



Mayor of Medellín

**DECREE 0407 OF 2021
(MAY 19)**

By means of which a member of the Board of Directors of Empresas Públicas de Medellín E.S.P. is appointed from the list of control spokespersons.

THE MAYOR OF MEDELLÍN

In use of his constitutional and legal powers, and particularly those granted by article 315 (3) of the Political Constitution, Law 136/1994, Law 142/1994, Decree 1429/1995, article 7 of Municipal Agreement 12/1998, consistent with article 8 of Municipal Agreement 69/1997, and article 348 (6 and 7) of Municipal Decree 883/2015, and

WHEREAS

Article 369 of the Political Constitution establishes the constitutional duties and rights of users, and that laws must be enacted to establish the regime for user protection and the manner in which users will participate in managing and overseeing the government companies that provide the services.

Article 62 of Law 142/1994, which establishes the residential public utilities regime, provides for the creation, at the initiative of users, subscribers and potential subscribers, of Residential Public Utilities Social Development and Control committees, as well as for the election of a control spokesperson to represent them, exercising the legal functions set forth in articles 63 and 64 of said law, as well as those laid out in the committee's own bylaws.

Article 27 of said residential public utilities regime establishes special rules on the participation of public entities in public utility services companies, and item 27.6 defines the manner in which the boards of directors of the municipal residential public utilities companies are to be appointed, which are to be selected by the mayor, requiring that one-third of board members must be selected from among the control spokespersons registered by the Residential Utilities Social Development and Control committees.



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By Municipal Agreement 069/December 10, 1997, the Council of Medellín ordered the transformation of the public institution Empresas Públicas de Medellín into an Industrial and Commercial Government Company, called Empresas Públicas de Medellín E.S.P.

By means of Municipal Agreement No. 012 of 1998, the Council of Medellín adopted the entity's bylaws, which discusses the topics related to the formation of the Board of Directors in article 7, which will be presided by the mayor or their delegate, who must be a Municipal Administration official, five (5) people appointed freely by the mayor of Medellín and three (3) people chosen by the mayor of Medellín from among the control spokespersons registered by the Social Control and Development Committees of Residential Public Utilities. The foregoing is in accordance with the provisions of article 27, clause 6 of Law 142 / 1994.

Clause 2.1.2 of the Framework Agreement on Relations between the Municipality of Medellín and Empresas Públicas de Medellín establishes that for the appointment of the persons appointed by the mayor for the election of control spokespersons, the latter are required to demonstrate their time as members of the Social Development and Control Committee that elected them, their relations with the committee, the activities carried out in performing their duties, etc.

Pursuant to the above, one Board member is appointed from among the control spokespersons registered by the Residential Public Utilities Social Development and Control committees, in the following conditions: Verification has been performed on any of the grounds for ineligibility provided for in Article 102 of Law 489/1998, which refers to National Decree 128/1976, and on the qualifications of the Board members, as provided for in Board of Directors' Decree 376/2015.

In view of the above, the mayor of Medellín

DECREES

ARTICLE ONE: APPOINT Mr. **SERGIO ANDRÉS RESTREPO MUÑOZ**, identified with ID No. 3.414.490. as a member of the Board of Directors of Empresas Públicas de Medellín E.S.P., elected from among the control spokespersons.



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Mayor of Medellín

ARTICLE TWO: Those appointed will fulfill their duties in accordance with the Constitution, the Law, and the bylaws of Empresas Públicas de Medellín E.S.P.

ARTICLE THREE: Send a copy of this Decree to Empresas Públicas de Medellín E.S.P., for its information and for all pertinent purposes.

ARTICLE FOUR: This decree is in effect as of its issuance and repeals all provisions contrary to it.

BE IT SERVED, KNOWN AND COMPLIED WITH

DANIEL QUINTERO CALLE
Mayor of Medellín

MARÍA CAMILA VILLAMIZAR ASSAF
Private Secretary

Checked by: Manuel Esteban Riaño Giralda
Advisor, Private Secretary



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