

MINUTES OF THE ANNUAL GENERAL MEETING HELD ON 19th SEPTEMBER 2018

The members of the Urban Conservation Entity El Olivar de Buenavista identified below gathered, on second call, to hold the Annual General Meeting in the meeting room of **HOTEL LA VIÑUELA**, at 20,30 hours on the **19 September 2018**.

It was duly convened under the chairmanship of the President, Mr. John Cuff, according to the following Agenda:

AGENDA

1º).- Discuss and approval, where appropriate, the proposal of agreement from the Town Hall regarding the modification of the obligations of maintenances and up-keeping of the entity about **Sewage Treatment Plant** to transfer this obligation to the Town Hall.

2º).- Discussion regarding the distribution system of conservation and maintenance expenses of the Entity among the member owners: **Distribution by coefficients** (by size of plot) as established in the Bylaws of the Entity, or **Equal Distribution** (Equal share for house) how it was approved in its day by the General Assembly (6th May, 2005) and applied so far.

3º).- Information of the criteria (both municipal and autonomous) that govern the colour of houses and windows bars in “Urb. Olivar de Buenavista”.

The General Meeting was attended by **48,54%** of the members of the Entity, represented by 42 owners both present and represented, whose names, representations, sharing ratios and other personal data and incidents of interest are contained in the attached attendance register for the Assembly.

The owners of these houses are: A, B, F, G, 1, 2, 6, 8, 15, 16, 22, 24, 26, 27, 30, 32, 33, 35, 39, 42, 44, 46,47, 48, 49, 51, 53, 54, 58, 61, 66, 69, 70, 71, 73, 74, 75, 79, 80, 81, 82 y 84. (Also attended the meeting the Mayor of Alcaucín, Mr. Mario Blanke.

The President opened the meeting, and after thanking everyone for attending, the following results were recorded:

FIRST POINT - The President gave the floor to the Mayor of Alcaucín, Mr. Mario Blanke, who explained to all those present that for quite some time the City Council and the Entity are in talks to resolve the current situation, in which the neighbours of the Urbanization are paying the conservation and the maintenance of the system of purification of residual waters existing in the urbanization and the canon of purification that the “Junta de Andalucía” forces to the municipalities to collect along with receipt of the water. Finally, the solution that has been most appropriate is to revise Article 2 of the Articles of Association of the Entity, which is the one that includes maintenance and conservation obligations for which the entity is responsible (which was already modified in 2014) leaving as the only obligation the maintenance and conservation of the existing green area in the urbanization, since then the Town Hall of Alcaucín assuming the maintenance of the wastewater treatment system.

Therefore, the first step of this process is the approval by the Entity of this proposed agreement to amend Article 2 of the Bylaws, the details of which are as follows:

"PROPOSAL OF CONVENTION TO MODIFY THE STATUTES OF THE URBAN ENTITY OF CONSERVATION" EL OLIVAR DE BUENAVISTA "

I.- The purpose of this Agreement is to establish the obligations to be assumed by each of the entities represented, in relation to the maintenance and conservation of the "El Olivar de Buenavista" Urbanization included in the UR-2 Sector of consolidated urban land of planning general of Alcaucín.

In this sense, the assumption of these obligations will entail the modification of the Statutes of the EUC with regard to its article 2, which currently literally provides:

"Article 2. Object and purposes.

The Olivar de Buenavista Conservation Urban Entity, with the provisions and determinations established in the Urban Planning Law of Andalusia, will have as its sole and exclusive objective the following:

- a) The conservation and maintenance of the green areas of public use existing in the urbanization.*
- b) The conservation and maintenance of the wastewater treatment system installed in the Urbanization, all under the rights and supervision of the Municipal Administration.*

The conservation and maintenance of the rest of elements and public endowments existing in the Urbanization, will be assumed by the City Council of Alcaucín."

II.- Attended the object expressed, after several meetings held between the Entity and the Town Hall of Alcaucín in relation to the same, both parties sign the present CONVENTION subject to the following,

STIPULATIONS

FIRST.- The City Council of Alcaucín assumes that, as of the effective modification of the Statutes of the EUC, this is, from the registration of the modification in the Register of Conservative Urban Entities of the competent Council of the Junta de Andalucía, the Obligations of the City Council regarding the conservation and maintenance of the "El Olivar de Buenavista" Urbanization, in addition to those previously assumed, will incorporate the conservation and maintenance of the evacuation and purification service of the urbanization's wastewater.

SECOND.- That by virtue of what has been stated in the previous stipulation and the purpose of carrying it out, both parties agree to the amendment of article 2 of the Statutes of the Urban Development Organization "El Olivar de Buenavista", whose wording goes to be the following:

"The Olivar de Buenavista Conservation Urban Entity, with the provisions and determinations established in the Urban Planning Law of Andalusia, will have as its sole and exclusive objective the conservation and maintenance of the green areas of public use existing in the urbanization.

The conservation and maintenance of the rest of elements and public endowments existing in the Urbanization, including the conservation and maintenance of the wastewater treatment system installed in it, will be assumed by the City Council of Alcaucín. "

THIRD.- The City Council of Alcaucín will not assume the obligations contained in the present agreement until the Statutes of the EUC in which the determinations of this agreement have been registered in the Register of Collaborating Urban Entities.

After clarifying Mr. Mayor the doubts that are put to him on the matter, finally the approval of the content of the proposal of agreement previously detailed is put to vote, being the result of **APPROVED UNANIMOUSLY**, authorizing widely to the President to realize how many arrangements are necessary until the definitive registration of said agreement in the Register of Collaborating Urban Entities of the Junta de Andalucía.

Taking advantage of the presence of Mr. Mayor, it is proposed to alter the Agenda in the sense of treating now the Third Point since it is convenient that the information of said point is given directly by Mr. Mayor, being approved such proposal by **UNANIMITY**, so it happens to develop the third point and then the second.

THIRD POINT. - It is explained that certain owners of the urbanization have asked to raise the debate on the colour of the houses and the bars of the windows and in this regard, on behalf of the Mayor is informed that according to current regulations in this regard the competence to determine the colour of the facades of the houses is a municipal competition, although in said regulations no specific colour is specified.

His personal opinion is that the facades of all the houses in the municipality must be white and this same criterion is also maintained by the Junta de Andalucía, understanding that it would not be a good idea to leave the criterion of each neighbour of the urbanization to choose the colour of its facade.

On the part of Mr. Administrator insists that what is clear is that this matter is not the responsibility of our Entity, since as confirmed by the Mayor is a Town Hall competence, so any questions about this subject should be addressed to it.

At this moment, Mr. Mayor leaves the meeting because he has to attend to other commitments, thanking for his attendance and participation in this General Assembly.

SECOND POINT - It is explained that the purpose of this point is to discuss the distribution system of the Conservation and Maintenance Budget among the members of the Entity, since according to the Statutes of the Entity this distribution must be done by the participation coefficient that each parcel has in the Entity, depending on its surface, and yet the Entity since its constitution is doing so in a linear manner, with each house having the same share and the same weight in the votes.

From the beginning of the constitution of the Entity this issue was raised and unanimously approved that the distribution was linear and equal for each house (and not by coefficients) and has been applied all these years, without any owner has raised No objection to this until now. In addition, the technical problem is added that the coefficients that contain in the Statutes are not well calculated (since they do not add 100% but 103.32%) so the procedures for their modification should be carried out.

At this time, the Assembly is asked to debate whether to apply the distribution established in the Bylaws or, for purposes of internal management of the Entity, it is still distributed in a linear manner.

A wide debate is opened in which the pros and cons of one system and another are revealed and finally both proposals are put to the vote giving the following result:

- **In favor of applying the pay-as-you-go system that is included in the Articles of Association of the Entity**, by which both the quota and the vote of each member would be proportional to their participation coefficient: **3 owners** (House 39, House 42 and House 44))

- **In favor of continuing with the linear distribution system that is being applied since the beginning of the entity** (where all members have the same share and the same percentage of vote): **39 owners** (Houses A, B, F, G, 1, 2, 6, 8, 15, 16, 22, 24, 26, 27, 30, 32, 33, 35, 46.47, 48, 49, 51, 53, 54, 58, 61, 66, 69, 70, 71, 73, 74, 75, 79, 80, 81, 82 and 84)

Therefore it is approved by **MAJORITY** that for the purposes of internal management and operation of the Entity in compliance with our obligation of maintenance and conservation (shortly only the green zone), all members have the same quota and the same percentage of vote.

Finally, Victor Calland (House 16) proposes to those present that the tiled map of the Urbanisation (next to post-boxes) be replaced as it's fallen into disrepair, so he asks that any neighbour who can provide a quotation for replacing it in painted and glazed ceramic tiles, that to be forwarded to Victor Calland by 1st Oct, and the Committee to choose the one that offers the best quality-price.

There being no more questions, the meeting finished at 21,45 hours on 19 September 2018, all of which I, as Secretary, attest.

PRESIDENT

A handwritten signature in cursive script, appearing to read 'Jh. Caff'.

SECRETARY/ADMINISTRATOR

A handwritten signature in cursive script, appearing to read 'A. Caff'.