

Dixie Springs ACC Answers to Questions

Your Acc board members would like to address some of the questions that have been circulating in our community lately. If you have additional questions or concerns please feel free to ask them at acc@dixiespringsacc.org in order to get accurate information.

Question: Is there money missing from the Dixie Springs ACC checking account?

Answer: No, there are no missing funds and there have never been any missing funds.

The current ACC board has spent many months looking into a discrepancy between the ending balance in the 2017 taxes, and the beginning balance of the 2018 taxes. The accountant that was hired to do the 2017 taxes made an incorrect entry on 1/1/2018. The board that started June of 2018 made sure that everything balanced with the checkbook but were not aware of that entry. The ACC board that served from June 2018 to June 2020 used a different accountant for the 2018 and 2019 taxes and he did not notice the discrepancy until the current board brought the documentation to him. This accountant corrected the taxes as needed and the letter from the accountant can be seen at this link:

<http://dixiespringsacc.org/docs/20182019ReasonForTaxChange.pdf>

Question: If the ACC is eliminated immediately, and the CC&Rs eliminated in 10 years in accordance with the current petition to change the CC&Rs, will the City of Hurricane enforce the Dixie Springs CC&Rs?

Answer: No. The City of Hurricane will not and cannot legally enforce any CC&Rs on any community in Hurricane. The City of Hurricane does not even enforce their own ordinances consistently. The residents of Dixie Springs will only be able to enforce the CC&Rs through a lawsuit against a neighbor. The advantage of having the ACC enforce the CC&Rs is they have the ability to assess fines. Also, most residents do not want to have to sue their neighbors and would rather have the ACC handle the issue. Eliminating the CC&Rs also stops any review of homes to the CC&Rs. For example, a builder could build a 900 ft² house. The City of Hurricane would allow it. A lawsuit from a community member to a builder would be required, and by the time that was resolved, the house would long be built, and the only remedy would be to tear it down.

By eliminating the ACC, you are essentially getting rid of the CC&Rs because they are practically unenforceable without the ACC. It is highly unlikely that someone will spend the time and money to sue a neighbor over CC&R violations. Therefore, signing the petition to change the CC&Rs makes the CC&Rs ineffective.

Question: Did the ACC board that served before the current board donate \$700 in cash to the Ivin's Veteran's Home?

Answer: No. The ACC board that served before the current one received two portable computers from the previous board. There was no need for one of the computers so the board decided to donate it. The board chose the Ivin's Veteran's home as a worthy recipient and Nancy Crowley delivered it at their request. A receipt for the portable computer can be seen at this link:

<http://dixiespringsacc.org/docs/2019VeteransHomeDonation.pdf>

Question: Does the Dixie Springs ACC Officers and Board Insurance classify the ACC as an HOA?

Answer: No. There was a picture posted of an insurance application in 2012 that said the ACC was an HOA, but that insurance company turned the ACC down. As a matter of fact, the ACC insurance is very expensive because it is not an HOA. The current insurance is through Lloyds of London and a problem the ACC has had is insurance companies do not have data about ACCs so they can determine the liability. It would be easier and cheaper to get insurance if the ACC was an HOA.

Question: How does the ACC decide what CC&Rs violations to look at?

Answer: The ACC is made up of only three volunteers and cannot possibly take on all violations. Their first priority is the homes being built and holding the contractors responsible. Remaining violations are prioritized in a policy that can be seen at this link.

http://dixiespringsacc.org/docs/Policies/1_DixieSpringsACCEnforcementPriorityPolicy.pdf

Question: Is a petition the correct way to make changes to the CC&Rs?

Answer: No. Because people that purchased lots in this community did so with the understanding that certain CC&Rs would be in effect, changing them should be taken carefully and deliberately. While submitting a petition to the board may be a valid way to show there is a desire for members of the community to request a change to the CC&Rs there is a very defined process necessary to make a change that affects the community as a whole.

Question: Is it possible for the community to make changes to the CC&Rs?

Answer: Yes. The process for changing CC&Rs should start with a poll of the people in the community. Each proposed change should be explained in detail and then the lot owners given the opportunity to provide feedback on each change. Only if a change is very broadly supported in the community should the change go forward. Once one or more changes have broad community support, each lot owner is given information about each change, and a redlined version of the CC&Rs. Then each lot owner has the opportunity to vote on the change, which is a yes or no vote.

The current process has not gotten broad feedback, and to make things worse, the proposed changes to the CC&Rs have been modified since the petition drive started. Therefore, it is hard to know what you are signing for, especially without receiving a redlined copy to read before you sign the petition.

Question: Is the Dixie Springs ACC an HOA in the eyes of the State of Utah or under any definition?

Answer: No. The letter from the attorney explaining why this is so is included in this mailing. It is also at this link:

<http://dixiespringsacc.org/docs/20201019ACCAttorneyLetter.pdf>

Also, see the following "Certificate of Existence" for the Dixie Springs ACC:

<http://dixiespringsacc.org/docs/DixieSpringsACCCertificateOfExistence.pdf>

Dixie Springs ACC