

## “THE FABULOUS FIFTEEN”

### PROPOSALS FOR INCLUSION AT THE FORTHCOMING AGM

3 November 2021

The AGM has been scheduled for 26 November 2021 and proposals are expected from the Junta board that will have been designed to take the Cabrera forwards. We, too, have some proposals that we would like the Junta to consider and hopefully take forward.

We've laid out fifteen potential motions for consideration that we believe to be both fair and reasonable in current circumstances.

If you would like to see all or any of these proposals discussed and perhaps included in the voting for potential adoption at the AGM, please let your Junta Delegados know as soon as possible.

Perhaps a single motion could be put forward to accept all 15 proposals below.

Motion Number	Motion	Explanation
1	To re-instate twice yearly General Assembly meetings as provided for in the Cabrera Statutes.	<i>We need the Junta Board to keep everyone up to date with developments and be much more accountable for their actions.</i>
2	To require that accounts are produced and circulated prior to each General Assembly meeting at least one month before the published meeting date.	<i>We need good financial management that is seen to be good financial management.</i>
3	To require the Junta to engage a professional independent third party auditor to fully review and then certify the published accounts of the Junta as correct, at least annually.  The auditor should also be instructed to fully review and report back on the internal controls and management procedures of the Junta and recommend changes and improvements as deemed necessary.	<i>Independent third party review of the accounts and procedures will remove all doubts on the quality of the numbers and provide much needed reassurance to homeowners that the Junta is operating to recognised management and accounting standards.</i>  <i>Currently, Cabrera has a book-keeper that marks his own homework. This does not reassure us.</i>
4	To resolve that a comprehensively detailed, transparent and fully legal budget must be produced well in advance of an AGM for approval purposes.  This budget forecast should be published at least 1 month in advance of the AGM so that it can be scrutinised and clarity can be sought on the Junta Board's intentions prior to any General Assembly.	<i>Every homeowner should be given the opportunity to review any proposed forecast and ask questions about it, before it is presented to the General Assembly for a vote.</i>  <i>The forecast sets the community charge.</i>  <i>Scrutiny therefore matters and the Junta team should respond fully to all queries raised.</i>

5	To confirm and resolve that the Statutes must be followed as instructed by the Courts.	<i>Note: A General Assembly vote cannot be taken with the intention to override or supersede any established matter of law.</i>
6	To confirm that any proposals to change or modify the Junta Statutes can only be passed according to the rules and procedures of the Junta Statutes.	<i>The Statutes cannot be amended without 100% Agreement from the Junta members. (This key fact was emphasised by Treasurer Jose Jerez in the 1996 AGM minutes).</i>
7	To confirm and resolve that any vote to carry out any work or expenditure which is not specified in the urbanisation plan must be passed by a Special Quorum vote.	<p><i>This is covered by Cabrera Statutes Article 26 – Adoption of Resolutions. Special Quorum .</i></p> <p><i>A special quorum vote to approve additional costs under the urbanisation plan will necessitate a favourable vote from the majority of members, representing at least 60% of the participation quotas.</i></p> <p><i>It should be noted that the consequential costs of unspecified expenditures not included in the urbanisation plan must be shared by <b>ALL</b> owners in proportion to their land ownership. This applies to both developers and homeowners.</i></p>
8	To confirm that all appropriate permissions for infrastructure work be sought and legally obtained in advance of any demands on homeowners for payments in relation to that work.	Any infrastructure work (such as new transformers) should require planning permission to be granted by the Town Hall.
9	<p>To require the Junta to adopt open and transparent purchasing rules to strengthen internal and monetary controls.</p> <p>In particular, the scope of all and any proposed works must be approved in advance of the works and a rigorous tendering process must be established to secure best value for money on all works undertaken.</p> <p>A sub-committee, drawn from members that have no interest, connection or relationship with the tendering parties should approve and sign off on any selected contractor prior to the award of any works.</p>	<p><i>This motion simply promotes good management and accounting practice.</i></p> <p><i>We believe that every member of the Junta Board will wish to take steps to avoid the potential risk of charges of malpractice and be keen to see operating rules firmly put in place to remove the opportunity for homeowner speculation on Junta Delegados probity and integrity.</i></p>

10	<p>To examine alternative administrative arrangements for the Junta and the potential for outsourcing the role to a professional services company that could deliver savings to benefit both homeowners and the Junta.</p>	<p><i>Current arrangements for the Junta do not appear to provide value for money.</i></p> <p><i>€12,000 is paid each year to the Junta Treasurer personally for the provision of “shared” administrative services.</i></p> <p><i>It is believed that outsourcing the work to a professional services company could deliver considerable savings.</i></p>
11	<p>To resolve that all requests for information, received from individual owners or interested parties, such as Open Cabrera or the CRA, should be clearly, promptly and completely answered by the Junta Board to fulfil their obligations as the trusted representatives of all Cabrera land and homeowners.</p>	<p><i>The Junta Board has failed to provide a single answer to any of the questions raised on the FY18, FY19 and FY20 accounts. There are no excuses for this failure. Too many relevant enquiries as to the nature and handling of high cost transactions through the Junta accounts remain unanswered.</i></p> <p><i>The Junta must be required to promptly and clearly deal with all enquiries.</i></p> <p><i>Openness and transparency will earn trust.</i></p>
12	<p>To resolve that the Urbanising Firms should <u>continue</u> to fund the development of Cabrera in accordance with the Law, the Statutes and the Urbanisation Plan and as reflected as their <u>continuing</u> obligation in the 1993 AGM minutes.</p> <p>Any required financing to fund the development should be raised from infrastructure contributions on land and new home sales and through normal reputable commercial channels as needed.</p> <p>This is the usual practice with urbanising firms.</p>	<p><i>The payment of future urbanisation costs is not a responsibility of homeowners, unless explicitly stated in their Escritura.</i></p> <p><i>Homeowners pay their fair share of required infrastructure contributions at the time that they purchase their homes from the Urbanising Firms.</i></p> <p><i>For the avoidance of doubt, the infrastructure contribution should only be paid once, and not multiple times by successive purchasers of a property.</i></p> <p><i>Homeowners cannot be required to pay for infrastructure costs that are the sole responsibility of the Developers.</i></p>
13	<p>To resolve that the Developer Land Owners make their full and fair contributions towards the services and maintenance of the urbanisation, as set out in Urbanisation Law, until such time as the urbanisation is handed over to the Town Hall.</p>	<p><i>This is what the Court in Almeria requires.</i></p> <p><i>The Court declared the 1993 Agreement, that enabled the developers to avoid paying their share of services and maintenance costs, to be null and void. This decision, in part, is because the Court recognises that there is no effective incentive on the developers to complete the urbanisation under the 1993 Agreement.</i></p>

14	To confirm and resolve that no owner will be entitled to vote or have a say regarding any Junta Board expenditure where they, themselves, are not fully contributing financially to their fair share of costs, calculated in relation to their landholdings.	<i>This motion simply confirms the principle, established in Spanish law, that only contributing members, covering their full share of costs through payments to the Junta, can vote on how those funds should be utilised by the Junta.</i>
15	To require that all Junta Board members demonstrate their commitment to Cabrera and to Turre by contributing promptly and fully towards their share of the costs of the urbanisation and the local authority through both Junta contributions and IBI payments.	<i>This resolution is to qualify Junta Board candidates or appointees as responsible community members who are happy to lead by example within the Cabrera community.</i>

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