

# Mandate for La Colina Committee

## Background:

*Below is the mandate for the La Colina Committee, based on the view that this is needed, in order to align what seems to be the role perception within the Committee itself, with the law (Horizontal Property Act), our Statutes and the expectations from the apartment owners.*

**Status:** The Committee Mandate was approved by the AGM on February 27th 2020

**The basis and sources for this mandate are such issues like:**

- [The Horizontal Property Act](#), which is the legal framework for such communities as La Colina
- The overall Spanish rules and standards for [Governance, Management and Responsibilities](#) (see separate file)
- [Our Statutes](#) (see separate file)
- Common sense, other relevant legal standards and organisational ethics

## Version history

Date	Author	Changes and reasoning
<b>Oct-7. 2019</b>	Jorgen Bugge	1st draft version
<b>Nov-3. 2019</b>	Jorgen Bugge	Few updates, mainly regarding electronic communication and decision making, made after some good discussions with Martin Watkins in the Committee
<b>Jan-7. 2020</b>	Jorgen Bugge	Approval by the Owners Association
<b>Jan-29. 2020</b>	Jorgen Bugge	Proposed changes for paragraph 9 and 11 was approved by the Owners Association
<b>Feb-27. 2020</b>	Jorgen Bugge	Final approval by the 2020 AGM

# The mandate

## Election of the Committee

1. The Board of Owners is the highest authority of La Colina. The Board of Owners meet at the Annual General Meeting (AGM) or, if and when needed, at the Extraordinary General Meeting (EGM).

The AGM, which is the only forum where any member of the Committee can be appointed or removed, elects the President, Vice President, Treasurer and two additional Committee members. Only legally competent persons may be a Committee member.

2. Owners of one apartment can have maximum one member in the Committee.

## The responsibilities of the Committee are:

Represent the complex externally and lead the complex in accordance with laws, regulations, the Statutes of the complex and resolutions in the annual and extraordinary general meetings (AGM or EGM).

## Committee meetings

3. The Committee meetings shall be prepared and managed by the President., assisted by the Administrator as agreed. If the President is not present in a meeting, the Vice President shall manage said meeting or the president may appoint a member of the committee to chair the meeting in their absence.

4. **Summons for the committee meetings**

As several members of the Committee can be assumed not to be physically present for some of the meetings, the summons should always be distributed to all Committee members via e-mail no later than 3 working days ahead of the meetings. When decisions are needed, the agenda issues should contain at least:

- A short description of each issue on the agenda
- Considerations and proposed resolution or alternative resolutions

5. **Meeting frequency and minutes**

Ensure that Committee meetings are held as often as required, and that meeting minutes are created with sufficient clarity to address issues like:

- A short description of each issue on the agenda
- Considerations and decisions
- Actions required for the implementation and follow up of said decisions (description of action, responsible, due date, status)

**6. Decision making**

Support and implement the decisions from the AGM and EGM.

7. Make decisions on all matters unless decision-making authority by law or Statutes of the complex is moved to the annual or extraordinary general meeting (AGM or EGM).
8. The main decision-making mode should be based on full consensus from all Committee members.

In some cases where the Committee arrives at the conclusion that there is not sufficient knowledge or maturity of reviews to make a good decision, it should be considered to postpone a final decision until sufficient clarity is on the table.

When needed, voting for decisions can be done via e-mail, by physical presence in the meetings or a combination of those. Decisions can be made with more than half of the votes cast. With a tie vote, the meeting manager (see #4 above) has the casting vote.

In a situation where the majority of the votes in the Committee goes against the view of the President and he or she considers a major issue of liability to be a possible outcome, the President can veto the decision. In cases where such veto is taken into use, the minutes should record this, and the reasoning given by the President for the veto.

As an alternative to or escalation of the veto, and in cases where there is a major principle in play, the President or the majority of the Committee may decide to call for an EGM or promote the issue for the next AGM, to have the final resolution on the matter at hand.

9. The Committee cannot make decisions or act in a way that is suitable to provide some apartment owners or outside party an unfair advantage to other apartment owners' expense.
10. Check and approve invoices for payment
11. Prepare proposals for the AGM/EGM on adjustment of common costs and make sure the decided resolution is carried out.
12. Make decisions on use of funds for maintenance, housing environment measures and other operational tasks

**13. Disqualification**

A Committee member (including President and Vice President) can not participate in the discussion or decision on any matter that the member themselves or respective relatives have a prominent personal or financial interest in.

**14. Manage maintenance and repair activities**

*With active support from the Administrator as agreed:* Create, follow and update a plan for systematic and proactive maintenance and repair for the complex's public infrastructure, spaces and buildings. Keep the apartment owners informed about the main activities and results.

15. Negotiate and sign contracts with external vendors for services needed for operations, maintenance, and repair work.

**16. Role of the employer**

Carry out the duties as the employer of the custodian and cleaner on behalf of the complex (clarify expectations, frequently evaluate the work and results and communicate appropriate feedback including positive appraisal and room for improvement, discuss and ensure safe working environment, negotiate and set a fair salary according to regional standards etc).

**General management and communication**

17. Ensure that the Statutes and house rules are complied with

**18. Contact and communication with apartment owners**

- **Issues for communication:** The communication should include attendance to inquiries, proposals and complaints from apartment owners and provide appropriate response to those.
- **Physical contact and communication:** Invite apartment owners for an active dialogue section during the first 1/2 hour of the Committee meetings.
- **Electronic contact and communication:** Receive and handle e-mails from apartment owners via a web-form, a common e-mail address set up for the Committee or, if so decided, via the Administrators e-mail address. The decided channel for such contact needs to be clearly communicated to the owners.
- **All communication to apartment owners** from the Committee or Administrator should be approved by the President in advance.

**19. Maintain the complex's Health, Security and Environmental (HSE)**

responsibilities and fire safety according to the common standards of the region.