

MESA HILLS HOMEOWNERS ASSOCIATION
MINUTES OF MONTHLY BOARD MEETING
Tuesday February 7, 2023

The Mesa Hills Homeowners Association Board Committee held a Board meeting on Tuesday February 7, 2023 at the Aquatic Center in Cedar City.

Members Present

Gordon Goodall
Kent Kowallis
Derek DeGroot
Bob Jacobs
Kimberly Sanders

Homeowners Present

Others Present

Ron Adams

1. CALL TO ORDER

Gordon called the meeting to order at 4:05 p.m.

2. APPROVAL OF MINUTES

MOTION: December 6, 2022 minutes reviewed. Proposed, seconded and passed unanimously.

3. FINANCIAL REPORT

- A. Monthly Financial Report
- B. Bills To Be Paid

4. ARCHITECTURAL COMMITTEE REVIEW

A. A plan was submitted to the Board for Solar to be installed on the Ray Kahler home at 2146 West Sunset Point Drive (MH1L15) in January and was approved by the Board on 1-13-2023 by e-mail. Gordon to visit with him on patio extension.

5. HOMEOWNERS PRESENTATION OF NON-AGENDA ITEMS

6. OLD BUSINESS

- A. Follow-up on CDs at Mountain America Credit Union, about adding more.
- B. North end trail discussion. Work on in the Spring.
- C. Follow-up on Muse property 2273 West 546 South (LP3 L23). Received anonymous letter after Teri Brown speaking with Gordon about this house in December. Gordon will try and contact the owner and if no success he will turn it over to the attorney.
- D. Review DRAFT of Rules & Regulations regarding amending the CC&R's, Board authority and operations. (See attachment) Discussed and made assignments to take it home and read it over and make suggestions.

7. NEW BUSINESS

8. ADJOURNMENT

Next meeting to be held March 7, 2023, at 4:00 PM, at the Cedar City Aquatic Center.
Meeting adjourned at 5:20 p.m.

Respectfully Submitted:
Ron Adams, Administrator

Approval Date: _____

ATTACHMENTS

DRAFT COPY ONLY

MESA HILLS HOMEOWNER ASSOCIATION

RULES AND REGULATIONS FOR
HOMEOWNERS

PREPARED BY BOARD OF DIRECTORS

EFFECTIVE DATE:

HOA GOVERNING DOCUMENTS

CC&Rs, Bylaws, Articles of Incorporation & Regulations

Whether you are a homeowner living in an HOA or a recently elected Board member, it is important to understand the differences between the multiple governing documents by which an HOA operates. If you are a homeowner, for example, becoming familiar with your community's rules, knowing what is and isn't permitted concerning your home, and knowing where and how to find this information, will prevent you from having to deal with the consequences of non-compliance, which in most cases, can include fines and other types of penalties.

CC&Rs

Generally, the CC&Rs are the most extensive governing document of an HOA. They contain the rights and responsibilities of homeowners and also outline the architectural guidelines of the properties within the association. One of the main purposes of the CC&Rs is to regulate a homeowner's ability to make architectural improvements and/or modifications based on their specific interests versus what the community has approved and specified. The reason behind this is fundamentally why an HOA exists: to protect, preserve, and enhance the value of the homes within the HOA.

Bylaws

The Bylaws of an HOA contain all the information and rules specifically related to the operations of the association and how it is run. In most cases, they outline the Board of Directors governing structure, layout the procedures for matters such as Board elections and membership meetings; and outline the rights and responsibilities of the Board.

More detailed examples of what you can find in your HOA Bylaws are:

- Board Requirements
- Meeting Notices
- Board Meeting Frequency
- Quorum Requirements
- Voting Requirements and Frequency
- Term Limits for Board Members

Articles of Incorporation

The Articles of Incorporation include essential information such as the legal name of the HOA, address and the association's corporate status. It also contains a number of basic functions and additional responsibilities of the HOA.

Typically, all associations have the following governing documents: Bylaws; CC&Rs which stands for Covenants, Conditions & Restrictions; Articles of Incorporation and Rules and Regulations. In essence, these documents contain the rules, policies, and other contractual terms that a homeowner's association, including Board members and homeowners, must adhere to.

All new owners moving in a property within an HOA can access these documents on our website – mesahills@hotmail.com. All non-owners also agree to abide by the rules and policies contained in the documents mentioned above.

In most cases, these documents are initially drafted by the community's developer and are then enforced and modified as necessary by the Board of Directors.

Rules & Regulations

Many associations adopt additional rules to help enforce or clarify the guidelines outlined in the CC&Rs, these are known as Rules & Regulations. The Board of Directors has the authority to create rules and regulations to provide more details that support the CC&Rs as noted in the bylaws sec. V; 1A.

They're commonly referred to as a catch-all for items that were not specifically addressed in the other governing documents of the association. Typically, these rules will be more detailed compared to the CC&Rs and also more likely to be modified over time based on the community's current needs.

Rules & Regulations can be modified through a vote by the Board of Directors. However, community members should always be informed of any changes or additions to the Rules & Regulations or any other governing document, and homeowner input is always welcome.

Understanding the difference between the various governing documents of an association, as well as familiarizing yourself

with your community's governing documents, Bylaws, CC&Rs and Rules & Regulations, is an important element of making living in Mesa Hills more harmonious.

Section III

No grantee or grantees, under any conveyance, nor purchasers, shall at any time conduct or permit to be conducted on any residential lot any trade or business of any description, either commercial or non-commercial, religious or otherwise, including day schools, nurseries, or church schools, nor shall premises be used for any other purpose whatsoever except for the purpose of providing a private, single-family dwell or residence.

This also includes any vehicles or trailers associated to support any trade, business or hobby.

No automobiles, trailers, recreational vehicles, boats or other vehicles may be parked, kept or stored on streets within the Subdivision. No automobiles, trailers, recreational vehicles, boats or other vehicles may be parked, kept or stored on the Lots unless they are in running condition, properly licensed and are being regularly used.

All streets within the Community are subject to applicable laws, ordinances and regulations of all government agencies having jurisdiction.

Pets

Please show respect for other residents by not permitting a pet to disturb the peace or, otherwise, be a public nuisance. Excessive dog barking or other animal noises are not allowed and will be deemed a nuisance.

It shall be unlawful for the owner or custodian of an animal to permit the animal to defecate upon a public street, sidewalk, park, or other area, or upon the property of another unless the owner or custodian immediately removes and properly disposes all animal waste that may result. It shall be the duty and responsibility of residents to immediately clean up any waste from their animals. Waste must not be left in the common area, or anywhere within the boundaries of the Community. Deposit all waste in your trash can.

All pets must be kept within an enclosure, and enclosed yard, or if not within the confines of the property, on a leash being held by an individual capable of controlling the animal.

Appropriate enforcement action will be taken regarding animals that constitute a nuisance in the Community.

Residents are responsible and liable for any personal injury or property damage caused by their pet(s).

Residents who are disturbed by an animal are first encouraged to contact the owner and, if unsuccessful, contact Animal Control as well as the Mesa Hill Board.

Section IV

All new construction, or alterations to the exterior of existing homes – including sheds – must follow the Architectural Guidelines and must have the approval of the Board of Directors prior to construction. Permission to make any exterior modifications must be requested in writing; drawings, sketches and specifications must be attached and submitted to the Board of Directors in writing for approval. Please refer to the CC&Rs Article 5, Section 3; A&B for additional details.

Sheds

Any sheds should be stick built and placed on a concrete pad. Colors, shingles, doors, soffits, etc. should match the home. Pre-fabricated wood sheds, such as “Tuff Sheds” could be an option. Discuss design with Mesa Hill Board for approval before purchasing.

Primary dwelling is required to have a minimum capacity for two vehicles and should be used for their intended purpose. Please refer to the CC&Rs Section III; Item 5.

Off Highway Vehicles

All terrain type I and type II vehicles are not allowed to operate within the Mesa Hill Community as outlined in Chapter 35B Off Highway Vehicles Ordinances. This includes dirt bikes and quads. The only exception is for snow removal, which must have a mounted blade attached. City Ordinances for Off Highway Vehicles Chapter 35B.

ENFORCEMENT OF RULES AND REGULATIONS

In order to enforce the CC&Rs, Bylaws, Articles of Incorporation and Rules and Regulations, the Board of Directors may levy, assess, and collect reasonable fines and costs as established by the Board of Directors. The fines will be assessed against the Homeowner for violations by the Homeowner, members of his or her family, invitees, licensee, tenants or lessees of such Owners, (Whenever the word "Owner" is used in the document, the word "tenant" shall also apply.)

The standard fines to be levied in the case of violations are as follows:

1. SCHEDULE OF NOTICES

- A. First Offense: Warning Letter to Owner
- B. Second Offense: Hearing Letter to Owner, Possible Fines
- C. Third Offense: Hearing Called By Board of Directors Plus Fine
- D. Re-occurring Offenses: Enforcement in Accordance With the Determination of the Board at the Hearing.

2. SCHEDULE OF COSTS

- A. First Violation --- First Notice \$0.00
- B. First Violation --- Second Notice \$50.00
- C. First Violation --- Third Notice \$100.00

D. First Violation --- Additional Notice \$150.00

E. Fines – Subsequent Violations by Previous Offenders
– As Determined by Board of Directors

1. The list above is not intended to be all inclusive. Additions may be made as required. Fines, etc., may vary and may increase depending upon the circumstances. Fines etc., may be at the discretion of the Board of Directors; the amounts shall be predicated upon the severity of the violation and may include legal action. A clerical fee may also be assessed in addition to the fine for processing the violation notice.
2. Homeowners are responsible for damage caused to the common area.
3. All legal fees or costs incurred by the Association to enforce violations or collect fines will be the responsibility of the homeowners.
4. It is each Owner's sole responsibility to inform their tenants of all Rules and Regulations. The Owner is also responsible for any and all damage caused by their tenants.
5. Anyone wishing to report an alleged violation of the Rules and Regulations or CC&Rs may do so by contacting mesahills@hotmail.com. Violations should be reported in writing. The identity of the person reporting the violation will not be disclosed to the Owner involved.
6. Failure to pay the fines in the time as set forth herein may result in the filing of appropriate legal action.