

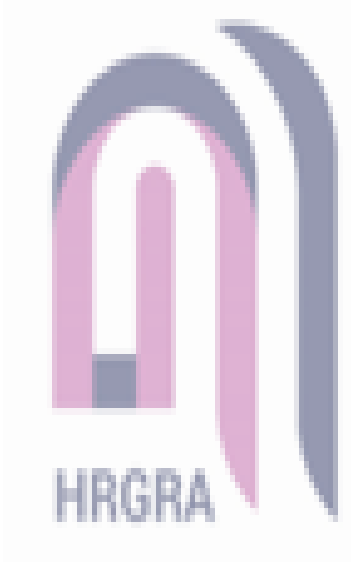
Hacienda Riquelme Golf Resort

The Role of the Building President - Information Guide

Delivered by

Richard Deeley – Resort President

V2 2023



Introduction

- Why are we here?
- Normally the role is hand me down / pick it up as you go along / do you get support from the phase president – often depends on who it is.
If none of these, people start asking social media, then you get opinions and not facts!
- Good factual communication is key to systems and processes working correctly
- This new initiative was Richard Deeley idea in 2022. The idea is based on the support he did or didn't get as a new BP, so we are repeating for a refresher. The original agenda has been updated and there are some extra items added for 2023.
- It's my aim this will be an annual event.



Agenda

Data Protection

Looking after your building

When do you need an EGM?

How do I raise funds?

What is the procurement Process?

How to deal with an insurance claim

Understanding of debtors

Role of the Administrator/Secretary

Preparing the annual budget

Communication

Contacting new owners

Helping Owners

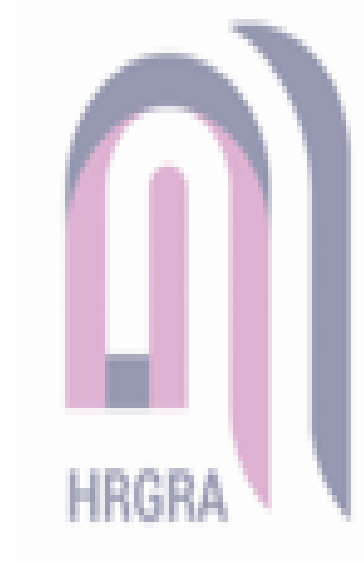
New items:

How does the board operate / Roles of Self Admin

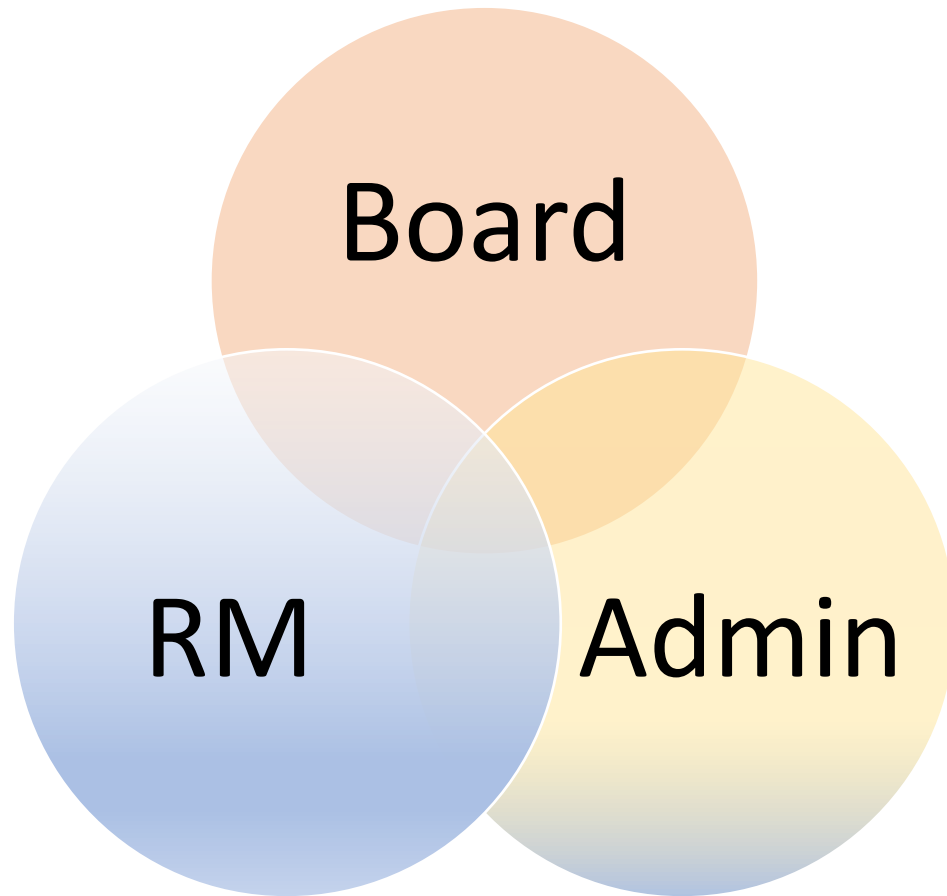
Checks in your building including garage clearance/correct plot numbers?

Aesthetics and Planning permissions

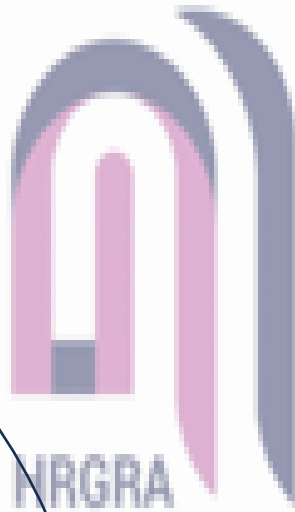
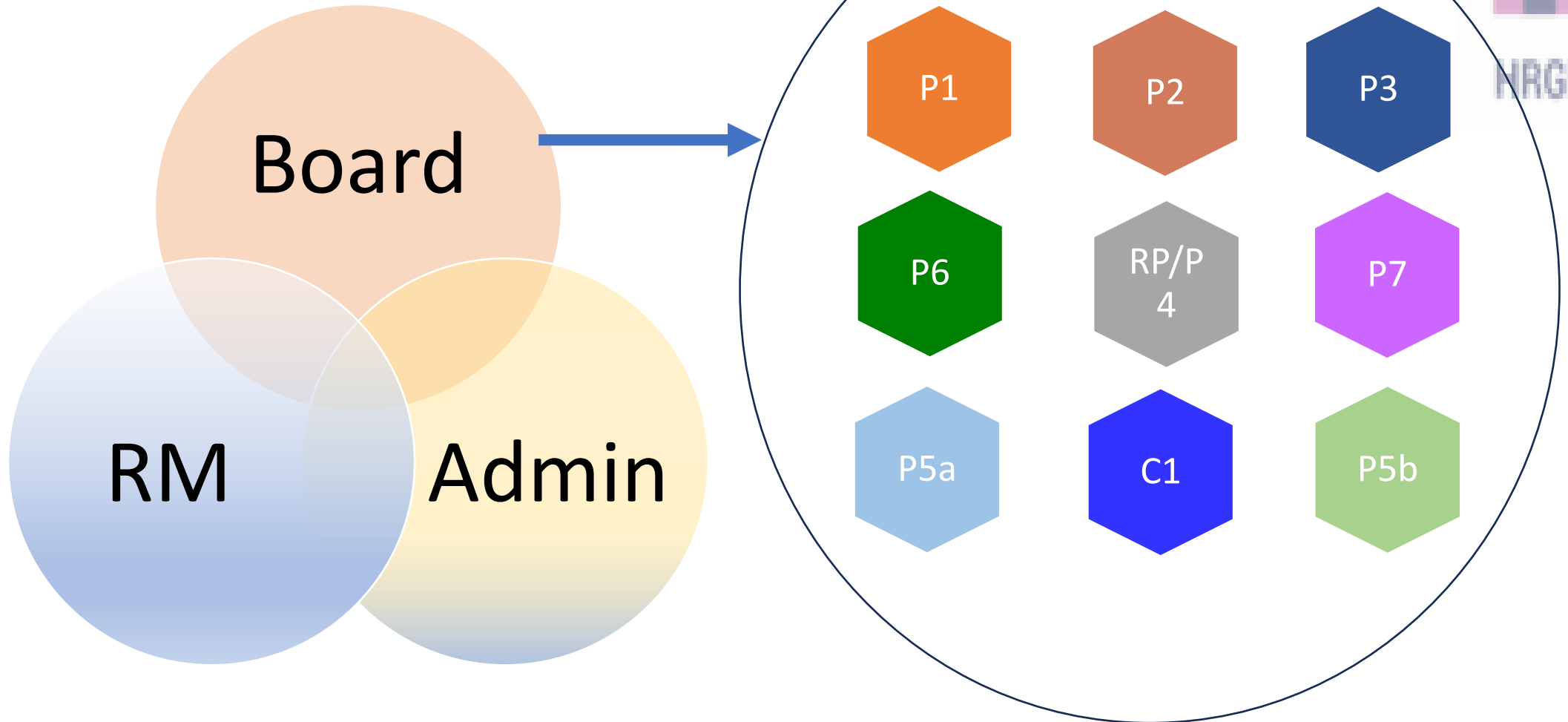
STV Contract management



The Board and Self Admin - work hand in hand

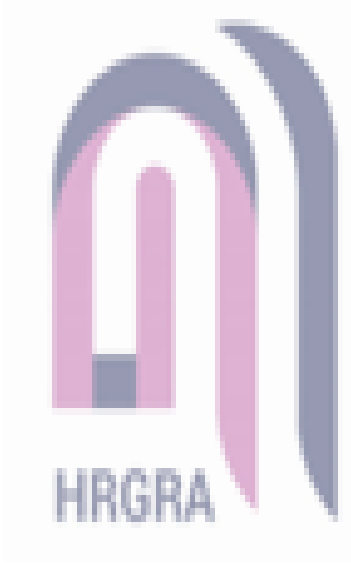


The Board & Self Admin



How does the Board vote?

- Nine members of the board = Nine areas
- One vote each
- No extra vote for the RP, no casting vote.
- Sometimes it is a simple majority, sometimes unanimity or 3/5 is required. It is a double majority system (plots and coefficients).
- For instance: Phase 2 is bigger than Phase 6, so they have a bigger share of the vote.



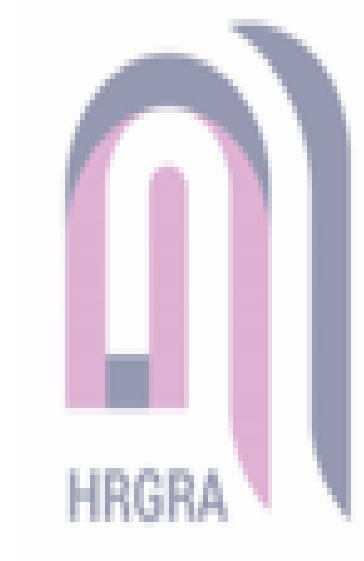
Board Coefficients

• Phase 1 – Steven Nicholson	20.50%
• Phase 2 – Nigel Smith	17.90%
• Phase 3 – Philip Kirwan	9.10%
• Phase 4 – Richard Deeley	10.70%
• Phase 5a – Chris Elliott	7.17%
• Phase 5b – Sheila Richardson	9.90%
• Phase 6 – Patrick Flynn	5.31%
• Phase 7 – Shaneen Benson	15.30%
• C1* - Hacienda Riquelme S.L.	4.04%
• C2 & C3 C4	0.08%
• TOTAL	100.00%

*C1 is the Commercial Area which consists of the Spar Supermarket, the Square, the Dovecot , El Cason and the land surrounding these including the car park.

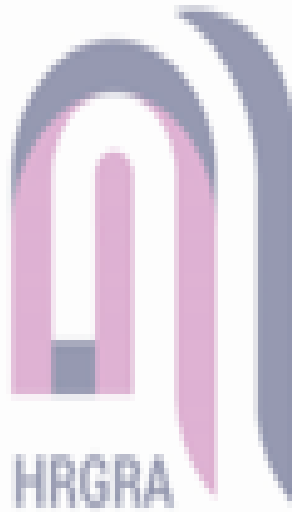
**C2 is a small area close to the sports facilities owned by the community.

**C3 and C4 are the entrance buildings occupied by Administration and Security, owned by the community.



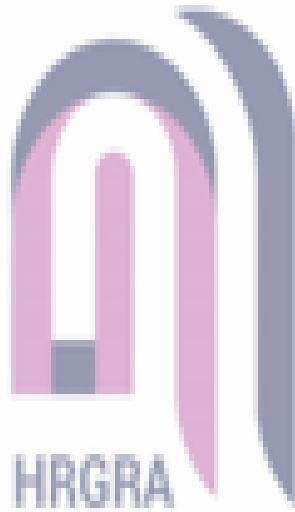
Board Roles and Responsibilities

- Phase 1 – Steven Nicholson
Surveys, Trend Analysis – Electrical usage
- Phase 2 – Nigel Smith
Aesthetics permissions, Contract negotiations
- Phase 3 – Philip Kirwan
Communications
- Phase 4 – Richard Deeley
Legal link, Bank signature, Policies and Procedures, BP Instruction pack, STV contract management, Contract negotiations.
Admin staff objectives, day-to-day contact with Admin and Security, Liaison with BPs & owners.
- Phase 5a – Chris Elliott
Care in the Community Liaison.
- Phase 5b – Sheila Richardson
Trend Analysis – Electrical usage
- Phase 6 – Patrick Flynn
Surveys, Web page management, Bank signature, policy/procedure support.
- Phase 7 – Shaneen Benson
Surveys, Web page management, Data Protection Policy.



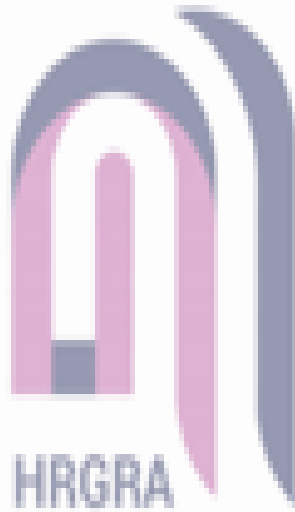
Aesthetics Planning (1)

- **Aesthetic Modifications in Apartments**
- Any proposed changes to the external areas of an apartment (including storage units in garage spaces) require prior approval from the GC
- Internal changes such as bathroom or kitchen refurbishments are not subject to such approval
- Those changes which are permitted and some which are not are outlined in the Guide to Apartment Modifications, available on the HR website
- All requests for proposed changes should be made using the Apartment Modification Application Form and submitted to planning@hrgradmin.com
- All such requests are processed by Nigel Smith, the current Phase 2 President, who endeavours to respond within 5 working days
- All approved applications are copied to both the Phase and Building President, as well as the individual submitting the application
- Communication 66, issued this year, explains the requirements in greater detail.



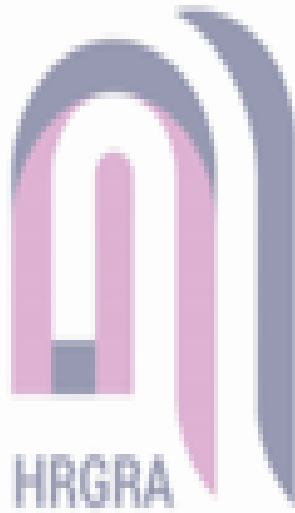
Aesthetics Planning – cont. (2)

- **Aesthetic Modifications in Apartments**
- In addition to approval by the GC the vast majority of changes will also require a licence from the Town Hall of Murcia
- This is necessary to ensure that such changes are not in breach of any local planning regulations, which may lead to a fine or an enforcement notice
- Failure to obtain such approval may cause issues when an owner is looking to sell an apartment
- The Board or the Admin team cannot help with this process, but any Architect and/or Contractor should be able to assist owners
- Any changes undertaken without the prior approval of the GC may be subject of legal action either by the GC or indeed an individual owner
- If you have any doubts or questions simply drop Nigel Smith an email to planning@hrgradmin.com and he will respond accordingly.

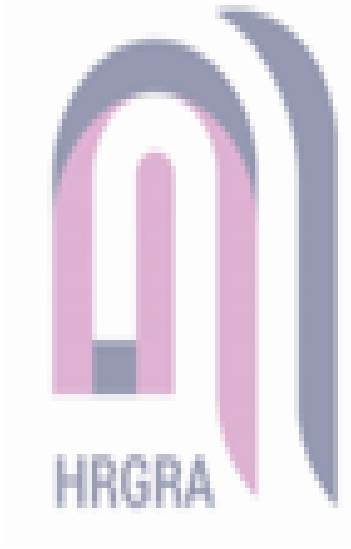


STV – Contract Management

- RP is the lead in the contract management of the STV contract.
- Review team consists of RP, RM, and three BPs – non-board members.
- Contract is posted on the web page, as are the minutes of each quarterly review meeting. Both items are new, a formal review meeting, and minutes of that meeting.
- No owner is allowed to plant in community gardens.
- If you have a complaint it has to go via your PP, not to STV.
- All complaints are documented and included in the next review meeting.
- New planting of 30% worst areas started in 2023.
- Review of grassed areas, trees, and hedges took place in the Autumn.



Self Admin and Resort Manager



RM

Pepa

Charlotte

Fayza

Miriam

Admin Roles and Responsibilities

- **Miriam** – Financials.
- **Fayza** – General communications, TuComunidad App, Quotations for repairs etc for buildings, assisting with financials.
- **Charlotte** – Debt recovery, all of the above, assisting with meeting minutes and lead in office in the absence of RM
- **RM/Administrator/Secretary (Pepa)** – All of the above, and much much more.



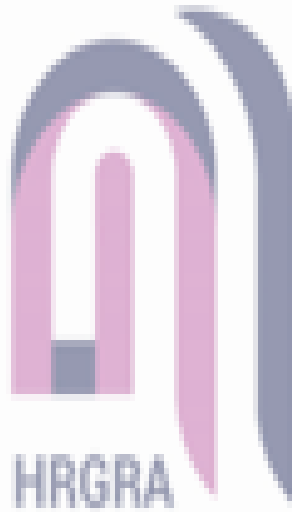
Data protection

- When you are first elected to the role you will get a form from Admin which you must sign and return, in compliance to a confidentiality agreement.
- You will as BP receive various emails and other private information, regarding your role and details of the resort, owners, building, etc.
- You **MUST NOT** share this information with anyone at any time.
- When you send an email to a group of people, if it's others BP's it's okay to put their formal email address in public view.
- If that email is to private individuals' own email addresses unless you have specific written permission to share, you must send as blind copies.
- RECAP - Formal emails, BP, PP, RP, Admin staff is ok to show.
 - Private emails must be BCC .

A good way is to send it to yourself a bcc everyone else.

Never use your private email address.

If you send an email disclosing personal email addresses, and another owner uses that, they are not breaking the law, **you are.**



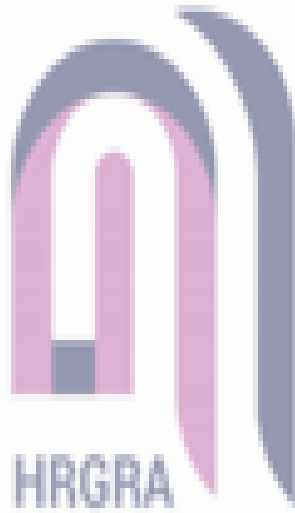
Data Protection Policy - **NEW**

- Shaneen has been working to produce a formal Data Protection Policy for RP, PP, and BP, everyone in an official role.
- This will be emailed to all BPs on successful completion and agreement by the Board. It will also be placed on the web page for access by anyone who wants to know.
- *Note: Self Admin has their own policy and is under the management of an external contractor regarding their compliance.*



Looking after your building. (1)

- Check your building regularly for problems, e.g. lights not working, doors not closing properly, etc by walking around it on a regular basis. If you are not a full-time resident it will help you if you can ask someone who is if they can do it. If you don't have a full-time resident in your building, then you can write to owners and ask them to do a check when they are at their apartment.
- Any issues can be reported now via the new **TuComunidad** App. If you have not yet downloaded it, please ask HRGR Admin for information and they will help you in the process.
- Have you got a checklist for inspections? **You should have received recently one from HRGR Admin. The Team is also arranging visits with BPs to walk around the buildings and make inspections.**



Looking after your building cont.

- Also carry out checks on drainage, because if there is a sudden storm, will it disperse or flood somewhere?

- Areas to check:

Drains in the air con terraces

Drains in the garage – have you had the sump pump checked – do you know where it is?

Any penthouse terrace – are keyholders checking the terrace drains?

Internal gutters if you have an atrium with gutters fitted, clear atrium drains too.



Looking after your building cont. (3)

- Garage Plot Numbers
- Why is this an issue?
- If someone has changed the numbers so they get a bigger parking space, what happens when either of the properties goes up for sale?
- The wronged owner might not be able to sell
- There may have been a storage unit built in the 'stolen' space.
- It can cause all sorts of issues, it's worth checking that they are all where they should be.



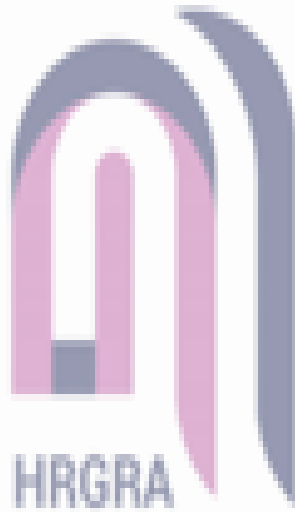
Garage Clearance

- Do you have **rubbish everywhere in the common areas in the garage**, what can you do about it?
- Contact HRGR Admin. Someone from the team will accompany you to the garage and make notes on the items in question and take photographs of them.
- The HRGR Admin team will send a communication to all the neighbours in the building including the photographs taken. The email will give a deadline agreed with the EP for the voluntary removal of the items.
- At the end of the deadline, STV (waste collection) will be contacted to remove the items and they will be taken to the landfill.
- It is recommended that the BP is present during the removal of the items from the communal areas.
- **Items left in parking spaces owned by Polaris World (PW)** the community does not have the authority to remove them as they are in a private parking space. In any case, photos can be taken and sent to the neighbours requesting the removal of the items on a voluntary basis.
- **Articles abandoned in the private parking spaces** of the owners of the building, the community does not have the power to remove them as they are in a private parking space. Neighbours can always be asked to keep their parking spaces tidy and not to store items or materials that could cause a fire.
- STV will remove free of charge any items from any owner who requests assistance and wishes to dispose of them. The owner only need to inform the HRGR Admin team. The owner must be present during the removal.
- You as the BP can carry out the above removal process in communal areas. If you do so, please ensure that all photos and emails of the removed items are sent to the self-administration for archiving.
- It is expected that by the 2024 AGM your building will vote on internal rules for the garage to agree what can and cannot be stored in the garage, parking spaces, communal storage rooms or private storage rooms.

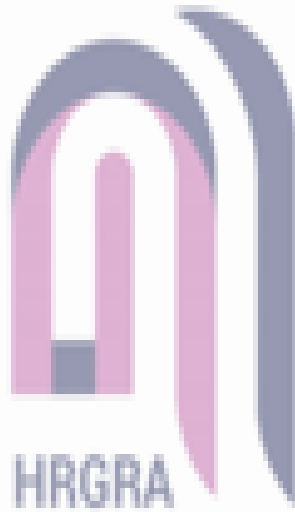


Why the new App TuComunidad?

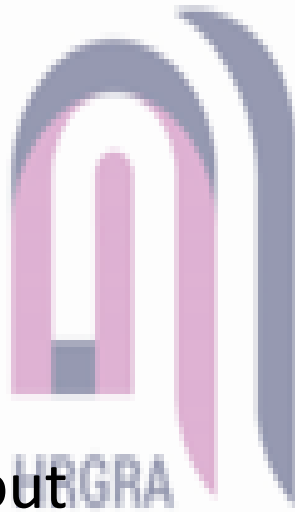
- Until 31.10.2023 owners were using the App URBIT to report incidents. URBIT is no longer working.
- From 01.11.2023 there is a new App TuComunidad. It is linked to the software used by the HRGR Admin Team in the office.
- The App can be download in any device, laptop, tablet, iPhone, Smart Phone, etc.
- This allows our contractors to send digital invoices directly to the system, saving time.
- The system allows for reporting of issues. All our main contractors are in the App so the incidents are sent to them and when they reply with the answer you can see it in your App.
- The incident an owner reports can be seen by all the owners in their same building if this is the wish of the owner who has reported it.
- Owners can check their community fees in the App.
- Owners can check documents related to their building & GC in the App.
- Owners can change their direct debit in the App.
- And many other things that will be informed in due course.



Garage Communal Areas / Electricity use



- The most important point in this or any other issue involving the use of communal areas or communal supplies is that the BP has no power to unilaterally authorise either the use of communal areas or the use of electricity for private storage rooms or electric car charging.
- The use of any of the above must be submitted to an AGM or EGM and requires the unanimous authorisation of all the owners of the building.

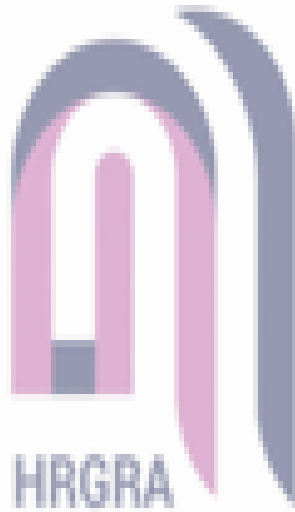


When do you need an EGM? (1)

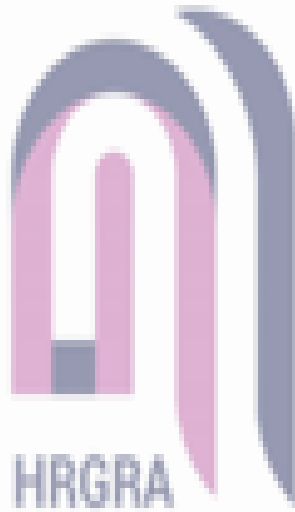
1. There are many different reasons why an EGM may be convened.
2. You as BP can convene as many EGMs as you feel necessary throughout the year.
3. Any change that affects your internal community areas may require an EGM.
4. To appoint a new BP if you are unable to continue in the position for good cause.
5. 25% of the owners (apartments and coefficients) can request the BP to convene an EGM.
6. Issues for convening an EGM could be the removal of a tree, the installation of a door in common areas, the approval of a levy for urgent or extraordinary works to be carried out in the building, etc.

EGM cont. (2)

- How do the votes work on different items e.g. 3/5, simple majority, 100%.
- The majority required depends on the subject to be voted at the EGM/AGM.
 - For aesthetic changes that do not pose a health & safety risk, the majority required is unanimity (100%).
 - For the change of the statutes or “Título Constitutivo”, the majority required is unanimity (100%)
 - For works that pose a health & safety risk, the majority required is simple majority.
 - For new infrastructures or new services to be implemented in the building in some cases the majority would be 3/5.
 - For the removal of existing services, the majority required is 3/5.
- How the voting works – what does an abstention mean?



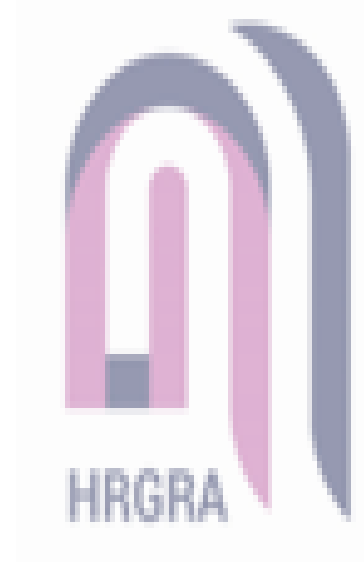
EGM cont. (3)



- **How the voting works – what does an abstention mean?**
 - **Simple Majority:** Votes in favour and votes against are counted. An abstention does not count for or against. The highest number of votes for or against wins. In the event of a tie, the coefficients of the votes for and against are counted and the highest sum wins.
 - **3/5:** Same as above "Simple Majority".
 - **Unanimity:** An abstention is counted as distinct from "in favour", so abstaining is the same as voting against. Unanimity means that all neighbours vote in favour. Any vote other than "For" means non-approval. When a vote requires unanimity, and on the day of the meeting all those attending and represented vote in favour, neighbours not attending or represented have a period of 15-30 days to express their vote against before the item is firmly approved.

EGM / AGM cont. (4)

- AGM/EGM agenda is sent out beforehand
- It outlines the work to be done or budgets to be agreed upon, etc.
- And any other relevant points.
- You are seeking permission to do something.....
- You can also call an EGM to oppose something.
- Once EGM is agreed it allows works to be completed without the need for further tenders. To be decided by the owners.
- The permission doesn't expire, there is no set time limit to get the work done.
- *A tip for an EGM. If you have more than one item, put them in separately not all on one vote.
If you lose one item you may win others, whereas if they are all on one vote you can lose everything.*



How do I raise funds?

- There are three ways to finance a project.
 1. By paying it out of the money available in your building's current account, if you have enough.
 2. By increasing the annual fees by including a line for the purpose of the fund (repairs, etc.). This can only be done at the AGM held at the beginning of each year.

Considered unfair by some, it is the easiest way to increase liquidity for various issues, but those with larger apartments pay more as the distribution is by coefficient.

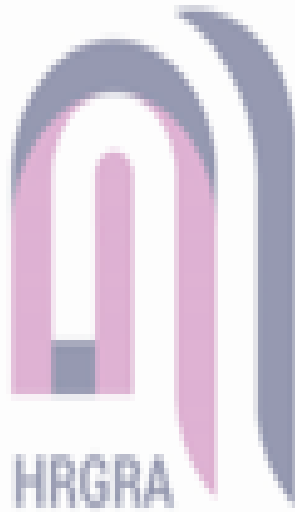
3. To approve a quarterly or yearly levy to be paid by the neighbours over a period of time either for one, two or three years.
4. To approve a levy outside the AGM, you would have to call an Extraordinary General Meeting, which can be held at any time of the year.

This may be the fairest way for a particular project, as all neighbours can choose to pay equal amounts regardless of the coefficient of their apartment.



What is the procurement process (1)

- We have a Procurement Policy which defines the financial limits that both the Board and the Building President can sanction, and the number of tenders required depending on the cost of the work. You should familiarise yourself with this document which is on our website in the section 'Useful Information'.
- Procurement may take place at 2 levels; General Community or Sub-community. The following are the procurement rules for your Sub-community:





Procurement process cont. (2)

Non-budgeted expenses

- Number of tenders required for less than 1,000€ = 0
- Number of tenders required for 1,000€ to 5,000€ = 2
- Number of tenders required for more than 5,000€ = 3

Example – emergencies, storm damage etc.

Budgeted items

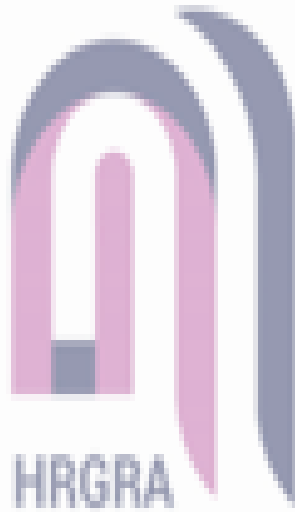
- Number of Tenders required for less than 20,000€ = 2
- Number of Tenders required for more than 20,000€ = 3

Example – painting internally, fitting windows to atriums etc.

Procurement process – how does it work?

- For BP's it needed to be more user-friendly.
- Do you know 2/3 places to go for quotes?
- Time-consuming for you and the Admin team.
- We are moving towards a preferred contractor.
- The board/admin team will get two/three quotes and then pick a preferred option to last for 2 or three years. Using feedback and spot checks to ensure the contractor is still carrying out to the same quality.
- It speeds up the process and gets the jobs done quicker.
- Admin checks all the required documentation, certificates, and insurances of the contractor, negating a BP having to do this.
- The work and contract are managed by Admin.





How to deal with an insurance claim for things like a water leak/repair (1)

- Firstly – what can you claim for on the building insurance?
- It has to be building-related, not apartment e.g. a water heater has a pipe leak and damages a kitchen worktop – **No Claim**
- The Penthouse terrace drains above are blocked, and water comes through the ceiling – **The damage it causes can be claimed. However, whether or not the damage is covered will be established by the insurer on the basis of the policy taken out.**
- **Simple rule – everything in your apartment including kitchen units are classed as contents.**
- **If you can take it with you when you move, then it is content.**

Insurance claim cont. (2)

- Your building has its own insurance policy, and it is important you know your policy number which can be provided by Admin**
 - Below are the contact details of the agent who will deal with your claim:
 - Building Insurance – Agents “Unit Seguros”
 - If you wish to make a claim or contact them for advice the person to contact is Ana Carrasco, who speaks English.
- ** Board are providing laminated copy of all details to each building. This will include emergency numbers to ring.



Insurance claim cont. (3)

Contact details:

- Monday to Thursday: 9.00 to 13.45 and 16.30 to 19.00.
- Friday: from 9.00 to 14.00 and from 16.00 to 18.30.
- Contact email: anacarrasco@unitseguros.com
- Telephone number: 0034 654 959 746 / 0034 968 525 103
- **How to claim?**
- Take a photo, email or phone the agent, Unit Seguros.
The insurance company will send an assessor. Only then can it be worked out who does what first. e.g. the roof leaking will have to be fixed before the ceiling is painted.



Brief understanding of debtors.

If an owner becomes a debtor in your building, they will be contacted on a regular basis by the Admin team. The following actions will be taken against them:

- An application of a 20% surcharge to each missed community fee.
- Disconnection of the internet service that is provided with the community fee.
- Disconnection of the foreign TV channels (not Spanish).
- Depending on the owners' country of residence, the file will be passed onto a collection agency.
- A judicial court case shall be filed in the Spanish Courts to recuperate the debt.

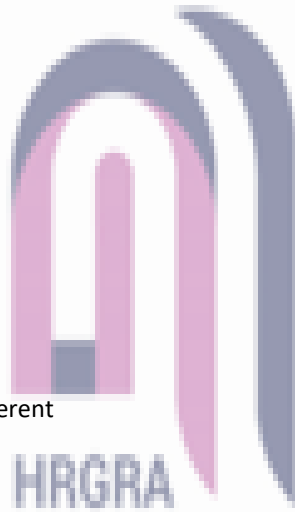
All these actions are agreed in the debtor's protocol.

As BP you will receive a 6 monthly updated of the situation of debtors in your building.

The remaining debt of the Polaris World garages spaces of your building are being dealt with the Community's lawyer in the liquidation process of Polaris World.



What is the role of Administrator /Secretary? (1)



IMPORTANT: This point does not apply to Building Presidents who are not in the self-administration system.

It is important to highlight which are the functions and duties of a Building President according to the Horizontal Property Law: Information on who performs each function is included in different colour.

1. Convene the meetings (AGM & EGM). For AGMs HRGR Admin prepares all documentation for the BP to review and approve before sending to neighbours. Regarding the AGMs the BP is the one who requests them on the recommendation of HRGR Admin and it is HRGR Admin who is in charge of preparing everything for sending to the neighbours.
2. Closing the minutes of the meetings. HRGR Admin takes the minutes and prepares all documentation for the BP review and approval.
3. Represent the Community in legal matters. The judicial issues that are contemplated in HR up to now have been only for defaulter's claims. In this case all the claims are managed from the General Community which exempts the President of the Building from this task for debtors' issues.
4. Representing the Community in matters of contracting works and services in the building. HRGR Admin requests the budgets, prepares the comparatives and sends them to the BP for review and approval. In the case of more complex issues, the service of an architect is used. The GC also manages contracts that affect all or most of the buildings in order to benefit from offers.
5. Requesting the payment of the community fees. HRGR Admin takes care of this.
6. Require the cessation of nuisance activities in the neighbourhood. At the request of the President or any neighbour if the request is justified HRGR Admin is in charge of communicating with the neighbours and managing their responses.

The Building Presidents at HR are dedicated individuals who devote many hours of their time to the care and attention of their building and their neighbours. Most of the work they do selflessly for the welfare of their neighbours is not an obligation.

IMPORTANT: The BPs in the self-administration system have a Directors' Liability Insurance from January 2021.

What is the role of Administrator /Secretary? (2)



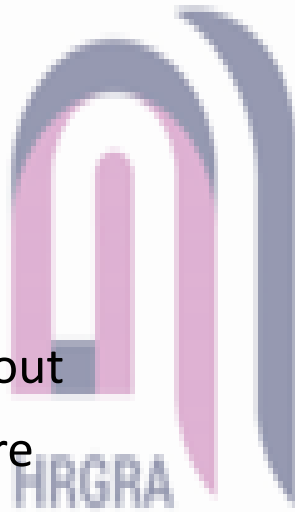
It is also important to indicate what are the functions and duties of the Secretary - Administrator, a function currently performed by the President of the Building. [Information on who performs each function is included in a different colour.](#)

1. Enforce the agreements taken at the meetings. [HRGR Admin is in charge in coordination with the BP.](#)
2. Making payments of invoices. [HRGR Admin is responsible with the approval of the BP.](#)
3. Collecting community fees. [HRGR Admin is in charge of debiting the quarterly payment of the community fees and the calculation of these fees once the annual budgets are approved, as well as claiming the non-payments and re-paying as many times as necessary.](#)
4. To make the budget of the building with a plan of expenses for the year. [HRGR Admin is in charge and forwards it to the BP for review and approval.](#)
5. Keep custody of documentation, invoices, contracts, etc. [HRGR Admin is responsible for.](#)
6. Manage building maintenance. [This is a joint task between the BP, the concerned neighbours of the building and HRGR Admin.](#)
7. Request quotes, repairs and request approval from the Building President and/or Neighbours. [HRGR Admin is in charge.](#)
8. Control the external providers in order to make sure that the services are carried out correctly. [HRGR Admin is always in charge in coordination and review by the BP and neighbours.](#)

The fact that a Building President also holds the position of Secretary - Administrator, in the case of self-administration should not mean more work for the Building Presidents. The functions of Secretary - Administrator, always in constant coordination with the BP, are carried out by HRGR Admin.

IMPORTANT: The EPs in the self-administration system have a civil liability insurance for Directors since January 2021.

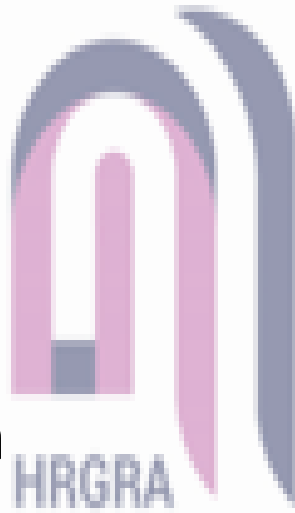
Has the BP role changed since self admin?



- The changes that the BPs may have noted are mostly related to the need for buildings to carry out repair and maintenance works. This is due to the age of the buildings (more than 15 years where buildings have not been internally painted among others).
- BPs are more involved than ever in a voluntary and selfless way despite having no obligation to do many of the things they do.
- With the Self-Admin System, both Building Presidents and neighbours are being given a greater voice on issues in their buildings.
- At the AGMs of their buildings, all owners have the opportunity to discuss issues of concern regarding their building and any meeting lasts as long as the neighbours need it to.

Preparing the annual Budget

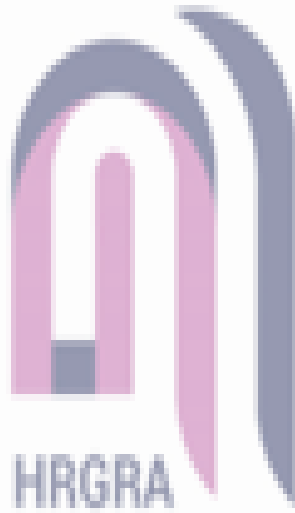
- All the owners in your building have to agree the budget by voting on it at your AGM. The Admin team will provide all the financial information you need to help you prepare and monitor your budget and will obtain quotes for you for work required in your Building.
- The two main budget lines are outside of your control as they are your buildings contribution to the General Community budget and the EUCC budgets, which are about 75% of the buildings budget.



Communication

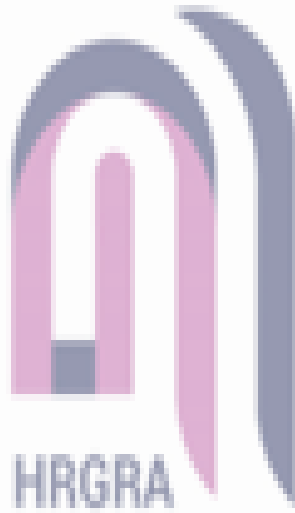
- Many of the owners in your building would probably like to be informed of progress with things going on related to your building.
- Sometimes your Phase President may ask you for your opinion if he has an important vote at a Board meeting.
- It would be useful if you informed and consulted the owners in your building for their views.
- Some BP's have WhatsApp groups, some issue monthly or quarterly updates – I personally issue a quarterly newsletter.

The above is not part of your role as BP; however, you can do it if you wish.



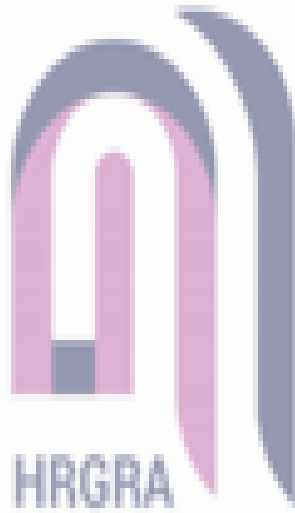
Contacting new owners. (1)

- When a new owner buys an apartment in your building, they will know very little about the resort, its management structure or our rules. Admin will let you know when you have a new owner and will give you their name, email address and apartment address.
- It is a good idea to send the new owners an email to introduce yourself and explain a little bit about how the resort is run, but without going in to too much detail. Remember, everything will be new to them.



Contacting new owners cont. (2)

- Each Phase president is required to send a welcome letter to new owners within 5 days of receiving the details.
- The minimum requirement is to advise of communication channels, who is the BP, etc (a welcome letter template is currently being circulated amongst the PPs)
- It's good to provide links to various information areas.
- RD's letter is 3 pages long and explains how the resort is run.
- Other useful advice is Electricity costs and when taxes are due etc.



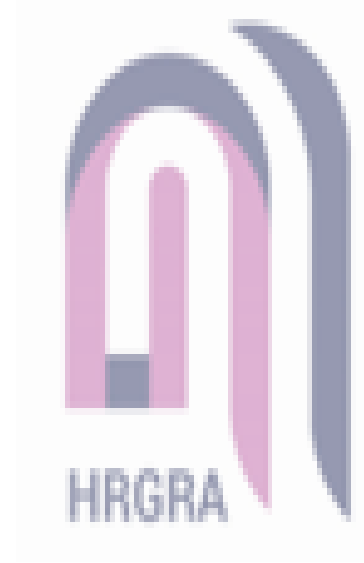
Helping owners

- Gas Inspection email: admonipredexis@proyector.es
- Electricity charges: are Kwh set too high? Check FB for suggestions
- Information Centre: open 10-12, 5 days per week, get a privilege card.
- Where to get information about good restaurants etc
- Try to remember what you couldn't find when you first bought?

Helping your building/resort:

- If you decide to paint your own internal walls to save finances, everyone should be signing a disclaimer in case there is an accident.
- Even working outside, the same should apply.

As always, everything is ok until the day something goes wrong.....



In Summary,

- The position of Building President in a Community of Owners is the most important one as the BP represents all the neighbours in the building.
- In HR, the position of Building President has an added plus and is that the dedication to their neighbours is incalculable and goes far beyond what the law says about their functions and obligations.
- HRGR Admin will always be at your disposal for whatever you need and will advise you on the correct procedures.
- If you have any questions, please contact HRGR Admin.
- HRGR Admin is the most reliable source of information on issues related to your building.

