

REPORT OF THE ASLIC SYNDICATE MEETING

CAP COUDALERE - 66420 LE BARCARES

On **Friday February 28, 2020** at 09:30 am, the members of the Syndicate met in the meeting room of the ASLIC in Coudalère 66420 Le Barcarès, under the chairmanship of Mr HERSCHEND, to deliberate on the following agenda:

- 01) ELECTION OF THE MEMBERS OF THE MEETING BOARD
- 02) SWIMMING POOL PROJECT
- 03) DECISION TO BE MADE FOLLOWING THE PRESENTATIONS OF THE WORK GROUPS
- 04) PAYMENT OF CHARGES AND LITIGATION MANAGEMENT
- 05) INFORMATION ABOUT THE ANNUAL EVALUATION OF EMPLOYEES AND DETERMINATION OF BONUSES
- 06) MISCELLANEOUS
- 07) REMINDER: DATE OF THE NEXT GENERAL ASSEMBLY: JUNE 5, 2020

The following parties turned up:

BENTZ Gregory (1830) - BLOT Daniel (1770) - DALMONT Marie (1470) - DELY Jean-Michel (960) - HEITZMANN Pierre (930) - HERSCHEND Michael (1970) – MARKANT John (910) - SIMONNET André (320)

The following parties were represented:

DEMEESTERE Christian (800) represented by LIMA José, TRAN-THIET Sophie (600) represented by GALLET Jean-Paul

Absent, non-represented: CHASTEL Benoît (640) - GALLANT Frédéric (270) - OUBORG Adriaan (10)- VAN DE WEIJER Joseph (10)

**The following parties turned up or were represented: 10 / 14 members, totalling
11560 / 12490 votes**

M. Herschend welcomed the members.

Point n° 01

ELECTION OF THE MEMBERS OF THE MEETING BOARD

Conditions for simple majority

M. Herschend is the chairman of the meeting and Ms Dalmont acts as secretary.

APPOINTING THE MEETING SCRUTINEERS:

The Syndicate has appointed Mr Gregory BENTZ and Mr John MARKANT as Scrutineers.

Vote **FOR: 10** members totalling **11560 / 11560** votes

Resolution adopted unanimously by present and represented members.

Mr. Herschend informed the members that Mr. Dely wishes to speak before starting the meeting.

Mr. Dely does not understand that there is only one quote for the pool. A year ago, he proposed a company to Mr. Chanson to request a quote for the pool (possibly more interesting).

Mr. Chanson replied that it was not true that there was only one quote. The Design Office is in charge of tenders as well as studying them. The Design Office has done some research on the company proposed by Mr. Dely and it is a small family structure whose, according to the design office, foundations are not strong enough for such a project.

Mr Dely says he showed the pool to the company and their questions and comments seemed very consistent to him. This company was never consulted to establish a quote. Even if this company had not been chosen, it might have brought other ideas to the project. Mr. Dely asked if the other delegates agreed to have other quotes?

Mr. Chanson says that this company is specialized in reinforced concrete.

Mr Bentz says you should not always vote for the cheapest. We saw the result with the Wi-Fi on Coudalère and the turnstiles at the pool. We also need to check who is behind the offer and whether this company will still be there in a few years.

Mr Dely said there could have been a good price difference and that the company might have brought up ideas.

Mr. Blot says that according to the statutes, it is the role of the Syndicate to decide on the execution of the work. He proposes, after having requested several quotes, to inform the Syndicate that the information is available at the Aslic and those who are interested, come to read it and comment on it if necessary.

Mr. Herschend notes that we have created commissions like the one for the pool and asks Mr. Dely why he did not propose to be part of it?

Mr. Dely says that he does not speak English and that he is not always available. Mélanie Hanquart replies that all the documents are in French and translated into English and that the exchanges by email or Skype (since the other delegates are not on site either) took place in French and English.

Mr. Dely finds that everything must always be voted on urgently, there is never time to discuss it.

Mr. Blot says that according to the statutes, the commissions have no decision-making power.

Mr. Heitzmann says that the GA can intervene on general decisions of the main lines but on the technical side, it is the prime contractor (design office) who advises us.

Mr. Simonnet says that the statutes are one thing and the implementation is another. Mr. Dely did not attend the pool commission, he deprived himself of being part of it. He should have been there. But today we must move on, will you let the design office do its work?

Mr. Dely says there is insurance in case of a problem. Mr. Simonnet replies that the insurance companies have two offices: one to collect and one to manage not to pay. In case of problem, the insurance only thinks of two things: opening the file and how not to pay.

Mr. Herschend agrees with Mr. Simonnet, we must be safe and not take a risk. Everything is very transparent. Delegates can go to the Aslic where Mr. Chanson can show them all the documents.

The next item on the agenda is then discussed.

Point n° 02

SWIMMING POOL PROJECT

- a) Budget: it was worked out by the design office. Mr. Cathala has studied the different items and finds some still a little high, but all the quotes are not yet requested or arrived. Mr. Chanson explains that we are getting closer to the budget, but some points need to be analysed further. We currently arrive at a total of 1.511.088 € HT compared to the initial budget of 1.500.000 € HT.

Mr. Heitzmann intervenes and says that the table is far too detailed and that it is not possible to analyse it this way. He says the initial estimate for 2017 for the building was € 500,000 for 300 m²; today it is 350,000 € for 220 m². The shelter on the large pool was € 300,000, today at € 0 (no coverage for the large pool). The beaches around the basin were 200,000 €, today 202,000 €.

Where has the money gone that is no longer in the current budget? In 2017 the budget was € 1,377,000 and now € 1,511,000. Why 140,000 € more expensive when we should be 450,000 € cheaper?

Mr. Chanson explains that some items have been added (green spaces, plantations, relaxation areas, comfort equipment). In October, the Syndicate agreed to raise the price of the splash zone. The price for the ramps has been refined and represents a significant increase. All the constraints imposed by town planning (upgrading to PRM standards, construction 80 cm higher) are expensive. The architect's estimate of the pergolas was insufficient. The proposed transfer of the covering from the large basin to the small one reduces the budget. However, a fence must be added to separate the large pool from the small one. The investment in the small basin is more important (size change from 10x15 to 20x7 costs € 40,000 more). From now on the small basin will be called panoramic basin. More quality is also planned for fences.

Along the way, the design office was changed. The new advised to do technical and hydraulic work in the machinery (instead of 40,000 € the amount increased to 70,000 €). As a result of discussions between the design office and Mr. Cathala, it turned out that other costs of +/- € 30,000 were not taken into account by the architect.

Mr. Simonnet says that the architect makes a lot of mistakes and asks if the amount of his fees is indexed to the amount of the work? Should we limit his mission to the building permit or not?

Mr. Chanson says that the architect made rather small mistakes but that the big difference in the budget comes mainly from the PPRI (Flood Risk Prevention Plan), which was not at all predictable! The architect has the role of designer plus the analysis of a certain number of items. He's used to swimming pool projects. The architect and the design office complement each other perfectly. We have also added photovoltaic panels and the modification of the panoramic pool with swan necks and nozzles in the walls.

- b) New plans are shown. It is not possible to cover the large basin; price too high and security problem (size). Mr. Chanson explains that there is a problem with surveillance in low season when the panoramic pool is used as well as the splash zone. Normally, the supervision of small children is the responsibility of the parents, but to avoid problems, Mr. Chanson shows on the map the fence provided between the large pool (closed in low season) and the splash zone. This fence can open in high season when the large pool is also open. In low season a door will pass people through the interior of the building to reach the splash zone.

The shelter for the panoramic pool is only € 58,000. It is a removable shelter with a height of 1.20m going to 2.00m towards the entrance. Mr. Simonnet intervenes and says that this is not allowed; you must have 2.00m all around for

security reasons. He contacts his architect who confirms this. Mr. Chanson contacted Mr. Cathala and there is no problem since the shelter is telescopic. It will therefore be open when the pool is occupied; it is intended to keep the heat but not to swim below. So, there is no more problem with the shelter of the panoramic pool.

Mr. Dely does not agree with the idea of using the panoramic pool instead of the large pool in low season. Mr. Chanson will show the frequentation of the pools later to explain it.

Mr. Simonnet says that currently there are many outdoor pools without shelter but with very hot water (30 ° C) and open year-round. Why not go in this direction?

Mr. Chanson had a discussion with Aquatechnique, a company that supplies swimming pool products and builder of swimming pools. The water in these pools is heated by gas boilers. The operators don't care about putting the price necessary to keep them at temperature since they recover these expenses from the rental price. This is not comparable with our use of the swimming pool.

M. Chanson says photovoltaic panels provide electricity to use for heat pumps, which will also cut costs.

Mr. Dely says that since our pool is smaller, why not consider solar heating in the concrete (coil) which will heat the pool?

Even if our pool is smaller, given its size, it still seems difficult.

Mr. Chanson shows the frequentation of the pool.

Currently: the swimming pool is open from April 15 to October 15. First the big pool and from June, the paddling pool. In high season (July / August) everything is accessible. The monthly occupation of the large basin in May is 800 people, in June 3,960, in September 2,400 and in October 281 (over 15 days). The consumption of electricity is high in April, May and October; average in June and September and low in July / August.

Hypothesis 1: open the panoramic pool throughout the season and occupying the large pool only in July / August. Consumption of electricity will be low in all seasons.

Hypothesis 2: occupation of the two pools: panoramic in the morning and large in the afternoon. Average consumption of electricity in June and September and low in other months. No occupation of the large basin in April, May and October (depending on the weather).

Mr. Dely repeats that he prefers an off-season use of the large pool instead of the panoramic.

Mr Bentz says that the thinking should be more in the interest of a well-heated, "whirlpool" pool, much appreciated in the off-season, the panoramic view is more beautiful, the area is pleasant. It is possible to cover it to keep more heat; coverage of the large pool is not possible.

A discussion takes place on the replacement of the paddling pool by a splash zone. Mr Herschend says this decision was already made a year ago. Conclusion: the project has already taken 1 year behind schedule, with a total investment of 2,000,000 € TTC, it is time to have something, which will be finished before 2021. Regarding the opening: the owners must have a maximum profit, so an opening from June 1 to September 30 of the large heated pool. We have an obligation to show a result. After 1 year, we will see how to operate between June and September, we can assess the period and change the opening of the large pool if necessary.

Mr. Chanson asked if there were any further comments on the plans presented.

Mr. Blot insists that the minutes shall mention that Mr. Blot estimates that it was a mistake not to have a paddling pool.

- c) Swimming pool access: We have a quote from a company that installs access systems in sports halls, etc. It offers a purchase for € 4,000 + rental. Another company (SLH control) is in contact with the design office, their quote is pending, so we don't have a price yet. The design office will call for tenders and the Syndicate will be informed.

Mr. Heitzmann asked if the current system is not recoverable. Mr. Chanson replied in the negative because he was not up to date, after-sales service maintenance was not good, the company finally gave up. For technical breakdowns, we asked computer specialists who took over. If we have a hardware failure, we have a big problem.

M. Chanson shows the work schedule:

- phase 2 (end of March / beginning of April 2020): splash zone and fences + hydraulic part of the large basin.
- phase 3: from September 16: structural works, demolition of the building, etc.

Mr. Heitzmann asks the president to formulate a conclusion because the minutes do not include everything.

Mr Herschend says the splash zone has already been voted. The decisions were made in October, they must be followed, orders are already made.

Now we move on to Mélanie Hanquart's presentation on the pool and we must decide on the content that we show at the general meetings. Mr. Chanson will explain the project to the condominium meetings.

Points n° 03

DECISION TO BE MADE FOLLOWING THE PRESENTATIONS OF THE WORK GROUPS

- a) Swimming Pool project: the presentation is followed on the screen.

It is adapted as comments are added to be attached to the notices of meetings. The members will receive as of next week by email the presentation with the resolution for the convocation of their general assembly.

Meeting room:

Mr. Chanson discusses an off-agenda item concerning the meeting room.

As part of the budget, renovations are underway. The entrance to the room is on the garden side, easier for disabled access. The toilets are also upgraded to PRM standards. The kitchen switches to the side of the old entrance. An emergency exit is planned. The lifeguard entrance is on the parking side (old entrance). A bathroom will also be built on this side.

M. Chanson informs the members that for all general meetings, the entrance to the room will be on the garden side!

But we must use the room for other occasions than only meetings.

A change of all windows by aluminium is considered. As soon as we have the information and quote, it will be sent to the Syndicate. Two windows/doors are planned on the basketball court side, changing half of the field into reception area (provide fixed furniture, drinks, a pergola). A reception can be provided (for example from 4 to 8 p.m. to be defined) to open the room to the public with coffee and other drinks, in order to use the room more often.

Mr. Dely says that since there will only be half a basketball court with only one basket, it will have to be reoriented according to the sun for it to be usable.

b) **Overall positioning of Cap Coudalere**

The members of the committee were not available on the day of the presentations; this topic will be discussed next time.

c) **Optimization of the Aslic services (presentation available on request)**

Following the surveys of summer 2019, think about the Aslic in terms of new services, paid services and a more attractive site. Possible services: small works in condominiums, small works in apartments, households in apartments, maintenance of private gardens, service developed in tourism. Some tasks are already performed today against payment.

Personal services (already carried out very often on a voluntary basis) are part of the requests: support (notary, bank, etc.), administrative monitoring: taxes, EDF, research on the internet, etc. and various services (carrying luggage, shopping; rental of equipment, translation...).

As there is always a doubt on the staff of the Alic that they are really doing their job, Mr. Chanson informed the delegates that there is a software with 100% traceability of the work of the geolocated employee. This system costs € 28 excl. VAT per user per month, excluding the cost of the technical part, because employees must have a smartphone. Mr. Blot is very surprised by this proposal. This kind of software is rather for people who are hundreds of kilometers from their business where physical control is almost impossible. He finds that we must take the time ourselves to see what they do (this is the task of governance). You must think internally. Mr Heitzmann says this system is used in large organizations. This system is too heavy to manage 15 people, it is oversized. Mr. Dely says that it was basically a problem of organization. There are too many people on the same job, so they start talking to each other. At times, there is not enough work for everyone, and they should rather return to the office instead of staying there doing nothing. Mr Bentz says an annual budget is allocated to the desired job, if the result is there, that's OK. Do not analyse the details but see the result. According to him, it is there. Goals need to be set each year. Mr Herschend says he agrees with Mr Bentz. It is a small organization. You must have confidence in the employees who are also controlled. Mr. Herschend asks if the delegates wanted to adapt this software system. The answer is negative.

d) **Aslic evolution (presentation available on request)**: Mr Blot said that it was an important or even the most important committee, but that no delegate had come forward to be a member. So Mr. Blot decided to be part of it. Do the delegates want to change the way the Aslic works? You must look at what is Aslic's work and what is not. For what is not, we can create a small temporary structure (the time we need this structure).

We can develop the Aslic: refocus its activities on its object, develop its activities while remaining in its object or develop its activities while leaving its object.

The Aslic must manage common goods, green spaces, security. The statutes are too complicated and formulated in a legal manner. Example: the method of designating delegates / substitutes: the impossibility for a condominium to participate in a meeting outside the delegate or his substitute. So, a condominium is not able to express itself at the meeting, which is not logical. A co-ownership whose delegate and substitute cannot be present at the meeting, should be able to send a co-owner to attend and take part in the discussions, even if this person does not have the right to vote.

For the reorganization of the Aslic, it is first necessary to establish an assessment (audit). The Aslic must do something to show that things are moving.

It is necessary to develop the animations, to create poles of activities to attract people. We need to reduce the salary costs and transfer this money to other activities. Governance must be reviewed and perhaps even the delegates of the Aslic.

Conclusion: we will not have an answer today. The opinion of as many owners as possible should be collected by means of a white book questionnaire (already proposed previously). There is a need to evolve the Aslic.

Mr. Simonnet tells Mr. Blot that he made the same speech a few years ago. Mr. Simonnet does not agree with Mr. Blot who lends a role to the Aslic which is not his. The Aslic must manage the common heritage of everybody but not as a holiday village which must make benefit. We must make sure that every euro spent is spent as part of the Aslic. Extra services are not the subject of the Aslic but are rather in the interest of the site and the owners.

Mélanie Hanquart remarks that planning more events is very good, but the budget currently foreseen is not enough because we are not making profit and do not have the structure to do it (example: gaming planned for the year last). Last year's photo exhibition was well organized. It will have to be redone but Mélanie is still looking for sponsors for 2020. She is also working on a sliding event. She explains that the organizers of such events only work on their project and can devote all their working time to it. At the Aslic, we don't have the capacity to do it, we have our internal work to manage alongside and we have other constraints (manpower, security, ticketing, etc.).

- e) **Security (presentation available on request):** it's clear that we have security issues, but it's not clear that they're worse than elsewhere. The guardians' role is to protect the co-owners from external aggressions, to be a conciliator between occupants, to reduce annoying abuse, to free up green spaces before mowing, to control access to tennis courts.

It is possible to consider changes: from a social point of view: identify single people, provide assistance and contact them regularly; from the sanction point of view: write PV, control access. A PV is only indicated in extreme cases (repetitive cases). The principle of vigilant neighbours is discussed and Mr. Gallet says he is one of them. Perhaps we could extend this principle and use their panel.

Mr. Heitzmann will send the presentation to the delegates and asks to send him your comments to make a point later.

Point n° 04

PAYMENT OF CHARGES AND LITIGATION MANAGEMENT

M Chanson explains that there is a cash flow problem within the Aslic. The accounts which are shown on December 31 of a year, do not reflect reality because there are owners who pay their charges for the next year before the deadline (on January 1) and these amounts are therefore included at December 31.

The reality is quite different: during the simple reminder in February 2020, we had an outstanding amount of € 244,000 (including € 106,000 in litigation). Mr. Chanson explains an example of litigation of a foreign owner with a delay of € 3,000 to which are added the cost of bailiff from France and abroad and the costs of translation. The total amount of the backlog is € 5,600. In the event of a judgment, the judge must still accept article 700 to recover the money.

M Simonnet specifies that we must be stricter on delinquencies, when it affects cash too much, it becomes dangerous.

Mr. Blot says that we must send a note to the owners explaining the change in the method of collecting charges with the result being the seizure of the property.

Mr. Herschend confirmed that the problem is very serious. We must clarify the invoices, put in large letters the payment deadline (in French and English). We must remind early: first reminder after 15 days, second reminder by registered mail after another 15 days. This will make 2 reminders in 1 month and interest should be applied. The consequences of unpaid contributions are provided for in the statutes (point IX-4) : « *The contributions due in accordance with what is said above will bear interest at the legal rate increased by 5 points, from the formal notice sent by the President. Fifteen days after formal notice by registered letter with acknowledgment of receipt, the owners who have not paid their share of the charges, cease to be able to benefit from the services managed by the Association* ». Mr Chanson explains that since the new pool card system (non-nominative club cards), the owners who were not up to date with their charges, still benefited from the services of the Aslic. From the 2020 season, the system will be reinstated that owners who are not up to date, will not be able to benefit from the services (swimming pool and tennis).

For the application of the interests, Mr. Simonnet says that the rate of 5 points is not applicable in the form, the maximum currently is 2.60.

Point n° 05

INFORMATION ABOUT THE ANNUAL EVALUATION OF EMPLOYEES AND DETERMINATION OF BONUSES

Mr Herschend specifies that the Syndicate must be transparent, but this is confidential information. There is a lot of consultation between him and Jérôme on this subject. Each year there is a staff evaluation. For technical staff (green spaces and cleaning), the assessment is carried out by Mr. Chanson and Ms. Vlugt. Administrative staff are assessed by Mr. Chanson. The employee representative can take part, but only at the request of the employee or the employer. During these evaluations, the objectives set are analysed (achieved or not). Based on these assessments, bonuses are paid in September. The staff

representative does not participate in the discussion of bonuses. Mr. Chanson is in the best position to make these assessments given the daily contact with all employees.

Mr. Chanson explains that he saw the GROSS wages table circulating on the site and people took these amounts for net amounts. He explains that the system, applied when he started in 2012, included 3 bonuses (in May, September and December). Those of May and December have been included in salaries and the only remaining bonus is that of September which is based on the objectives set. Annual evaluation follows after the season. The bonuses are included in the salary budget. The bonuses for fixed-term contracts are lower than those for permanent contracts, except for lifeguards. They are paid at the minimum wage, which is problematic when hiring, and difficult to keep employees, so we need to give something more (€ 1,500 net + accommodation + lessons). The bonus amounts are proposed to the president and applied / paid after approval. Mr. Chanson can legally lower bonuses by 20 to 30% (which has already happened for some) but he cannot remove them.

Mr. Chanson also explains the decreases in payroll costs: the replacement of the accountant by a part-time bookkeeper. The retirement of an employee on December 31, 2019 and replaced by an apprentice. We must also vote on the extension of the apprentice's contract to the general meeting of the Aslic in June 2020.

Mr. Chanson informs the members that provision should also be made for future departures: 1 person (technical service) will retire at the end of 2021; 2 people from the administrative staff at the end of 2022. Mr. Blot explains that "financially for the employer" it may be more advantageous not to let employees retire but that the employer puts them on retirement (to be checked in the clauses of the collective agreement applicable to the Aslic).

Mr. Herschend reminds members that this discussion on ratings and bonuses should be kept confidential!

Point n° 06

MISCELLANEOUS

* camera: following the refusal of installation by the prefecture, Mr. Chanson receives requests from certain owners and from the association of Dutch-speaking owners asking what can then be considered. Ms. Dalmont explained that there are small cameras for private use (inexpensive and very effective) that can be installed in the stairwells. Mr. Chanson explains that this type of installation is problematic: it is not allowed to film on public roads and the imperative need for a WIFI connection. In addition, this system reacts to detection so each time a person passes, an alarm is given.

In case of a video surveillance system, this will require the presence of a person behind the screen.

* Labor court procedure - Mr. Boudebza: A first hearing (status) is scheduled for May 2020; Mr. Boudebza requests a compensation of € 65,000.

Points n° 07

REMINDER: DATE OF THE NEXT GENERAL ASSEMBLY: JUNE 5, 2020

The session ends at 5:15 p.m.

Chairman	Scrutineers	Secretary
Mr. HERSCHEND	Mr. BENTZ and Mr. MARKANT	Ms DALMONT