**URBANISATION EL OLIVAR DE BUENAVISTA**

**President’s Report - September 2019**

**I write this report with a lot of pride, but at the same time sadness, as this is going to be my last report to you as president; after about 11 years I think it’s time to hang up my boots so to speak and let others with more drive and enthusiasm take the Entity forward in a new and progressive way. There is now a need for a change to the responsibilities of the Entity owing to the way the Urbanisation’s responsibilities have changed over the years.**

**I remember the AGM at Ruygars (about 2008) when I was disenchanted with the situation and the position of the Entity. The Entity had been forced upon us by an agreement between the Town Hall and the Developer; it was written into the planning agreement for the Urbanisation that, on completion, the Developer had to set up a Legal Entity which would have responsibility for the total ongoing maintenance and repairs of the public areas, roads, lighting, water and electric services, including the maintenance and running costs of the sewage station.**

**This was a legally binding condition of planning permission and the eventual legalisation of the entire Urbanisation. In establishing the Entity a formal committee, Administrator and a President had to be elected, budgets approved and fees collected. Fortunately the written agreement made the collection of debts from non paying owners the responsibility of the Town Hall.**

**At this meeting, I could see that the system was not working as it should, accounting and audit was inadequate and it was just rolling along without any purpose. It was then I offered my experience in business management and volunteered to take over from the resigning president.**

**Early days were no mean task, it was difficult to establish the state of individual accounts to any accuracy as work had been carried out by payments in cash without receipts, and accounts were showing individuals underpaid but they had receipts and bank statements to show they were up to date.**

**To assist me in formalising the accounts and statements we (the committee and me) employed a professional Accountant and Lawyer. Unfortunately the first person we appointed did not meet up to expectations and after a year or so was replaced by our present Administrator, and I must say, without whom we could not have achieved the successes of the last 10 years.**

**To list but a few:-**

**It was discovered in 2007/8 that the Developer had not formally handed over the Urbanisation to the Town Hall with an agreed completion certificate.**

**To satisfy the Town Hall we had to liaise with the Developer, have the Urbanisation surveyed and a report completed together with the Town Hall Surveyors. Eventually, in 2008/9, we received the formal paperwork from the Town Hall that the Urbanisation was completed in accordance with the planning permission documents. The Entity was completely set up and running and fully responsible for carrying out the maintenance and running costs of the entire Urbanisation, paying for all electric to the street lights and the Sewage Station.**

**AT THIS STAGE WE RECEIVED FORMAL DOCUMENTATION OF THE FORMAL COMPLETION TO THE PLANS OF THE URBANISATION AND CONFIRMATION FROM THE JUNTA OF OUR LEGAL STATUTORY STATUS. THIS PROCESS ACTUALLY TOOK UP TO 26th SEPTEMBER 2014 TO BE FORMALLY APPROVED AND SIGNED BY THE JUNTA AND THE TOWN HALL.**

**During this period we had to liaise and negotiate with three separate mayors – to date the total is now five. But at last the Urbanisation was granted legal status and included in the Alcaucín Revised General Plan of Urban land.**

**During these negotiations, in parallel we were discussing with the Town Hall the formal adoption of the Urbanisation to transfer responsibilities and maintenance costs to the Town Hall. This was achieved in 2015 leaving only the area by the river and the Sewage Station the sole responsibility of the Entity.**

**Our commitment was to establish a green natural area by the river, with funding being accrued, (approximately €30,000) to carry out these works. Fortunately, with the help of a European grant from the Town Hall, over 100 trees were planted - this again reduced our funding commitment to maintaining the area and keeping it tidy, for which a contact has been let for 3 formal visits a year by a professional Landscape Gardener.**

**At this time may I give a special thanks to one of our residents, Alan Edson, who has conscientiously watered the trees to maturity over the last couple of years.**

**This only left the Sewage Station which has always been contentious due to double billing on our IVI payment. With the help and support of the Mayor at that time (Mario Blancke) we had an agreement that the Sewage Station will be taken over and run and maintained by the Town Hall. At the time of writing, due to the change in administration, I’m awaiting confirmation of the formal paperwork for signing by the recently elected Mayor, who is having to revisit the previous Administration agreement due to budgetary concerns and procedural issues. Hopefully we will have a positive result to formally report at the AGM.**

**Until we have a decision we must continue to budget for carrying out the full costs of maintenance, and the cost of electricity to the Sewage Station and our continued responsibilities in maintaining the green area and trees.**

**I WOULD HAVE LIKED TO SEE MY WORK AS COMPLETED - MAYBE IF WE RECEIVE A POSITIVE RESPONSE FROM THE MAYOR BY THE AGM IT WILL BE!**

**BUT either way there are initiatives still to progress and this is why I feel there’s a requirement within the framework and legality of the Entity to include what I would call ‘A RESIDENTS’ ASSOCIATION’, as during the last year or so some excellent initiatives have been taken by the committee, particularly by Victor Calland, for example Defibrillators installed and training sessions held, monthly provision of skips for Garden Waste, (this is particularly important as we are advised the main waste area is now only open Tuesday and Saturday morning and there’s a €100 fine for putting garden waste in the normal waste bins).**

**Social and integration bonding events such as the Easter Egg hunt, opening of the playground and the Halloween Treat at the playground have been arranged and managed. Thanks to all concerned for making this happen.**

**We replaced the failing letter boxes a few years ago, with a higher specification than was previously provided by the developer. Although they are still looking in good condition, there will come a time when repairs or replacement will be required, likewise the map which has been replaced with ceramic tiles this year, none of which are within the remit of the Entity in its present form.**

**We have had issues with Squatters, Neighbours disputes, noisy Dogs and people Holiday renting not respecting that this as a residential area and not a Holiday Resort. In no way do we want to stop people having a lovely holiday, but we do expect that Holiday makers (and the casa owners) respect that this is a Residential area and abide by the Town Hall restrictions on noise and consideration to others.**

**I am therefore proposing that the assembly approves a sub committee with funding being set up specifically to address these issues outside the Entity. The full remit of this Committee can be agreed and submitted separately. It is not to be formed to take on neighbourly disputes, but to items that effect a large area of the Urbanisation and liaise or negotiate with the Town Hall or other authorities.**

**There are many people I would like to thank along the way, but I could not have done or achieved anything like the progress without the continuing support of our Administrator and his support staff. Yes it’s been slow sometimes - 3 steps forward 2 back - but we have stuck at it and finally achieved what no other Urbanisation in Alcaucín has achieved - full legality and adoption by the Town Hall.**

**We have a legal and formal debt collection system set up with the Town Hall, although it takes about 2 years to come through from submission it means everybody pays at some stage. We have received large sums of unpaid fees on repossession of properties from banks, and denuncias have been put on at least two casas to delay their sale until our fees were paid. Our Administrator has more than paid for himself over the years, with debt collections in excess of €25,000 being collected which without his efforts would have been lost forever.**

**We have a robust debt collection procedure in place which perhaps needs tweaking and more rigorously enforced in future by more regularly submitting Debts to the Town Hall with a lower threshold as no one has any excuse of not knowing their legal responsibilities.**

**I must finally also say a big thank to Mario who was our Mayor from 2015 until 2019, with whom we achieved so much during that period: I’m sure this will continue in his new roll within the Town Hall.**

**I also welcome his successor the new Lady Mayor, Dña Ágata Noemi González Martin, who I’m sure will work with our new Administration to continue our commitment to the Urbanisation for the benefit of our owners and residents and reinforce our ties and promoting the town of Alcaucin in it’s entirety.**

**I wish you all well and thank you for your support.**

**John H Cuff (President)**

**ATTACHED ADDENDUM OF ACTIONS FROM LAST AGM MAY 28th 2018**

**1) First point:- The Town Hall has completed the work to the recreational sports area on the central community plot; we contributed some funds to the provision of the fence enclosure, all the remainder was funded by the Town Hall. The area is supported by a team of residents and is used on a daily basis including some residents social activities.**

**The Sewage Station at time of writing is still in discussion for adoption with the new Administration at the Town Hall.**

**2) Second point:- It was proposed that the accounts be periodically submitted to a external Audit and our auditor was to provide costs from independent auditors to inform A decision by the assembly whether the work should be undertaken. My personal view is as the accounts and invoices are so small and few in number, formally auditing and checking of the accounts would not warrant the expenditure of the fees of external auditors. The accounts are fully transparent and open to any owner for their inspection.**

**In addition the formal Statute for the Entity allows for the assembly to nominate 3 Owners to carry out any audit and inspection of the accounts after each submission of Audited accounts. The accounts are fully transparent to everyone .**

**It was also agreed that the AGMs should be held within the first quarter of each year.**

**This request and requirement was not achieved, because we had an Extraordinary Meeting in Sept 2018 and we were still awaiting information from the Town Hall on progress with the Sewage Station, together with the uncertainty of the consequences of local elections at the time.**

**Hopefully the future president and committee under a new remit will invoke the AGM in the first quarter followed by the proposed “Association of Residents” meeting later in the year.**

**3) Sixth point:-**

**First item. Request for any question to be raised at the AGM to be submitted in writing two weeks before to allow an answer in writing in both Spanish and English. Any question on the night may be taken away and answered in writing as soon as possible**

**Second item. Town House Fees. This was resolved at the Extraordinary meeting in Sept 2018.**