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Martin Creek Community Association
P. O Box 943
Kettle Falls, WA 99141

**BYLAWS OF
MARTIN CREEK COMMUNITY ASSOCIATION (MCCA)
(Effective April 2025)**

Article 1
Membership

Section 1. The membership of the Martin Creek community shall consist of one class of members, designated as the owners or contract purchases of parcels of property. Each owner or contract purchaser shall automatically be entitled to membership therein.

Section 2. Where the masculine gender is used throughout these Bylaws, it shall be construed as including both the masculine and feminine. Where appropriate, singular pronouns shall be construed as including plural.

Section 3. The annual meeting of the membership of Martin Creek Community Association shall be held on the last Saturday of April each year, or on the earliest date convenient for the membership after that date. The Board of Directors will determine this date. Special membership meetings of the Association may be called by the Board of Directors of the Association.

Section 4. At any Association membership meeting, a quorum shall consist of 20 lots being represented, whether in person or by a signed proxy registered with the Secretary prior to the start of the meeting. Only members in good standing may vote in person or by proxy. Each lot represented shall be entitled to one vote. Only proxy forms provided by the MCCA will be accepted. Proxy forms must contain the lot number, the member's name, address, signature, and date signed. The proxy will be valid for published agenda items or any other items brought before the assembled membership. A member may represent no more than two proxies at any one meeting.

Section 5. Membership will terminate on transfer of ownership, whether voluntarily or by action of law, reversion of a member's fee-simple title, or contract of purchase. Termination is effective as of the date actual notice is given to the Association of the fact of transfer and/or reversion.

Section 6. Members shall be entitled to receive all the services supplied by the Association and otherwise enjoy the rights of membership only if he is not delinquent in any charges or assessments of the Association and has conducted himself in accordance with the Bylaws, rules and regulations adopted in conformity hereto.

Section 7. Any annual or special membership meeting may be held at the discretion of the Board of Directors. The Board shall decide the location, so long as it is located in Ferry or Stevens County, Washington.

Section 8. Any MCCA member, in good standing may request non-confidential information from the MCCA. The request must be in writing, specifying the information requested. The requesting member will assume all costs associated with the providing the information. The MCCA Secretary will provide the requested information as soon as it is practical.

Article II Management

Section 1. A Board of Directors shall manage the business and property of the Martin Creek Community Association. The Board of Directors will consist of five (5) members, which are members of the Association. No two members of the same family shall serve on the Board at the same time. The Board of Directors shall make and enforce such rules and regulations governing the use of Association property, the water system, and other facilities or property of the Association. The Board of Directors shall determine and set charges and assessments, which they consider appropriate and necessary. The corporate address for MCCA is P. O. Box 943, Kettle Falls, WA 99141.

Section 2. The Directors of the Association shall be elected by a majority vote of the membership of the Association at the annual meeting of the membership, which shall be the beginning of the corporate year, annual meeting to annual meeting. The Board of Directors may fill vacancies in any office at any regular or special meeting.

Section 3. Within a reasonable time after their election, the members of the Board of Directors shall elect from their number the following officers: President, Vice President, Secretary, and Treasurer, and Member at large. All such officers shall be officers of the Association. Duties of the Officers follow:

- A. President: The President of the Board of Directors shall supervise all activities of the Association, execute all instruments in its behalf, and preside at all meetings of the Board of Directors, Annual Meetings, and general membership meetings. He shall perform such other duties usually inherent in such office.
- B. Vice President: The Vice President of the Board of Directors shall act for the President in his absence and perform such other acts as the President may request.
- C. Secretary: The Secretary is the Registered Agent for MCCA. It is the duty of the Secretary to keep all records of the Board of Directors and the Association and to perform other such acts as the President may direct.
- D. Treasurer: The Treasurer shall receive and be accountable for all funds of the Association. He shall pay obligations incurred by the Association when the Board of Directors authorizes payment, and render periodic financial reports as called by the Board.

- E. Member at large: The Member at large is a voting member of the Board who performs various duties as needed.

Section 4. The term of office of the directors for the corporation shall be for three (3) years, except the first directors elected to serve the association: two (2) of who shall be elected for one (1) year, two (2) of whom shall be elected for two (2) years, and one (1) of whom shall be elected for three (3) years.

Section 5. The board of directors of the corporation shall hold regular annual membership meetings on the last Saturday of April or on the earliest date convenient for the membership after that date. The board of directors with call special meetings as necessary.

Section 6. Each member of the board of directors shall possess one vote in matters coming before the board. All voting at the meetings of the board shall be by each member in person, and voting by proxy shall not be allowed. Three (3) members of the board of directors shall constitute a quorum.

Section 7. Any director may be removed from office by a majority vote of the membership at any regular or special meeting of the membership of the corporation. Notice of the proposed removal of a director must be given to such director prior to the date of the meeting at which such removal is to be voted upon. Such notice to the director must state the cause for the proposed removal.

Section 8. Unexcused absence from three consecutive meetings of the board of directors shall be due cause for removal of the director.

Section 9. A person appointed by the board shall fill any vacancy occurring on the board of directors by reason of death, resignation or removal of a director. The appointee shall serve until the next regular membership meeting.

Section 10. The officers, directors and former officers and directors of the association shall be indemnified and held harmless from any liability associated with any claim made against them for any actions taken in the course of their official duties on behalf of the association; provided, however, nothing herein shall be construed so as to the indemnification of an individual against liability for any activities undertaken outside of the scope of their official duties for the association. This indemnification shall apply to the MCCA water director and any other volunteers doing work for the association.

Section 11. Any meeting of the board of directors may be held at the discretion of the president or in his absence, the vice president. The board shall decide the location, so long as it is located in Ferry or Stevens County, Washington.

Section 12. Any expense item expected to exceed \$5000.00 shall be approved by the Martin creek Community Association membership in advance of such obligation. Projects may not be separated to bypass this requirement. The ten day notification requirement for a special membership meeting in the revised codes of Washington, chapter 23 is hereby waived when the MCCA Board of Directors deems the action an emergency. A special membership meeting called by the MCCA board of directors to approve proposed expenditures may be held as soon as an attempt has been made to notify all owners in good standing who reside in the community either by phone, by personal contact, or by mail, giving the purpose, date, location, and time of the meeting. When an expense is expected to exceed \$5,000.00, at least three (3) written bids must be obtained from competitive bidders and the bid awarded to the lowest bidder. On a case by case basis, the MCCA board of directors may, with justification, ask the membership

to waive this requirement at a regular or special meeting. The MCCA Board of Directors is forbidden to expend or obligate funds not authorized in accordance with this article. In case of an emergency affecting the water system, that exceeds the \$5000.00 expense limit, this requirement is waived.

Section 13. A Director may request reimbursement for out of pocket expenses. Reimbursement may be requested for travel for Association business or for purchase of supplies for the Association activities following these stipulations: a) documentation, which states the reason for expense, will be submitted to support request, b) receipts and documentation for travel or purchase of supplies must accompany request, and c) request for reimbursement must be submitted during the month that the expense occurred.

Section 14. The MCCA board of directors is authorized to take action on legal matters (other than filing plaintiff motions in court) to carry out its responsibilities. The MCCA board of directors may initiate a legal action as a plaintiff in the county, state or federal court with the authorization of the MCCA membership at a regular or special meeting. The MCCA board of directors is authorized to defend the MCCA members and the board against all legal actions stemming from MCCA activities or actions in and out of court without additional authorization. The MCCA board of directors is authorized to enforce the covenants and bylaws.

Section 15. The MCCA Board of Directors will appoint and oversee a Building Committee, comprised of three (3) Association members in good standing. The following guidelines will direct the work of the Building Committee:

- A) The Building Committee will have responsibility for ensuring that any construction within the Martin creek Community will ensure that the Covenants and Bylaws are upheld.
- B) Any owner who wishes to begin any construction must complete a form which outlines construction plans and submit those plans to the Building Committee for approval
- C) Construction may not begin until the Building Committee and Board have approved the construction plan.
- D) Building plans must be submitted for any new construction, addition of outbuildings, and/or additions to an existing residence.
- E) Plans, pictures and permits must be submitted for conventional-built (site built) homes, modular (factory-assembled) homes or manufactured (mobile) homes.
- F) Manufactured homes cannot be established on Lots 1-21.
- G) The Building Committee has the right to establish a height of not more than 26 feet from highest point of structure to adjacent undisturbed ground, for Lots 2-10 and 12
- H) The Building Committee or Board has the authority to approve or deny in writing (based on the Protective Covenants) any request by a lot owner.
- I) A lot owner shall have the right to make a written appeal to the Board regarding any denial. The Board shall respond to the appellant in writing within 30 days of the appeal. If the Board denies the appeal, the lot owner may appeal the denial to the general membership at any general or special membership meeting.
- J) The Building Committee must submit a report including minutes, once a month, of any action or a statement of "no action" to the MCCA Board.

Section 16. The MCCA Board of Directors shall appoint or contract a Water Master to oversee all MCCA water matters. He shall report to the Board on a monthly basis the status and needs of the water system. He shall keep the MCCA Board informed of any special or emergency conditions affecting the distribution or quality of the water system. The Board shall communicate such information to the general

membership as soon as is practical. All water associated questions by any member shall be addressed to the Board. The Water Master may, with Board approval, select from the general membership as Assistant/Backup Water Master. The Water Master will assign duties of the Assistant with approval of the Board. Required training and Washington State Certification for the Water Master or Assistant will be supported by the Association. The Water Master will be excused from paying the Annual Assessment during his tenure as Water Master, as long as he fulfills Water Master duties during a full calendar year. The Board has the authority to ask the Water Master for his resignation if he is unwilling or unable to perform the duties required to ensure the MCCA water system.

Section 17. The owner(s) of each lot will be assessed annually. The current amount is \$200.00 and can be paid in one or two payments as follows

May 1: Lot owners can pay the total amount, \$200.00 or pay one-half, \$100.00.

October 1: Lot owners opting to pay one half May 1, pay \$100.00.

Article III Water Policy

Section 1. The Martin Creek Community Association water system shall be regulated, operated and maintained by MCCA. The MCCA Board of directors is responsible to the members of the Association to manage and maintain the system. The water system shall be financed by means of an assessment against individual lot owners. An increase or decrease shall reflect the actual costs of operating and maintaining the water system, and associated MCCA costs and expenses.

In case of a major breakdown of the water system the costs will be allocated as follows:

If the breakdown is due to normal wear and tear on the system the repair costs will be paid by MCCA to the point that a balance of 300.00 remains in the MCCA account. At that point all individual lot owners hooked up to the water system will equally share the additional expense by means of a one-time assessment (bill) for that particular breakdown. If the breakdown is not due to normal wear and tear, all forty-nine (49) lot owners, including those still owned by the developers, will be equally assessed.

Section 2. INSTALLATION OF THE SHUT OFF VALVE AND WATER METER

All lot owners shall install, at the time of the initial hook up to the MCCA water system, a proper shut off valve and water meter. The water meter and valve system is to be approved by MCCA. It is the responsibility of the lot owners to install the meter and valve system in the proper location, under the supervision of the MCCA water director.

Section 3. PROPER LOCATION OF THE SHUT OFF VALVE AND WATER METER

The shut off valve and water meter is to be placed at the point where the main water line is tapped. This shall be in the county road easement if possible, or in the utility easement on the lot. The valve and meter needs to be placed within the county road or utility easement to allow access without trespassing on private property.

Section 4. MAINTENANCE RESPONSIBILITY

MCCA will maintain the entire water system to and including the shut off valve and water meter. Individual lot owners will be responsible for all water lines from the shut off valve and meter to the point of usage.

Section 5. INPECTION FEE

All lot owners shall apply to MCCA for hook up to the water system. An inspection fee will apply.

Section 6. WATER USAGE

Water use may be restricted by the MCCA Board when they determine that a water emergency such as a well failure, electrical failure, line breakage, excessive water use, etc. exists. Failure to comply with such restrictions is a violation of the MCCA bylaws. Monies received from water charges shall be used to pay costs of operation, maintenance, and additions to the water system.

Section 7. MONTHLY WATER RATES

Water meters are read each month. Monthly water rates are established by the MCCA Board. Three considerations dictate the monthly rate: providing safe water at a reasonable price for all MCCA lots; monitoring, through the Water Master, the amount of water being used; and assuring the necessary maintenance and operation of the water system.