

Legality of park board's use of fees for rent unclear

By Renee Messacar - Staff Writer

SYCAMORE - The Sycamore Park Board still isn't sure whether using impact fees from new subdivisions to pay the community center's rent violates a city ordinance.

The issue came up a few months ago when park board Treasurer Ken Andersen looked over the district's expenses and realized that some of the subdivisions paying impact fees don't contain parks, and the fees those residents paid are going toward the rent of the community center at 357 N. California St., which serves all city residents.

"It's a fairness issue," he said. "It isn't fair that these people are paying the cost and everyone gets to use the community center."

The park district has used impact fees since 1996 to help build new parks to handle Sycamore's growing population.

Andersen, who also serves as vice president of the DeKalb County Building and Development Association, believes paying rent and paying for formation of the district's comprehensive growth plan were illegal uses of money from the capital development fund. At park district meetings, he's hinted that a developer might sue the district over the fee use.

The district could avoid the conflict if it paid for the community center's rent with funds from elsewhere in the budget and put money back in the capital development fund, but the district doesn't have enough money to do that, he said.

He asked for DeKalb County State's Attorney Ron Matekaitis' thoughts on the issue.

Matekaitis wrote the board Jan. 17 that such uses "do not appear consistent with the provisions of Ordinance 2001.87," which basically states that the board has to use impact fees to acquire new park lands or improve existing park lands for use by residents who paid the impact fees.

In a conversation Monday, Matekaitis said he is unsure whether paying the community center's rent in this way is legal, and he "will reserve judgment" on the issue until he can speak again to the park district's attorney, John Wyeth.

A few weeks ago, he asked Wyeth to check with other attorneys in the industry about the matter.

Wyeth told the board in a Feb. 11 letter that it should not have used impact fees to pay for the formation of the comprehensive plan. He advised it to return that money to the capital development fund, which it

since has done, Andersen said.

But Wyeth maintains the district was justified in using impact fees to pay the community center's rent because the district essentially acquired it as a new park land, even if the site isn't permanently a part of the district. And, although the community center is available for all residents, it still serves the people in the new subdivisions, Wyeth said.

His letter states that Peter Murphy, the general counsel for the Illinois Association of Park Districts, agrees with his findings.

Matekaitis said Monday afternoon that he has not spoken with Wyeth on the topic again, although, according to park district Executive Director David Peek, Wyeth has made a few attempts to reach Matekaitis.

The board has become "exasperated" waiting for a definitive answer on the matter, Peek said.

"We want to put this behind us," he added.

Wyeth did not respond to voice messages left at his Yorkville office.

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