

Bush Prairie Homeowners' Association Frequently Asked Questions (FAQs)

updated: August 2020

How is Bush Prairie Organized and Managed?

The Bush Prairie Homeowners' Association is a non-profit organization established in accordance with RCW 64.38 and Covenants recorded in the Office of the Thurston County Auditor. The basic purpose of the Association is to govern Bush Prairie in accordance with the Covenants, By-Laws and other governing documents approved by the Association membership.

The Association is governed by a Board of Directors, elected by the members of the Association. The Board of Directors has the power and duty to administer the affairs of the Association in accordance with the governing documents.

The Board is also responsible for the ongoing operation and maintenance of Bush Prairie common areas which are for the common use and enjoyment of the Owners.

Is Membership in the Association Optional?

No. Any person who becomes an owner of property within Bush Prairie is automatically a Member of the Association. Membership is mandatory. It ceases when the person ceases to own property in Bush Prairie. Every Member is subject to the requirements of the governing documents.

Does the Association have an Annual Fee / Assessment?

Yes. Every owner is required by RCW 64.38 and the Covenants to pay a yearly assessment imposed by the Association. These funds are used for the Common Expenses of the Association. These expenses are incurred in the administration, management, maintenance, and operation of Bush Prairie.

The current assessment is \$162.00 per lot, per year (\$13.50 per month). The assessments are due each year on or before the first day of February (**Changed to one Annual payment, as approved by the Association at the 2018 Annual Meeting**). A late charge of 1 % per month is imposed if the payments are not received within 30 days of the date due. An additional 1% is charged for postage & handling.

The Treasurer of the Association will make every reasonable effort to provide you with a statement at least 20 days in advance of the assessment due date. However, failure to receive a bill does not exempt you from paying your assessments.

\$2.50/month of the assessment is dedicated to the Capital Reserve Fund (See below).

Failure to pay assessments may result in a lien on the delinquent property and legal action to collect past due amounts. Liens must be cleared in order to sell property.

Does the Association have Meetings?

There will be at least one meeting of the Association annually as established by the Board of Directors. The Annual meeting is normally held in November. Special meetings of the Association may be called by the Board of Directors or upon the presentation of a Petition signed by 25 % of the Owners. Notice of Association meetings shall be mailed to the address on file with the Board Treasurer.

The Board of Directors holds Board meetings, usually at the home of a Board member, periodically, as scheduled by the Board. Owners can find out the date and location of the next Board meeting by contacting any Board member. All Board meetings are open for observation by all owners of record and their authorized agents. Minutes of meetings are posted on the Association web site.

Does the Association have a set of Rules/Regulations?

Yes. The Association and its Members are governed by "Governing documents," which include the Articles of Incorporation; Declaration of Covenants, Conditions, and Restrictions (amended in 2008); By-Laws; Division Plat; County zoning restrictions; and other written instruments by which the association has the authority to exercise any of the powers provided for under RCW 64.38 or to manage, maintain, or otherwise affect the property under its jurisdiction.

The Architectural Control Committee (ACC) is established under the Bush Prairie Covenants. The Chair of the Committee is an elected Board Member. The other members of the Committee are volunteers, appointed by the Board of Directors. Any building, fence, wall or other structure and exterior addition or alteration constructed in Bush Prairie requires the written approval of the ACC.

The ACC has the authority to establish standards of architecture, design and construction as it deems reasonable. The standards, once approved by the Board of Directors, are published and are available from any member of the ACC. Many of the standards are explicitly stated in the Covenants. Some are included in the By-Laws.

Under RCW 64.38, the Board has the authority to adopt and enforce rules and regulations, and levy reasonable fines in accordance with a previously established schedule adopted by the Board and furnished to the owners. A schedule of fines was first discussed at the 2003 Annual Meeting. An amendment to the By-Laws was approved at the 2015 Annual Meeting, formalizing compliance standards in Bush Prairie. The Board was directed to establish an enforcement policy, to include a schedule of reasonable fines (to be published as an Official Board Policy),

I believe a Violation of the Rules/Regulations is taking place. What do I do?

It is probable that the violation has been reported to the Board of Directors already and a letter has been written to the owner in an effort to correct it. But, if you notice any violation, please don't hesitate to contact any member of the Board by letter, email, telephone, or in person.

Are Members of the Board of Directors Employees of the Homeowners' Association?

No. All Directors are uncompensated Volunteers, elected by Owners at the Annual Homeowners' meeting for one or two year terms. The Board consists of five Owners. A President and a Vice-President are elected annually at the first Board meeting after the Annual Homeowners' meeting.

I am interested in Repainting or making a Modification/Addition to my Property. What are the Procedures?

All external modifications/improvements undertaken on your home/lot must be approved by the Association's Architectural Control Committee. The Chair of the Committee is a Board Member. A contact email address and telephone number is posted on the Association's Web Site or can be obtained from any Board Member.

Outside painting colors must be submitted to the ACC for approval. The objective is to harmonize adjoining house colors. This is accomplished by an ACC member contacting neighbors in view of the house to be painted.

Are there different Covenants for the different divisions of Bush Prairie?

Yes. With the exception of Article VII, the Covenants (as amended in 2008) apply to all Lots. Article VII contains additional covenants, condition and restrictions unique to divisions 5 & 6, 7, and 8.

I live in Division 7. Why is my Annual Assessment higher than other Homeowners?

The additional Covenants for Division 7 require that the Association maintain the storm water detention basins in Division 7 and that Owners of lots in Division 7 pay an additional \$2.00 per month to cover stormwater maintenance costs. The Board Treasurer maintains a separate account for these funds.

Are there Conditions and Restrictions on Landscaping?

Yes. These are found in Covenants and in the By-Laws (which apply to all lots). Initial landscaping must be completed within 12 months after a building permit is issued. Where sidewalks exist, the area between the sidewalk and the street will be lawn and maintained by the lot owner. Maintenance of the sidewalk is also the responsibility of the adjacent landowner.

Landscaping between the house and the street will be grass, although rock landscaping that prevents the overtaking of weeds and the blowing of dirt into neighbors' yards is permitted.

The ACC has the authority, in accordance with Article VI, Section 12 of the Covenants and Article XIII of the bylaws, to notify an Owner when a lot is not maintained to ACC standards. If the Owner fails to correct the problem, the ACC may contract for necessary maintenance and assess the Owner for its cost.

Can I keep my Recreational Vehicle, Trailer or Boat on my Lot?

Yes, with certain restrictions. They must be parked on a prepared hardstand and screened from public view. A six-foot high opaque fence, or other visual barrier, such as shrubbery, between an RV, trailer, or boat and a public street will be considered adequate screening. Clearly temporary parking in driveways is permitted. Use as a residence, either temporarily or permanently, is prohibited.

What are Special Assessments for Capital Improvements?

The Association has constructed and maintains certain capital improvements in the Common Areas. Examples are the playground and tennis court in the "Bowl." With the approval of two-thirds of the Owners, the Association may levy a special assessment to pay, in whole or in part, for the cost of any construction, reconstruction, repair or replacement of a capital improvement in a common area.

Since its establishment in 1978, the Association has, with one exception, maintained all capital improvements within Annual Assessments collected. This includes the addition of landscaping and sprinkler systems at both entrances to Bush Prairie. The one exception was the addition of cluster mailboxes in 2010, after approval of over 80% of the Owners.

What are the Assessments I pay used for?

The major fixed costs of the Association include water for irrigated portions of the Common Areas, electricity for lighting at our entrances, liability and hazard insurance, and landscape maintenance of the Common Areas. Replacement or addition of new capital improvements is discussed and approved by the Board of Directors.

A budget, showing anticipated revenues and expenditures, is presented to Owners at each Annual meeting of the Association. A Treasurer's report of revenues and expenditures is presented to the Board at each of its meetings.

What are the "Common Areas" of Bush Prairie?

These are properties turned over to the Association by the developer. They include the Bowl off of Bridle Drive (which includes a tennis court, basketball hoop, big toys playground, swings, a backstop for softball and picnic tables), the Meadow off of Arab Drive below the Trails, and Forest Walk off of Arena Court. They also include landscaping at the entrances to Bush Prairie and at the end of some of the cul-de-sacs.

When was Bush Prairie annexed into the City of Tumwater?

Bush Prairie was under the jurisdiction of Thurston County, in the City of Tumwater Urban Growth Area. On January 1, 2016, after a series of public meetings and approval of the City Council, we became part of the City of Tumwater.

What are the primary changes resulting from the annexation?

Residents of Bush Prairie may now participate in City elections. The City picked up the electric bill for our streetlights (about \$5,000/year). Residents will now be subject to a City utilities tax on their water and other utilities bills. Police protection and fire protection should improve (and the cost of homeowners insurance may be reduced

because of this). Overall, taxes and fees remain about the same. Some went up and some down.

How about water and septic?

We were already on City water. Annexation did not trigger any new septic hook-up requirements. The nearest existing sewer lines run along Tumwater Blvd to the north of Bush Prairie and along 79th Ave to the south. Long term planning can be found in the City Sanitary Sewer Comp Plan.

How do I get involved in keeping Bush Prairie a pleasant place to live?

All Owners are encouraged to attend Annual and Board meetings and participate in management of the Association. Various committees are always in need of active members. There is a regular turnover of Board members and Officers. Any Owner may be added to the ballot at their request.

Tell me about my Mailbox. See separate Mailbox FAQ on BPHA web site.

What is the Capital Reserve Fund (CRF)?

In November, 2010, during the Annual Membership Meeting, it was suggested that the Board investigate establishing a capital reserve fund to protect the interests and current assets of the BPHA and provide monies for possible new amenities within the neighborhood. At the 2011 Annual Membership Meeting, the BPHA membership approved establishing the Fund initially from 2011 BPHA net income (which ended up being \$4,319). The Board was also charged with developing policies and procedures for the Fund.

The Board of Directors (the “Board”) of the Bush Prairie Homeowners Association (the “BPHA”) completed a Capital Reserve Study (the “Study”) in 2012 to determine the Association’s ability to maintain the BPHA’s existing assets and provide for possible additional neighborhood improvements. The Board was originally charged by its membership in its 2010 annual meeting to develop a sustainable Capital Reserve Fund (the “Fund”). During the following two years the Board researched and developed a comprehensive analysis. The Study showed that the BPHA has accumulated a substantial amount of assets (over \$115,000 in value) that the Board believes is critical in keeping the neighborhood desirable for its homeowners and attractive to prospective buyers. The Study also showed that additional BPHA dues were required to, at a minimum, maintain the existing assets within Bush Prairie and prevent a large special assessment in the future. A copy of the initial Study is available to any Bush Prairie homeowner by contacting the BPHA Secretary. The Capital Reserve Study is updated as part of the yearly budget process and presented at the Annual Meeting.

A minimum of \$6,832 per year of BPHA income is required to maintain the roughly \$115,000 worth of assets. The, then current, assessments were insufficient to support this contribution. The Board made the initial decision to raise assessments by \$2.50/month and transfer any unspent budgeted operating account funds to the CRF at the end of each year. Assessments were increased by \$1/month in 2013 and 2014, and an additional

\$0.50/month in 2015. It is projected that this \$2.50/month assessment will be sufficient through 2023, at which time an increase of an additional \$0.75/month will be necessary.

How has the COVID-19 pandemic modified BPHA operations?

Since March 2020, the Board has held all meetings via Conference Call. Minutes are still produced and posted on the Association web site. If the Annual Meeting cannot safely be held as a gathering, the meeting may be cancelled (with all information mailed to owners) or an electronic virtual meeting may be held.

Our landscape maintenance contractor is operating.

Association Gatherings, such as the Spring Egg Hunt, the Joint Garage Sale, and the Annual Picnic have been cancelled.