

OPEN CABRERA REPLY TO JUNTA BOARD EMAIL DATED 24 MAY 2022

25 May 2022

Open Cabrera responses are in RED

Dear Owners

This email is in response to the latest unsolicited email distributed by the Open Cabrera website. As usual it is full of the usual total inaccuracies, false assumptions, and accusations.

It is ironic that you have provided a response to the Open Cabrera website which you have repeatedly refused to respond to because it is 'only a website'. It would be much more helpful if you simply answered the questions we raise.

Instead, the standard vague Junta response to all questions is "its all lies, inaccuracies and false assumptions", isn't it Mr Treasurer?

Those that have been working tirelessly with the financial, legal, and local administrations to define a way forward to implement a legal foundation to fund the daily services of Cabrera are appalled by the repeated allegations of lack of work and progress.

Would those that have been "working tirelessly with the financial, legal, and local administrations to define a way forward to implement a legal foundation to fund the daily services of Cabrera" care to identify exactly who these people are as progress appears to be extraordinarily slow, almost as if nothing whatsoever was being done?

The huge effort required from many people in sorting out the complications of implementing a payment scheme that enables nonpayers to be forced to contribute their fair share of utility services is ongoing.

Please confirm that this includes the 'non-paying' Developers?

The Junta sees no point in reporting week after week that information is being gathered, assessed, discussed, reviewed, and awaiting legal confirmation from local and regional administrations. The Junta will report to owners immediately all this hard work produces a result.

We note that you have taken the trouble to provide this 3 page document which imparts no useful update on progress at all. Instead, it is simply calculated to instil a fear in the community that their water and sewage services are in jeopardy. We were not expecting a week by week update but we have not had a meaningful report on progress since the Court Order was enacted in July 2021.

The Junta Board is supposed to be acting on behalf of us all and keeping us well informed. They should not be keeping us in the dark.

The CRA and Open Cabrera website have still given no information of how they propose to implement the running of the utility services that enables us to live here.

The Junta claim they cannot run the services needed by the community but they are able to authorise a third party to deliver those services on behalf of the community under the Junta de Compensacion

statutes. Services can be bought in. They do not need to be run and managed by the Junta who need only maintain oversight on their efforts.

After many years of continual viciously worded criticism, they have still given no constructive details of who they would appoint to perform the daily 24/7 tasks or on what basis it would be funded and controlled.

They have forced upon us all a legal decision that basically declares that utilities cannot be the responsibility of, or funded by, the Junta. But neither the CRA, nor the legal system, has specified what alternative system can be put in place.

A simple alternative is to employ a firm of professional Administradores de Fincas to take over the invoicing, accounting, maintenance and water services for the community.

Open Cabrera would suggest producing a full listing of works needed by the community, covering accounting, audit, maintenance, water services and communications and to put this work requirement out to tender to local Administradores de Fincas to obtain a best price for the work.

Problem solved.

So now we have nothing in place to operate our utility services. We are relying solely on the common sense of the responsible owners who have made voluntary contributions, based on past invoices, to keep our workforce in place to keep things running.

Open Cabrera website criticises donations to the Junta, but still appears to be asking owners for donations of legal fees to block the Junta from achieving a legal solution to the problem.

Open Cabrera is not trying to block the Junta from achieving a legal solution. Open Cabrera is trying to get the Junta to comply with the Court Order which was enacted in July 2021 which is almost a year ago now. If the Junta operated in compliance with the law and followed the Statutes, there would be no problems in operating Cabrera at all. The Junta simply does not wish to comply with the Law.

Unlike the Junta, we are not appropriating Homeowner funds to pay for a Lawyer to oppose the Court Order in favour of the Homeowners. The Developers (self- elected Junta Board members), who oppose the Court Order, should not be taking homeowner funds to further their own interests – they should be paying for the legal fees themselves.

Cabrera will not be fairly run if we are forced to adopt a “payment by trust” scheme as operated in other nearby urbanisations. We know from theirs and others experience, that given the chance, there will always be a number of persons who choose not to contribute and have no qualms of being subsidised by others.

We know that the Developers have had no qualms whatsoever in choosing not to contribute to the services and maintenance costs for 30 years. They have preferred to be subsidised by the Homeowners to the tune of more than €2,500,000.

One other nearby urbanisation has opted to contract in an independent fully professional Administrador de Fincas to handle invoicing, debt chasing, tendering of works, project management, communications, standard maintenance and full involvement in water delivery. Open Cabrera understands that they are doing a good job at a very keen price.

This is the current temporary situation in Cabrera where we will be forced to ask for voluntary contributions again to keep our services running pending the formation of an agreed fully legal payment system.

Voluntary contributions will not be necessary as invoicing can all be handled, in accordance with the statute, by any contracted professional administrator.

A legal solution has been determined by the courts. If the Junta simply accepted the legal ruling, no further legal involvements would be required. This problem can only be solved by the Junta accepting the ruling of the courts.

We already have a situation where most responsible owners paying in full, subsidise the growing number of those who prefer to pay nothing after believing the false assumptions and arguments they are presented from Open Cabrera.

Mr Treasurer and Mr President, given that you allege that “we are all Developers now”, would you mind advising the Homeowners precisely how much money each of you has put into the Junta Bank account since the enactment of the Court Order in July 2021?

We are sure that there are many people who would like to follow your example as ‘responsible owners’. We would hazard a guess that each of you has put absolutely nothing into the Junta bank account but you can always clarify this.

To highlight just a few items of misinformation.

1 The allegation that the damage to buildings and walls is caused by poor building rather than by this once in a lifetime rainfall event highlights the strange, twisted thinking of the person running this Open Cabrera campaign.

It shows the lack of local knowledge of a person stuck in front of a laptop in the UK rather than owners who have lived here for many years and were actually present in the months of March April May when rainfall was measured as being 450lt/m² compared to the average of 50lt/m²!!

Ask the homes and businesses all over southern Spain that have been damaged!!

All buildings and infrastructure deteriorate over time. Recent rainfalls have been heavier than usual but questions should still be asked to determine if buildings and infrastructure have been adequately maintained over recent years. Could the damage suffered have been avoided?

2 Land in Cabrera for sale has been common knowledge for many years, in fact it predates the 2008 building crash in Spain so no revelations there for people who live here.

Could the Treasurer please confirm whether it is the Banks that have instructed that this land should be put up for sale?

3 The implications that the bowling green wall collapse in the 1990s was due to bad building does not mention that it was due to the earthquake at the time, a missing piece of vital information.

The earthquake is irrelevant. Were the residents put at risk? Could a family have been sitting at that table which fell down the cliff, oblivious to the fact that the structure had been classed as dangerous in the 1990s – sufficiently dangerous apparently for the bowls players to have to relocate. The Junta Board does have a responsibility for the health and safety of the residents. Could this event have been avoided by suitable management?

4 Open Cabrera laments the fact that 7 owners have had their water cut off for non-payment of services but fails to point out that due to the action of the CRA in creating the current situation, at this moment, no entity is responsible or can charge for keeping Cabrera utilities operating.

A contracted professional, however, could keep the utilities operating. It just takes the will to employ one.

That is, no one is now legally responsible for the water supply to each house, sewage system operation, electricity for street lighting /water/ sewage pumps, rubbish collection or street bins, street cleaning, vegetation control / general horticulture, pests and poison caterpillar control/ and more recently relevant, environmental damage etc.

The Junta has a responsibility to see that services are maintained. A third party service provider can deliver on all the works identified.

The Junta that has been performing these tasks at a widely recognised economical cost for over 30 years, but has now been informed, thanks to the court ruling, that it cannot be responsible for continuing to operate them.

The cost cannot be claimed as economical until the works involved have been put out to tender to determine a best price. Open Cabrera look forward to seeing this approach adopted soon to prove the economical claim and help rectify current problems.

It would be refreshing to not be in a position where the Junta Treasurer sells us “administrative services” and other “services” at a price that he, himself, invents and increases substantially at will. It is very unwelcome to see large sums of money being paid against vague, un-quantified invoices for asphalt and other goods and services. The value for money obtained is not “widely recognised” by the Homeowners at all.

Those with villas on larger plots may be able to build water tanks and cess pits like other nearby urbanisations that do not have reliable drinkable water or functioning sewage systems

That is not an option for many other Cabrera owners with properties in close together situations.

It is clear that the authors of this Junta document have no sense of shame whatsoever. The message here is ‘pay us your money or you will lose your water and sewage services’. Is this the best that our Junta can offer in terms of updating the community on progress?

We won't bore you with other corrections to the slanderous misinformation; just to repeat that continuation of the lack of utilities funding is an extremely serious situation and there is not a quick easy fix as suggested by the CRA/ Open Cabrera.

Open Cabrera respectfully notes , although there are no quick easy fixes that the current Junta team are prepared to implement, it does not necessarily mean that there are no quick easy fixes available to be taken forward. Inaction by the Junta on this issue is a choice.

The slow progress on getting Cabrera to operate in accordance with the Law does bring into question how well equipped our Junta Board is to run the urbanisation. Without being impolite, we know very little about their credentials and their capacity to look beyond their own self interest to understand and implement the Statutes appropriately. Is it possible that we are dealing with a competency and skills shortfall?

Whatever the outcome is, the one certainty is that we will all be paying considerably more for an inferior service as our 24/7 workforce that runs Cabrera is in jeopardy.

The one certainty is that we will be much more comfortable about the financial integrity of Cabrera if we transitioned to a legally operating Junta de Compensación that was prepared to be open and transparent with the Homeowners.

Regards

Junta de compensación Cortijo Cabrera

All the Best,

OPEN CABRERA

www.opencabrera.com