

# Canoa Estates II HOA, Inc.

## Association Guidelines and Rules (AGR)

Canoa Estates II (CE2) a Homeowners Association, is a non-profit corporation formed in 1985 for the purpose of preserving property values and the natural beauty in the CE2 neighborhoods. The AGR is your current Board of Directors' interpretation of the effective Bylaws and Conditions, Covenants, and Restrictions (CCR). The primary objective of this Board document is to provide additional guidance and explanation for the Association Board and members, of the Bylaws and CCR documents. This document is not intended to replace the Bylaws or CCRs, and in the event of a conflict between this document and the Bylaws and CCRs, the Bylaws and CCRs have priority. The AGR may be periodically revised and updated by the Board within the framework of the Governing Documents of the Association.

1. Administration
  - a. Meeting notifications: Pursuant to Article 4.9 of the Association Bylaws, all meeting notifications shall be made through:
    - i. Electronic mail
    - ii. Posted Association calendar on Association website
    - iii. Signage at east entrance to the Association neighborhood
  - b. Open versus closed meetings: In accordance with A.R.S. 33-1804(A), all Board and regularly scheduled Committee meetings are to be considered as open meetings, with the exception of those Board meetings to discuss or consider:
    - i. Legal advice and/or pending or contemplated litigation
    - ii. Personal, health, or financial information about a Member
    - iii. Member appeal of any violation cited or penalty imposed by the Board
  - c. Finance committee: An appointed Finance Committee shall review Association finance policies and financial records annually at a minimum. Committee members will receive no compensation for their work and will issue a statement describing the condition and accuracy of the Association financial reports and records following their review.
2. Voting Procedures
  - a. Requirement for Majority: There are 124 Properties within the Association. All requirements for a majority stated in the Bylaws and/or CCRs are either a simple majority (51%) or two-thirds majority (67%). A simple majority shall be considered 63 or more votes, while a two-thirds majority shall be considered 82 or more votes.
  - b. Ballot tabulation process: The Nominating Committee will validate and tabulate all submitted votes to verify that all votes counted are not in duplicate or invalid. A minimum of three (3) Members will constitute the Nominating Committee. The Committee will provide a summary report to the Board, indicating the number of votes cast, the method(s) used (electronic, written, absentee), and the final results of the votes received.
  - c. Electronic voting: Voting by electronic mail is permitted for all scheduled and special elections and referendums, providing that the following requirements are met:
    - i. The email ballot will be distributed to one email address representing each Property. The email ballot will be sent to the email address of record. Only one vote will be tabulated for each Property. In the event more than one vote is received for a Property, the first vote received will be tabulated.

- ii. The email ballot shall state the date and time deadline for a response. No votes received after the deadline shall be tabulated.
- iii. The vote shall be provided as a reply to the Association email ballot initially sent, rather than a separate email message from the Member.

### 3. Architectural Review

- a. Architectural Request Form: The HOA Request Form shall be used to submit all requests for architectural changes or additions, and must include completion of page 2, indicating neighbor awareness and input, in accordance with Article X of the current Association CCRs. Any Member making architectural changes or additions without approval from the Architectural Committee and/or Board may be subject to fines and possible reimbursement costs pursuant to Section 8 of the AGR.
- b. If approved, all changes must be completed no later than six (6) months from approval date. If the changes cannot be completed in the specified timeframe, the approval is void, and a new request must be submitted.
- c. Appeal Process: Section 10.11 of the current Association CCRs details the appeal process for any requests denied by the Architectural Committee.
- d. Paint colors: To maintain the attractive appearance of our neighborhood, the HOA has designated approved colors for the exterior of our homes. These colors are defined in the HOA Approved Paint Colors document. Any deviations from these requirements will require the completion and submission of an HOA Request Form to the Architectural Committee, as described in Article X of the current Association CCRs. Any Member making changes to exterior paint colors without approval from the Architectural Committee and/or Board will be subject to fines pursuant to Section 8 of the AGR.
- e. Lighting: Section 10.12.5 provides the guidelines for exterior lighting of the Properties. The Association and all Properties are located within Lighting Area E1a as designated by Pima County. This Area restricts exterior lighting to a maximum of four (4) fixtures not to exceed forty (40) watts each. Further, all fixtures must be angled no higher than forty-five (45) degrees from grade. Any Member out of compliance with current Pima County lighting codes may be subject to fines pursuant to Section 8 of the AGR.
- f. Driveways: All driveways shall be unpainted concrete from the curb to the garage.
- g. Security Cameras: When installing any security camera on a residence, homeowners should review the Arizona statutes (ARS 13-3019 and ARS 13-1424) to understand reasonable expectations of privacy for viewing and audio and video recordings.

### 4. Maintenance Requests

- a. Common Area Tree and Plantings Trimming: Common Area maintenance consists of tree and plantings trimming for the health of the plants and the safety of the Residents. The landscaping contractor works at the direction of the Maintenance Committee and is unable to take direct requests from Members. The landscaping contractor provides weekly service according to a Board-approved schedule describing specific areas to be maintained each week.
- b. Owner request for Common Area maintenance: The adopted HOA Request Form for maintenance of the Common Areas is to be used to submit all Member requests to the Maintenance Committee. While the HOA welcomes Member input, decisions are made subject to the current policies adopted by the Board. Any HOA Request Form submitted by a Member for maintenance requests shall include completion of the input section of impacted neighbors as indicated on the HOA Request Form.

- c. Owner-provided maintenance in Common Areas: The Maintenance Committee is responsible for Common Area landscaping and tree trimming. The Association does not guarantee Members a perpetual view from their Property. Trees and plantings constitute a unique asset in our neighborhoods, benefitting all of our Members and Green Valley. Any Member providing Common Area maintenance and trimming without obtaining approval from the Maintenance Committee and/or Board may be subject to fines and possible reimbursement costs pursuant to Section 8 of the AGR.
- d. Snake and Bee Removal
  - i. For snake relocation, contact Green Valley Fire Department at 520-629-9200
  - ii. Bee swarms occur occasionally. Normally, the swarm will move on within 2-3 days without intervention. If a swarm stays longer than that or presents a hazard to the occupants, contact Global Community for Bee Removal at 520-603-9932
- e. Wild Animal Feeding: The feeding of wild animals is not permitted in the State of Arizona. The only exceptions are bird and tree squirrel feeders, which Residents may maintain within their property boundaries. Arizona law ARS/13-2927 states that feeding wild animals can cause "large animals to become bolder," endangering us, our pets, and the wildlife.

5. Personal Property Sales: Notification of all personal property sales (estate, garage, yard, moving, etc.) must be provided to the Board at least ten (10) days in advance of the scheduled event. Sales are prohibited on trash pickup days. This prohibition includes both regularly scheduled pickup days and pickup days rescheduled due to holidays. Parking shall be in designated overflow parking and on one side of the street only. "No Parking" signs shall be placed on the opposite side of the street of the designated parking side. "No Parking" signs shall be the responsibility of the homeowner conducting the event. Notification allows the Board designee to notify the Member or Resident should signs advertising the event not be removed promptly following the scheduled end of the event. Notification must include the Member or Resident name, Property address, scheduled dates and times of the event. Failure to comply will result in penalty fines as listed in Section 8 of the AGR.

6. Parking: The primary objective of parking restrictions is to provide safe passageway on Association streets and to prohibit long-term parking within the Association of commercial and inoperable vehicles. The Association CCRs describe parking regulations in Article 11.8 of the CCRs. Members or Residents violating these regulations may be subject to fines pursuant to Section 8 of the AGR and/or costs associated with moving the vehicle.

- a. Sidewalks: Whether parking in paved driveways or on the street, sidewalks must remain clear and unimpeded by vehicles and recreational vehicles.
- b. Common Parking Areas: These areas are limited in nature and are designed to be used as described in Article 11.8 of the Association CCRs. Regular and continued use of the common parking areas in excess of the limits described in the CCRs is prohibited.
- c. Storage Containers: Mobile storage containers are permitted within paved driveways while loading and unloading. Any exceptions to the time limits described in Article 11.8 of the CCRs must be requested and approved by the Board.

7. Rentals and Tenants: Article 11.5 of the Association CCRs provides the requirements for Members when renting or leasing Property within the Association. The HOA Tenant Form must be submitted by the Member within seven (7) days of the lease inception. It is the Member's responsibility to provide the Tenant with HOA governing documents and the AGR. Tenants are subject to the same rules and regulations as Members, including age restrictions.

## 8. Policy Enforcement

- a. There shall be no fines assessed until the Member in question has been given written notice and the opportunity to appeal. At the conclusion of the appeal, the Member shall be excused and the Board shall render a final decision. Any fines assessed shall be based upon the guidelines below:
  - i. The seriousness of the violation,
  - ii. Whether this is a first-time offense or continuing,
  - iii. Whether the offense presents a health or safety concern,
  - iv. Whether the offense can be corrected/undone
  - v. The response of the Member following official notification.
- b. "Continuing violations" is defined as each day a violation continues after written notice to the Member has been provided and documented. Each additional day of violation constitutes a separate violation and is subject to the published fine schedule. Each reoccurrence of a violation of the same nature is considered a continuing violation and can be escalated by the Board to the next level of the enforcement process.
- c. Any assessed fines not paid within thirty (30) days of the indicated due date will be considered delinquent and subject to late fees and /or interest consistent with the governing documents and applicable State of Arizona regulations. Collection of fines and penalties may be enforced in the manner consistent with the governing documents and applicable State of Arizona regulations.
- d. Fine Guidelines
  - i. Monetary fines for violations of the governing documents and AGR are as follows:

First violation	\$100.00
Second violation of same nature	\$200.00
Third violation of same nature	\$400.00
Each violation following of the same nature	\$500.00

- ii. If a corrected violation reoccurs within ninety (90) days following resolution of the violation, the fine or enforcement process may immediately resume at the next level.
- iii. The Board has the authority to modify these Fine Guidelines based upon application of the factors described in Section 7a of this document.
- iv. It is the Member's responsibility to provide the Board with written documentation when the violations have been corrected.