

MINUTES OF THE EXTRAORDINARY GENERAL MEETING OF THE URBAN CONSERVATION ENTITY OF CONDADO DE ALHAMA

VOTING ATTENDEES:

NEIL SIMPSON	PRESIDENT OF THE URBAN ENTITY, PRESIDENT LEVEL 2 JARDINES 1, REPRESENTATIVE OF THE CONDADO CLUB
ALAN BURGE	PRESIDENT LEVEL 2 NARANJOS 2
ELLEN MELAND	PRESIDENT LEVEL 2 NARANJOS 1
ALHAMA FIRST PROPERTY INVESTMENT	REPRESENTATIVE OF ALHAMA FIRST PROPERTY INVESTMENT

REPRESENTED WITH VOTE:

JORGE PEÑA	PRESIDENT LEVEL 2 JARDINES 2
JAN BOSCH	PRESIDENT LEVEL 2 MIRADOR DEL CONDADO

NON-VOTING ATTENDEES

ANTONIO JOSE CAJA	URBAN PLANNING COUNCILLOR FROM THE TOWN HALL
FERNANDO BARRIOS	INMHO ADMIBURGOS
JUAN FRANCISCO LOPEZ	INMHO ADMIBURGOS
ALBA CANO	INMHO ADMIBURGOS
FELIX IRAZUSTA	INMHO ADMIBURGOS
JOSE MONTOYA DEL MORAL	URBAN ENTITY LAWYER

The abovementioned gathered in second summons in the meeting room next to the inmho Admiburgos office on Condado de Alhama de Murcia at 12:00 hours on 23rd June 2022, under the following

AGENDA

The meeting began with the associate members of the Urban Entity present and represented as shown above.

1. Voting Item. Waste collection service by the Council.

The urban planning councillor José Antonio Caja reported that the intention is that the Council should start taking charge of the waste collection on 1st July. José Montoya the Community lawyer asked the Council to send a brief formal notification indicating that the tender for the service had been completed and that it will start soon, so that the Community can start the relevant negotiations with STV regarding the cancellation of the current contract that the Community has with them.

The Council will send a formal notification as soon as it knows the official date when it will start to provide the service with STV.

2. Information item. Repair of streetlighting on the outer ring.

The councillor indicated that the tender has now finished, and on Tuesday next week, they will request the necessary documentation from the company that has been awarded the tender, therefore they hope that the contract will be signed within a period of 1-2 weeks, and the dates for carrying out the project will be agreed. The project has an anti-theft system and is also ready for when energy saving measures are carried out.

He also indicated that all the streetlights are to be connected and wired, but only 1 in every 3 will be lit.

Neil Simpson asked if it would be possible for the new bulbs to be LED, and explained that he had found a company that can manufacture LED bulbs adjusted to the streetlighting on Condado, but that the minimum order is for 1,000 bulbs, and Condado only needs around 650, therefore he asked the Council to try to provide this saving by installing the streetlighting. The councillor replied that they cannot guarantee this and that in any case, it would not be planned for this year, but for the future.

3. Information item. Organisation of the summer market by the Council in the car park on the outer road.

Antonio Caja indicated that the tender has been open for a month, that it finished last Friday, and no companies entered into the process. However, the company that carried it out in 2020 contacted them and indicated to them that they had not had time to enter the tender, therefore they have been given around 5 or 6 days to provide the necessary documentation. If the documentation is correct, it is hoped that the market will start in the first or second week of July, and when this is resolved, they will notify us.

4. Information item. Municipal Park kiosk.

Antonio José Caja indicated that the tender process will not be opened this year, therefore this will be done next year.

5. Information item. Possibility of including early payment discounts in the annual budget.

The convenience of applying a discount to those owners who comply with the deadline for their payment obligations was raised, in order to improve the financial status of the Urban Entity by encouraging owners to comply promptly with their financial obligations. This is a discount that will benefit good and prompt payers without constituting any kind of penalty for those who are in arrears.

This is a very widespread practice in the field of communities of owners, expressly allowed by case law, and welcome in many cases by the Administration itself. For example, in the discounts granted to contributors who pay their I.B.I. (property tax) by direct debit, and the reductions of up to 50% applied by many administrative bodies in sanctions procedures for the benefit of those sanctioned who do not appeal against the sanction proposals and pay within a voluntary period, etc.

It was agreed to postpone this decision until next year.

The Urban Entity lawyer suggested that regardless of what had been previously agreed, the question should be asked of the Council, so that a decision can be made when appropriate. The Council representative, present in the Meeting, did not object, although for reasons of caution, the minutes will be sent to the Council, and if no objection or qualification is made within a deadline of 30 calendar days from receipt, it will be understood that there is no impediment whatsoever to signing the agreement and applying in the next budget to be approved.

6. Information item. Information on the proposal to earmark a percentage of the annual budget of the Urban Entity to promoting the organisation of fiesta activities favouring tourism, coexistence and socialising between owners and visitors on Condado de Alhama.

Jorge Peña indicated that he had sent the proposal of the fiesta committee to all members of the Entity.

A discussion arose as to whether or not it is possible to use Urban Entity money to be earmarked for these activities. José Montoya explained that it would be recommendable to consult the Council in order for them to be able to provide a response regarding this, as was approved in the previous meeting, as this could hinder the current legal processes.

Jorge Peña stated that this budgetary provision had already been approved in the Annual General Meeting, and that the consultation should have already been carried out. Moreover, he proposed it at Level 1 the previous year, and he was told that it had to be via the Urban Entity. José Montoya told him that it was necessary to receive the proposals in order to be able to send them to the Council, as had been approved in the previous Meeting.

Neil Simpson commented, as an alternative, that the Level 2 communities could cover the amount using their budgets.

Alan Burge informed him that everyone agreed with holding these activities.

Antonio José Caja indicated that the amount could perhaps be justified with the agreement with the Council, or it could perhaps be included among the activities carried out by the Council in some districts. The Entity could present a project with the activities, and the Council could finance it.

The discussion continued between several of those present, and after various interventions, the President closed the item in view of the time spent on it and the other issues to be dealt with.

Jorge Peña expressed his disagreement with the way that this item had been dealt with and left the meeting.

7. Voting item. Approval, if appropriate, of the advisability of bringing a legal action against Alhama de Murcia council for its unjustified inaction in the fulfilment of its legal and statutory obligation to initiate, at the request of the repeated desire of the Urban Entity, claims for the approved debtor balances via enforced payment proceedings, as well as in claiming compensation for the serious financial damage suffered by the Entity as a result of this lack of municipal action.

José Montoya explained that since Agrofruits Levante, S.L. entered as a member of the Entity in 2016, they have not paid a single fee incumbent on them, accumulating an extremely high debtor balance, and all this without the Council dealing with any of the multiple requests to start enforced payment proceedings against them. Although it is the case that there have been and still are appeals brought by this company, the Statutes nonetheless expressly state that such appeals do not suspend the enforceability of the agreements and the obligation of the Council to claim from debtor owners via enforced payment proceedings, regardless of whether such appeals are still in process and pending resolution.

This unjustified lack of municipal action, prolonged over several years, is causing extraordinary harm to the Entity, therefore, by prolonging it, this forces us to require the Council to meet the damages incurred.

After submitting the proposal forming the subject of this specific item on the agenda to the consideration of those present and represented with the right to vote, **it was APPROVED BY A MAJORITY, with the abstention of plots R-7, R-2.2 and the Condado Club,** to bring a legal action against Alhama de Murcia council for its unjustified inaction in the fulfilment of its legal and statutory obligation to initiate, at the request of the repeated desire of the Urban Entity, claims for the approved debtor balances via enforced payment proceedings, as well as in claiming compensation for the serious financial damage suffered by the Entity as a result of this lack of municipal action.

8. Voting item. Approval, if appropriate, of the advisability of bringing a legal action against Alhama de Murcia council in the event that it dismisses the appeal brought by the Urban Entity on the criteria for calculating participation quotas established by the final court ruling on this matter.

Mr. Montoya explained that this item relates to the previous item and refers to the recent decision of Alhama de Murcia council, accepting the appeals brought by Agrofruits Levante, S.L. on the correct procedure to be applied for the calculation criteria set out in the Statutes in order to determine the

fees corresponding to the plots forming part of the Entity as a result of the court ruling handed down on this matter.

This municipal decision being contrary to the interests of the Entity, and from the point of view of its lawyer Mr. Montoya, against the provisions of the final ruling determining the correct criteria for calculating fees, following instructions from the President, an appeal was brought against this municipal decision.

Up to now, the Council has not resolved the appeal brought by the Entity, and what is being proposed in this item is the adoption of an agreement allowing us to go to the Courts of Justice in the event that this appeal is dismissed either expressly or due to a lack of a response, thus exhausting the administrative route.

Antonio José Caja indicated that the Council is drawing up the reports and will respond as soon as possible.

After being submitted to the consideration of the presidents, it was APPROVED BY A MAJORITY, with the abstention of plots R-7, R-2.2 and the Condado Club, to bring a legal action against Alhama de Murcia council in the event that it dismisses the appeal brought by the Urban Entity on the criteria for calculating participation quotas.

9. Information item. Update on legal issues affecting the Urban Entity.

José Montoya briefly explained the judicial proceedings currently under way concerning the Urban Entity:

- Waste collection: he indicated that the AVPCA has lost the appeal, but there is a possibility of an appeal before the Supreme Court, although the possibility of this being accepted for processing is almost zero.
- Cleaning contract with STV: the Urban Entity, the Council and STV won the case, as the judge upheld that the AVPCA has no right to get involved in Entity matters. The AVPCA has appealed, and all the affected parties have opposed this, therefore we are waiting for a decision from the Higher Court of Justice of the Region of Murcia.
- Court action brought by the AVPCA requested that the STV gardening contract should be declared null and void: this was received recently and the Council has been given a deadline in order to present its opposition. It will subsequently be the turn of STV and the Entity.
- Via the administrative route, the AVPCA has started a file questioning the legality of the last Annual General Meeting of the Urban Entity, and José Montoya has presented his arguments against the AVPCA's request.

10. AOB.

- Antonio José Caja asked about the maintenance of the municipal park and the asphalt. Neil Simpson replied that the sports pitch fence has been fixed, some repairs have been carried out on the paths, and we will wait until October in order to replant the trees. Regarding the asphalt, he indicated that this will be done, and the most important and dangerous areas will be prioritised.
- With regard to the pharmacy, Alan Burge indicated that the work orders have been signed, and an extension has been requested from the Department of Health in order to get it up and running.
- Alan Burge asked about the availability of the multipurpose room in the Council premises, given that the Community wishes to use it for the summer activities. Antonio José Caja replied that he should present a request with the activities that they want to carry out, and the times of these, so that this can be looked at.
- Regarding problems with speeding, Alan Burge commented that it would be recommendable to look at this problem in the next meeting.
- Alan Burge also commented, with respect to the temporary entrance to the new buildings made by the developer, that it is dangerous because it has been done through the pedestrian crossing and he wants it to be removed, therefore he asked for help from the Council, to which Antonio José Caja replied that they need to see the project and how it was authorised, although he indicated that none of the properties have an occupancy licence yet.
- Jan Bosch asked about the progress of the works on Mirador, specifically about the pool and about waste collection. The question arose of who is responsible for providing Mirador with containers. José Montoya indicated that he dealt with this issue with the architect responsible for producing the reports on the defects on the blocks. If Polaris installed the underground containers, there may have been an obligation to implement in the original plans, but if there is no such written obligation, we need to look at whether it would be possible to claim for these containers from the developer.
- Ellen Meland indicated that when it rains heavily, the land behind the Villas Jana drags dirt and mud towards this area and the drains are blocked because of the mud, therefore we need to speak to the owners of the plot so that they resolve it.
- Ellen Meland asked about the current bus service on Condado. It was explained to her that there is a bus providing a service from a private company, but owners need to book it in advance. Antonio José Caja proposed the possibility of resuming the negotiations that had initially been started on the creation of a route between Alhama, Condado, Country Club and Mazarrón.
- Ellen Meland asked about the possibility of having an internal train on Condado, to which it was replied that it would need to be insured and have all the documentation in order, therefore it would not be financially viable.
- With regard to aesthetic issues, Alan Burge indicated that we would need to review this item with the Council given that various requests have been received, for example, for installing solar panels, to which the Council indicated that they would have no problem as long as the

corresponding declaration of responsibility was presented. However, given the fact that in the past there have been problems with the Council over the roofs on Villas Jana installed on the rear part of the property, which increased the buildable area of the building, it might be a good idea to discuss this with them first.

There being no further business, the meeting was adjourned at 14:50 hours, in the place and on the date indicated at the beginning of this document, whose content I bear witness to and sign as Secretary/Administrator, with the approval of the President.



SIGNED: SECRETARY-ADMINISTRATOR



APPROVAL OF THE PRESIDENT