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DOWNTOWN ADVISORY COMMISSION AGENDA ITEM

ACTION REQUESTED:

Concur with the recommendation to transition DAC from a commission to a taskforce.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director

BOARD/COMMISSION REVIEW:

DAC discussed this item at their November 8, 2018 and February 7, 2019 meetings. This item was scheduled for additional discussion at the November 14, 2019 DAC meeting; however, there was not enough time to discuss this agenda item at that meeting.

BACKGROUND:

DAC previously discussed this topic at their February 7, 2019 meeting. At the conclusion of the discussion, DAC recommended forming a subcommittee to further discuss this item; however, this subcommittee has not met to date.

DISCUSSION:

Staff recommends that DAC transition from a commission to a taskforce based on the lack of new actionable agenda items that have been before the Commission since February 2019.

Open Meetings Act Concerns

Moreover, moving to a task force from a commission will eliminate the potential to violate the Open Meetings Act (OMA) when DAC members participate in various other meetings pertaining to Downtown Naperville. For example, many DAC members attend Downtown Naperville Alliance meetings where Downtown issues are discussed. If a majority of a quorum of DAC members, (i.e. 4 DAC members), are present at a DNA meeting and engage in deliberative discussions that pertain to DAC business, DAC members will likely violate the OMA. To avoid that, if DAC remains a

commission, DAC members will need to coordinate to ensure that 3 or less DAC members attend and participate in such meetings.

Commission Structure

DAC was established as a formal City commission in accordance with Title 2 (Boards of Commissions) of the Naperville Municipal Code in 2008. As a commission, DAC is subject to certain powers and duties; compliance with the Open Meetings Act, including meeting quorum requirements and publishing an agenda/minutes for each meeting; and appointment by the Mayor and City Council subject to applicable term limits.

Taskforce Structure

Prior to its establishment as a commission, a similarly comprised group met as the Downtown Plan Implementation Committee (DPIC) with the sole charge of implementing the recommendations of the 2000 Downtown Plan. DPIC was formalized as a Commission in 2008 based on some transparency concerns raised by a limited group of property owners who had been attending the meetings. However, staff finds that it is appropriate to again consider converting DAC to the taskforce format based on the following items:

- Many of DAC's defined Powers and Duties, per Title 2 of the Naperville Municipal Code, have either been fulfilled or are no longer applicable due to changing staffing resources/available budget. Accordingly, several 2017 and 2018 DAC meetings were cancelled due to lack of applicable agenda items. The topics that DAC would like to discuss are not necessarily related to these Powers and Duties and may be more appropriate for a less formal meeting setting.
- The taskforce model allows for more flexibility in meeting scheduling, as a quorum is not required to convene a meeting and formal agendas/minutes are not required to be published. Taskforces are not subject to the Open Meetings Act. In addition, meetings can occur more frequently, as they are not limited by available staff resources; staff could attend these meetings to provide the city's perspective but staff's preparation time will be significantly reduced.
- Term limits are not applicable to taskforce members.
- Taskforces allow for establishment of sub-committees of the whole to address specific areas/topics of interest. Taskforces can still weigh in on items being presented to the City Council pertaining to Downtown Naperville.
- The taskforce model is currently being used by the Senior Task Force, Accessible Community Task Force, and Naperville Environmental Sustainability Taskforce.

Recommendation

Based on the above discussion, staff finds that it would be appropriate to transition DAC from a commission to a taskforce.