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## School board member wants city to impose impact fees

### Council's attorney says it may not be legal

FAIRFIELD — Fairfield City School District board member Arnold Engel wants the city to impose impact fees on new development and to use the money to help fund the school district.

But city council's attorney John Clemmons said Tuesday night he does not know of any legal precedence that allows one government body to impose a tax to benefit another government entity.

"It's not legal to have impact fees for the benefit of the schools," said Clemmons, who is also the school board's attorney. "The city cannot enact fees for another government entity it is not responsible for."

Engel said he disagrees with Clemmons' opinion, saying he's talked with others who say the opposite.

"In this case, it's a fee charged on new residential construction, and the revenue would be used to build the new

schools that would be required to educate the children coming into the district as a result of the new development,” Engel said.

Clemmons said he could “always be educated further” but until he sees case law supporting the legality, he is advising council not to move forward.

If council does not move forward, Engel said Citizens for Accountability and Results in Education, a group he founded, will petition to place a referendum on the November ballot to impose impact fees.

According to the Butler County Board of Elections, 1,069 signatures of registered voters are required to place the issue on the ballot, or 10 percent of the last municipal election.

“I was told the county charges a \$3,500 impact fee to tap into the sewer system. If they can charge us \$3,500 to flush our toilets, then it’s only fair for us to charge \$8,000 to \$10,000 to tap into our school system,” Engel said.

The city has 2,400 acres of undeveloped land, and only about 31 percent can be used for residential use, but Engel said that could be used for 2,400 new homes.

Local developers don’t like the idea.

“What I’ve seen here, it doesn’t make much sense,” said developer Rex Richardson. “I want to make clear we’re not going to pay those fees, (home buyers will). I thought the remedy was a levy. I’ve been involved in a lot of them, voted for all of them. I think that’s how we support our schools, through choice, not a mandate that burdens a select few instead of a shared community burden.”

Butler County Commissioner Michael Fox, who was not at the meeting, is in favor of impact fees, and although he doesn’t know exactly what the law allows for municipalities, he said cities can do what they want unless the charter or state prohibits it.

“We (the county) already have authority to charge impact fees for roads, sewer, water, drainage — to pay for impacts of growth,” Fox said. “We do not have authority to treat the impacts of development on school systems the same way. We’re living in tough times for everyone. You have to think of everyone.”

Ohio House Bill 299 has been proposed which would allow school boards and townships to impose impact fees.

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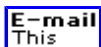
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