



The Community President: Election and functions.

The **President is the Community's** legal representative in all issues that affect the Community, however, in addition to this, the elected person must carry out various functions once they are appointed. The procedure to appoint a Community representative can sometimes be unclear. So, what are the methods that can be used for this nomination?

Firstly we must clarify that the nomination for President is the exclusive decision of the General Assembly by means of an agreement reached by a simple majority of owners and their share within the Community.

If there are no volunteers for President, **the current legislation establishes the possibility for nomination by either of the following two systems.**

- **By a draw or raffle.**
- **By rotation.**

It is the General Assembly which has to determine the procedure for this appointment. This needs to be approved by simple majority. However, it is not recommendable for Presidents who do not reside in their property or who cannot carry out this responsibility because of personal or family reasons, to be appointed, hence the Administrator should mediate to avoid this, as it could create untold problems for the Community.

Communities managed by Chartered Administrators have an additional guarantee in this aspect. If there are any queries regarding this election, the Administrator can be assisted by the Professional Association of Chartered Community Administrators.

To be the President, you must own a property within the Community, it is not sufficient to be the spouse, tenant, representative or family member of the owner. You must be an owner.

The same person can be re-appointed Community President if the Community so decides it and the owner accepts the nomination.

On this same point there are no legal impediments for a debtor to be appointed Community President.

What happens if the appointed owner does not want to accept the post of Community President? In Article 13.2 of the Horizontal Property Law (HPL) it states that this appointment is obligatory. The only way to cancel this appointment is if a Judge invalidates it and appoints a substitute to temporarily take that person's place. Your Chartered Community Administrator will be able to advise you on the steps to be taken and clarify all and any uncertainties, as they will have access to the Legal Department that the Professional Association of Community Administrators provides for its members.

The post of Community President shall be held for one year, unless the Community Statutes state otherwise. However, the General Assembly can not only appoint the Community President, but it can also remove the President from office before his term is complete and appoint another owner for this position at any time by an agreement reached by a majority of owners with a majority of shares at a General Assembly .

The Community President has a series of facilities that derive in further responsibilities, such as:

- To call and preside over General Assemblies.
- To commence any legal actions approved.
- To pursue owners for unpaid fees.
- To supervise expenses and budgets.
- To approve minutes of meetings and Community Certificates.
- To actively coordinate community business with your Chartered Community Administrator.

If you have any questions you can contact your Chartered Community Administrator as he is the true guarantee of the service that your Community will receive.

This is a message from the Professional Association of Chartered Community Administrators.