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DOWNTOWN ADVISORY COMMISSION AGENDA ITEM

ACTION REQUESTED:

Revisit discussions regarding DAC's structure.

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 and February 13, 2020 DAC meetings; however, this item was not discussed at those meetings due to lack of time and/or quorum. DAC again began discussions on this item on October 8, 2020; however, discussions did not conclude due to lack of time.

BACKGROUND:

DAC's standing as a City commission is being reviewed for several reasons, including the lack of new actionable agenda items that have been before the Commission since February 2019, as well as Open Meetings Act (OMA) concerns resulting from DAC's current composition.

Specific to agenda 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of DAC's defined Powers and Duties, per Title 2 of the Naperville Municipal Code, have either been fulfilled or are no longer applicable due to changing staffing resources/available budget.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 DAC meetings between 2017 - 2020 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 often do not require a formal vote.

Specific to OMA, 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.

DISCUSSION:

DAC Structure

Following discussion occurring at the October 8th DAC meeting, City staff reviewed potential options regarding DAC restructuring with the City's Legal Department. The two options determined to be viable are as follows.

Option 1: Remain a City Commission

As a City 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.

If DAC remains as a City commission, its membership will need to be changed to eliminate the OMA violations that are likely occurring today. In this respect, DAC would largely need to be comprised of City residents, business owners, etc. who do not also participate in DNA, NDP, or the Chamber so that participation in those groups is not inhibited. DAC's powers and duties should also be revisited to ensure that they are actionable and relevant today. The required changes to DAC's Commission structure would occur through an amendment to the City Code which would be adopted by the City Council.

Option 2: Decommission DAC and Create a Downtown Taskforce

In this model, the Downtown Taskforce would act completely independent of the City. The City Council would amend the City's Code to decommission the Downtown Advisory Commission. Following this action, City Council/Mayor would have no involvement in the appointment of those serving on the Downtown Taskforce, the format of the meetings, and/or the topics discussed. Under the taskforce format, City staff and/or City Council members may still attend the meetings, as needed depending on the topics being discussed; however, City staff would have no involvement in the administration of the Taskforce and no public notice of the meeting would be required. Per Legal, there is also no requirement that the Downtown Taskforce be registered as a not-for-profit, unless they intend to collect and/or spend funds.

It should be noted that the Mayor and City Council at any time have the ability to form a Steering Committee of Downtown representatives in response to any pending City project/topic, as determined to be necessary and appropriate. The Steering Committee, if formed, would be appointed by the Mayor and City Council and would be subject to OMA requirements.