

JDC RESPONSE TO ELECTRICAL DUCTING QUERY

16 March 2023

Fellow Homeowners,

We have received a response from the JDC to queries regarding the electrical ducting which we summarised in our communication dated 6 March 2023. (included below for convenience)

The queries were first raised on the Open Cabrera facebook page on 16 February 2023, and Homeowner Delegado Con Bonner provided the following response on 15 March 2023:

Jennifer Scarfe, after your request for the answer to questions asked by Jeremy Oliver on 16th February 2023 regarding the electrical ducting. Please find the answer as given to us at our meeting with the JDC on 2nd March 2023.

A:

Dear Ms Jennifer Scarfe,

These cost that OC indicated were for The Supply & Installation of the pipes back in late 2018 - early 2019 for the area around the Arch and houses on the outstanding connection list agreed with Endesa. It was NOT for the supply only of ducting, these costs included for excavation and the installation of ducting with all surfaces put back as before.

The pipes shown in the pictures on OC face book were delivered to this area in 2021 for works to the new transformers, which has been halted due to the current changes in Cabrera funding.

Ramos Garcia S.L never invoiced for these pipes so it is impossible for these invoices to have anything to do with the 2018 & 2019 installation, the pipes delivered in 2021 pipes were removed this year by Ramos Garcia at no cost to Cabrera residents.

Regards

Delegado Con Bonner

Open Cabrera makes the following comments:

1. We appreciate the fact that Homeowner Delegado Con Bonner has sought and obtained an answer from the JDC.
2. We accept the JDC statement that the invoices for €25,666.52 (31/12/18) and €21,555.13 (May 2019) are not connected with the electrical ducting shown in the photographs.
3. We also accept JDC statement that the payment (two invoices totalling €47,241.65) made to Ramos Garcia in late 2018 and early 2019 was for ducting around the Arch (excavation, installation & re-instatement), although we only observed a 30m stretch of work being carried out.
4. It cannot be disputed that the purchase of the electrical ducting was an Infrastructure expense and not a Maintenance & Conservation expense. Therefore, fees paid to the JDC for Maintenance & Conservation should not have been taken from the Homeowners to purchase and install the electrical ducting.

5. The JDC knows full well that it was operating under the so called “1993 Agreement” in 2018 and 2019 before the Court Order pronounced it null and void. The Developers had therefore promised everyone under the “1993 Agreement” that they would pay for all the Infrastructure costs. **So, the Developers need to return the €47,241.65 which they misappropriated from the Homeowner’s Maintenance & Conservation fee contributions.**
6. Even operating under the legal Cabrera Statutes, we contend that the Developers are still responsible for funding the provision of the infrastructure according to their approved Urbanisation Plan. They are, after all, the Promoter-Developers. **So, the Developers need to return the €47,241.65 which they misappropriated from the Homeowner’s Maintenance & Conservation fee contributions.**

Either way, it seems that the Homeowners are owed **€47,241.65**.

Kind Regards

OPEN CABRERA

www.opencabrera.com

ELECTRICAL DUCTING QUERY

6 March 2023

Fellow Homeowners

We have previously raised queries about the Electrical Ducting that appeared to have been purchased using Homeowners funds. This ducting was stored near the La Pilica area just off the Cortijo Grande road:

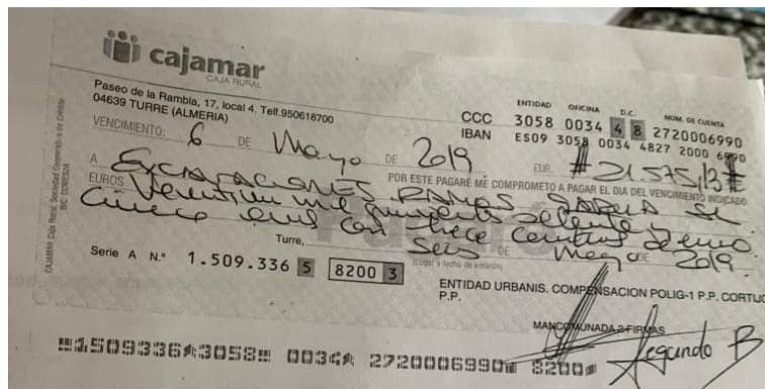


Earlier this year, it was noticed that a Ramos Garcia truck was removing the ducting so we decided to make some more enquiries.

We approached the newly anointed Homeowner Representative (Delegado), Graham Harman, for assistance in making enquiries with the Junta Treasurer.

His immediate response was “Wrong, the Homeowners did not pay for this”. Later, Graham stated that he had raised the issue with the Treasurer and the Treasurer had stated that the electrical ducting was “not paid for and removed by the supplier – end of story”.

We then provided a copy of the cheque for €21,575.13 issued by the President to Ramos Garcia in May 2019 for “Medium voltage pipeline and caskets”. We asked Homeowner Delegado Graham Harman to take this up with Treasurer Jose Jerez and to see whether he had ‘another story’ to tell us:



For completeness, we also provided copies of another €25,666.52 invoice for additional cable ducts (31/12/18) and the related cheque (€31,000) showing payment to Ramos Garcia. (Other items were included in the cheque). We also asked for this separate 2018 purchase for electrical ducting to be investigated:

EXCAVACIONES RAMOS GARCIA S.L.
 CTRA NAC. 340 KM 521 AFDO 53
 04280 LOS GALLARDOS (ALMERIA)
 Tel./Fax: 950398193/950398194
 804199220

FACTURA
 SERIE: FE18 PÁG. 11
 FACTURA Nº: 1550 FECHA: 31/12/18
 CLIENTE Nº: 430000423

UNIDAD COMPENSACION CABRERA
 CABRERA
 04639 TURRE
 Almeria
 Tel: 950398443/
 C.I.F./N.I.F.: G04179674

OBRA: CANALIZACIONES

UD.	DESCRIPCION	CANTIDAD	PRECIO / UD.	D. %	IVA IGIC	IMPORTE
ML.	CANALIZACIÓN MEDIA TENSION 2 TUBOS 200MM	47,500	47,00	21,00		2.232,50
UD.	ARQUETA A-1	10,000	300,00	21,00		3.000,00
ML.	CANALIZACIÓN MEDIA TENSION 4 TUBOS 200MM	8,200	60,00	21,00		492,00
UD.	CONEXIÓN A ARQUETA EXISTENTE	2,000	80,00	21,00		160,00
ML.	CANALIZACIÓN MEDIA TENSION 3 TUBOS 200MM	175,500	35,00	21,00		9.652,50
ML.	CANALIZACIÓN BAJA TENSION 2 TUBOS 160MM	40,000	45,00	21,00		1.800,00
ML.	CANALIZACIÓN AL PUBLICO 2 TUBOS 90MM	115,000	30,00	21,00		3.450,00
UD.	ARQUETA ALUMBRADO PUBLICO	5,000	85,00	21,00		425,00

% IVA IGIC	I.V.A. - I.G.I.C.	% R.E.	RECARGO EQUIV.	DESCUENTOS	TOTAL A PAGAR	TOTAL FACTURA
21,00	4.454,52	0,00	0,00	0,00	25.666,52	25.666,52
	0,00		RETENCIÓN IRPF	RET. GARANTÍA		
	0,00					

cajamar
 CAJA RURAL

Paseo de la Rambla, 17, local 4. Telf. 950618700
 04639 TURRE (ALMERIA)

ENTIDAD: CCC 3058 OFICINA: 0034 D.C.: 48 NUM. DE CUENTA: 2720006990
 IBAN: ES09 3058 0034 4827 2000 6990

PÁGUESE POR ESTE CHEQUE A EXCAVACIONES RAMOS GARCIA S.L.
 EUROS: 31.000 €

Turre, Almeria DE Almeria DE 2018

Serie A N.º 1.511.247 **3** **4200 0** ENTIDAD URBANIS. COMPENSACION POLIG-1 P.P. CORTIJO CABRERA P.P.

MANCOMUNADA 2 FIRMAS Herando P.

Together with the May 2019 payment of €21,575.13, this indicates that the Developers spent a total of €47,241.65 of Homeowner funds on cable ducts.

We believe that this should have been a Developer expense, not a Homeowner expense.

It is a little bit more worrying that a local Architect has obtained prices for the ducting specified in the invoice for €25,666.52. It seems that the equivalent price in 2023 is around the €8,000 mark.

Given the cheque payments in the Junta de Compensacion files and the physical presence of the electrical ducts in Cabrera, it is very difficult to understand how the Treasurer can say that the 'goods were not paid for and therefore returned to the supplier'.

Graham Harman subsequently indicated that he would not be pursuing the matter on behalf of the Homeowners.

However, new Homeowner Delegado Con Bonner has agreed as of 23 February 2023 to press the Junta for a clear response regarding the expenditure on the electrical cable ducting. He has asked for answers to be provided as soon as possible.

It has now been 2 weeks since Homeowner Delegado Con Bonner has raised the query but it seems that the Junta President and Treasurer have, yet again, maintained a complete silence. This should not be a difficult matter to address and a clear, prompt explanation would have offered Homeowners immediate peace of mind. Yet, it seems that the President and Treasurer do not see the need to address matters of significant concern to the Homeowners:

- Invoices were raised to the JDC for electrical infrastructure (electrical ducting).
- Cheques were written by the JDC to pay for the electrical infrastructure (electrical ducting).
- Deliveries were made for electrical infrastructure (electrical ducting).
- The Developers have not made any contribution towards these costs. (€47,241.65)
- The Developers should have paid for the full cost of the infrastructure (electrical ducting).

We see the President and Treasurer proclaiming their integrity and compliance with the law at the AGM, once every year.

Surely they can provide a convincing, written explanation which puts this €47,241.65 concern to bed.

Why would they not provide a clear explanation?

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