sent to Steven show the marks of the truck near the pipe, so the blade behind the truck hit the pipe when the truck turned around.
3. The County truck that was restoring the Hollywood beach never made it to the beach in front of our building because of the dunes. See the picture attached.

There is not doubt that this involuntary incident committed by the truck driver of the City of Hollywood, has had an negative impact on the Association monthly irrigation bill.

We ask John, Charles and Yvonne to instruct Alberto Jimenez to refund our Association the amount of \$ 2,000.00 immediately.

The Association reserves the right to speak with the Mayor who knows how much our 49 families contribute with their taxes to the City of Hollywood.

I am copying the legal counsel of this Association. Hope he would not have to participate in order to help us resolve this problem.

I await your prompt favorable response.

Regards,

OSCAR BEHNCKE, BSMEE, CPE, CGC, CMC, CPO, LCAM
Property Manager

APOGEE BEACH CONDOMINIUM ASSOCIATION INC.
3951 South Ocean Drive - Hollywood, FL 33019
Phone (754) 217-2820 | Fax: (754) 217-2819

[2018-04-02 10:36:02 AJIMENEZ]:
From: Oscar Behncke [mailto:obehncke@apmanagement.net]
Sent: Monday, April 02, 2018 10:17 AM
To: Charles Lassiter
Cc: Alberto Jimenez; William Coleman; Charles Smith; Laura Arreseigor; Yisrael Montenegro; Julio Chiroldes; Colleen Lavery; John Ingrassia
Subject: Apogee Beach-Irrigation System Potential Refund
Importance: High

Charles,

Good morning. Thank you for taking my call today.
On behalf of the 49 families and tax payers of Apogee Beach, the BOD, our staff and I, please accept our appreciation for your willingness to help us getting the \$ 2,000.00 refund on our February Irrigation bill overconsumption by the breaking of one of our pipes at the dunes located at the beach front of our property.

As per your request, I will wait your favorable response that could come in the next two days.

Regards,

OSCAR BEHNCKE, BSMEE, CPE, CGC, CMC, CPO, LCAM
Property Manager

APOGEE BEACH CONDOMINIUM ASSOCIATION INC.
3951 South Ocean Drive - Hollywood, FL 33019
Phone (754) 217-2820 | Fax: (754) 217-2819

DEPARTMENT OF PUBLIC UTILITIES
Customer Service

2600 Hollywood Blvd. Room 103
P.O. Box 229187
Hollywood, Florida 33022-9187



August 13, 2018

APOGEE BEACH CONDO ASSOC
C/O ATLANTIC PACIFIC MNGMT
622 BANYAN TRAIL STE 150
BOCA RATON, FL 33431

Service Address: 3951 S OCEAN DR IRRIQ
Account Number: 364793-257882

Dear Customer:

After a recent billing review, the City of Hollywood Department of Public Utilities discovered it had been receiving incorrect meter readings from the above referenced service address. The incorrect readings were due to a meter malfunction at your property where the meter failed to accurately record your consumption for the period of 3/13/2014 to 12/18/2017. Since this review, the Department of Public Utilities has replaced your meter and/or register to ensure it is now working properly.

The Department of Public Utilities has recalculated the charges for the period during which the meter and/or register was malfunctioning based on the average of twelve months of actual readings in accordance with Section 51.075 of the Hollywood Code of Ordinances (see below). The recalculation resulted in an additional **\$104,803.12** charge.

Due to these unusual circumstances and the potential hardship this may cause our customers, the City is waiving half the amount of the recalculated charge (pending City Commissioners approval). This is a one-time settlement offer which will supersede any pending or future disputes regarding the recalculated amount owed for water/sewer usage. The settlement amount is \$52,401.57. Payments can be made online, in-person or by mail. Customers needing additional time to pay off this balance may choose to take part in a payment plan option of up to 60 months.

Should you have additional questions about your recalculated bill or payment plan options, please contact Lia Ramos, Utility Billing Supervisor at 954-921-3460 who is available Monday through Thursday, from 7:00am to 6:00pm.
\$ 51.075 DEFECTIVE METERS.

(A) The quantity of water recorded by the meter shall be conclusive on both the customer and the city except when the meter has been found to be defective, or ceases to register.

(B) In case the meter has been found to be defective or has ceased to register, the amount of usage to be billed for the period that the meter was not functioning properly shall be determined by taking the average monthly usage for the previous 12 months. The city can bill for past unbilled usage as herein determined for a period of up to 60 months

Regards,

Utilities Customer Service

AUG 31 2018

Alberto Jimenez

From: Steve Joseph
Sent: Monday, September 24, 2018 6:00 PM
To: Alberto Jimenez
Cc: Mark Moore
Subject: RE: ACCOUNT 364793-257882 //APOGEE BEACH CONDO ASSOC.

Follow Up Flag: Follow up
Flag Status: Flagged

Alberto,

I am fine with your proposed settlement offer.

From: Alberto Jimenez
Sent: Monday, September 24, 2018 1:27 PM
To: Steve Joseph <SJOSEPH@hollywoodfl.org>
Cc: Mark Moore <MAMMOORE@hollywoodfl.org>
Subject: RE: ACCOUNT 364793-257882 //APOGEE BEACH CONDO ASSOC.

Steve,
We discussed this waiver request last Thursday. Please advise if you agree to settle the stuck meter back billed amount for **\$21,096.21** (50% of the new calculations). The customer will sign a payment plan agreement for 60 months for the balance. Upon your response, I will contact the customer to get me the acceptance since their offer was to settle for **\$19K**. I will then ask the City Attorney's office to issue a draft for the Resolution that will require the Commissioners' approval.
Thanks,

Alberto.

From: Mark Moore
Sent: Thursday, September 20, 2018 8:13 AM
To: Alberto Jimenez
Cc: Steve Joseph
Subject: FW: ACCOUNT 364793-257882
Importance: High

Alberto,

I agree with making these consumption adjustments. Again I believe we should use your calculations but I think we should offer the 50% waiver. Please prepare the waiver for Steve's approval.

Mark

From: Alberto Jimenez
Sent: Wednesday, September 19, 2018 7:12 PM
To: Mark Moore <MAMMOORE@hollywoodfl.org>

Subject: FW: ACCOUNT 364793-257882

Importance: High

Mark,

See email below and attachments:

- We discussed this case a couple days ago. We agreed to remove from the average consumption the months during the time the property was still under the developers (12/13/13 through 02/12/14)and the months they had a leak (1/15/18 through 2/14/18).
- I revised the original calculations and the numbers changed from **\$104,803.12** to **\$42,192.41**
- If we would have left the original calculations as they are, the customer would have a balance of **\$52,104.17** after the 50% waiver. The customer is asking for a 50% waiver from the new calculations that would bring the balance to **\$21,096.21**.
- I believe we are doing the changes in good faith in order to be understanding with the customer's situation. My recommendation is that we shouldn't give 50% waiver from the new calculations and settle the case for **\$42,192.41**. However, I know the customer is going to dispute it.
- I attached the calculation in Excel and I am sending you the hard copies in an interoffice for your review.

Please let me know how you want me to proceed.

Thanks,

Alberto.

From: Oscar Behncke [mailto:obehncke@apmanagement.net]

Sent: Tuesday, September 11, 2018 2:01 PM

To: Alberto Jimenez

Cc: Darin Gursky

Subject: ACCOUNT 364793-257882

Importance: High

Dear Mr. Alberto Jimenez

Thank you for meeting with me yesterday regarding the letter the Association received last Friday from the Depart of Public Utilities (copy attached) dated August 13, 2018.

As you explained, the City used the consumption of the irrigation meter shown in the pages attached for the three (3) months, December 2013, January and February of 2014 to calculate the alleged outstanding charges for water consumption in the amount of \$ 104,803.12.

Unbeknownst to the City, I informed you that from December of 2013 until March of 2014, the building was under the control of the developer and in its final construction stages. As such, anything could have happened to the pipes of the system as a result of subcontractors still working under the supervision of the General Contractor in charge of the construction of Apogee Beach, and not under the control of the Association. The outrageous consumption shown in the attached pages for December 2013 is 125,900 gallons, which is equivalent to filling the swimming pool at the building THREE TIMES OVER. Accordingly, it appears that this amount in the invoice could be the result of pipes broken by subcontractors or by the usage of the irrigation water for any other purposes but for irrigation.

As you requested, and in an effort to further support the Association's position, I have attached a copy of the official Association meeting Minutes showing the date of the turner over of the Association from the Developer to the current Board of Directors representing the 49 families of this community, which was in March of 2014 as I mentioned to you in our meeting.

As per our agreement for the recalculation purposes of the unbilled charges, the City should consider the consistent and constant consumption recorded by the meter for May, June and July of this year of 11, 300 gallons with an average bill charge of \$ 800.00 (pages attached and highlighted). Thus, the amount not billed during 47 months should be much closer to \$ 38,000.00 as opposed to \$ 104,803.12.

It is hopeful that the City understands these unusual circumstances, and the hardship this will cause to our residents and taxpayers. Therefore, the Association is hereby requesting that the City be willing to waive half of the amount of the recalculated charge (\$ 38,000.00) the Association will accept, and to take the City's one time settlement offer included in the attached letter in the amount of \$ 19,000.00.

The Association will need additional time to pay off this amount, and is further requesting to take part in the city's offered payment plan option of 60 months. The Association is willing to make the first payment in January of 2019.

I am confident that, as you confirmed it during our meeting, that the Association's proposal is approved by the Utilities Department Director without need to go to the City Commissioners. If so, please I respectfully request that you advise me in advance of the date and time of that meeting.

Thank you in advance for your favorable response.

Regards,

OSCAR BEHNCKE, BSMEE, CPE, CGC, CMC, CPO, LCAM
Property Manager

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