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CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
AND
CORPORATION COUNSEL

Memorandum

To: City Council
Cc: Mayor Miro Weinberger
From: Eileen Blackwood, City Attorney
Re: BED Street Light Billing Issue
Date: September 4, 2014

The CAO's Office and BED have reached an agreement about BED's repayment to the City for the overbilling referenced in the attached memorandum from BED Interim General Manager Neale Lunderville. That repayment by BED will be made to the City in the current fiscal year in the amount of \$1,464,604 to cover the period of time from July 2008 to June 2014 (six fiscal years). This amount includes 1% simple interest.

This amount represents an underpayment of BED's PILOT payment to the City, as the City's street lighting charges were netted against the PILOT. BED will be taking the total payment as an expense for FY14, and the City will be taking the FY15 payment as a PILOT payment made in FY15.

Per the City Charter, 50% of the additional PILOT revenues is payable to the schools, and the City, the Burlington School District, and the State Agency of Education are discussing how repayment of the schools' portion of the unanticipated additional revenue should be handled.

We expect to add the money received to the PILOT line item on the revenue side of the City's FY15 budget. At this point, we do not, however, expect to request any additional municipal spending authority and plan to use the money received to improve the City's fund balance.

Thank you.