



## Legislation Details (With Text)

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**Title:** Conduct the first reading of an ordinance decommissioning the Downtown Advisory Commission of the City of Naperville and deleting Chapter 20 (Downtown Advisory Commission) of Title 2 (Boards and Commissions) of the Naperville Municipal Code

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Draft MeetingMinutes12-Nov-2020 DAC Structure, 3. CHAPTER\_20\_\_DOWNTOWN\_ADVISORY\_COMMISSION

Date	Ver.	Action By	Action	Result
12/1/2020	1	City Council		

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Conduct the first reading of an ordinance decommissioning the Downtown Advisory Commission of the City of Naperville and deleting Chapter 20 (Downtown Advisory Commission) of Title 2 (Boards and Commissions) of the Naperville Municipal Code

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

**BOARD/COMMISSION REVIEW:**

In 2018, members of the Downtown Advisory Commission (DAC) began discussing their structure. After deliberating at four separate meetings, on November 12, 2020, DAC approved a motion (by a vote of 10-1) recommending that it be decommissioned as a commission and that it instead become a taskforce which operates independently of the City. Commissioner Nagle cast the dissenting vote noting concerns that a taskforce does not carry the same weight as a City commission.

**BACKGROUND:**

Many the Commission's Powers and Duties, as set forth in Title 2 of the Naperville Municipal Code, have either been fulfilled or are no longer applicable due to changing staffing resources and/or available budget. Accordingly, multiple DAC meetings between 2017 - 2020 were cancelled due to lack of agenda items. The topics that DAC would like to discuss are not necessarily related to the defined Powers and Duties. Furthermore, if a majority of a quorum of the members of DAC attend meetings of other organizations where downtown issues are discussed, such as the Downtown Naperville Alliance (DNA), the Naperville Area Chamber of Commerce, and the Naperville Development Partnership (NDP), compliance with the Illinois Open Meetings Act may be triggered.

## **DISCUSSION:**

After discussing the issues with the Legal Department, on November 12, 2020 staff met with members of DAC and advised that they could either remain a City commission or could seek to be decommissioned and become an independent taskforce.

### **Option 1: Remain a City Commission**

As a City commission, DAC has only the powers and duties enumerated in the Municipal Code; is subject to compliance with the Open Meetings Act, including meeting quorum requirements and publishing an agenda/minutes for each meeting; and its members are appointed by the Mayor and City Council subject to applicable term limits.

A significant Open Meetings Act concern arises when a majority of a quorum of DAC members attend meetings of the Chamber of Commerce, NDP, and DNA. In some cases, DAC members are also voting members in these organizations that discuss and vote on issues pertaining to the downtown. DAC members have a vested interest in attending these meetings. However, their participation is inhibited by virtue of the need to comply with the OMA. This presents a unique and somewhat intractable conflict of interest that could only be resolved by treating DAC's involvement in the Chamber, DNA and NDP in accordance with the requirements of the OMA (i.e., notice, minutes, right of the public to address DAC at these meetings).

### **Option 2: Decommission DAC and Create a Taskforce**

Under this option, the taskforce would act independently of the City. The City Council would amend the Municipal Code to decommission the Downtown Advisory Commission. Following this action, the Mayor and City Council would have no involvement in the appointment of those serving on this 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 compliance with OMA regulations will not be required. Per the Legal Department, the new "Downtown Taskforce" need not be registered as a not-for-profit organization unless they elect to do so or if they intend to collect and/or spend funds. Finally, DAC advised that under the taskforce model, it is their intent that meetings would remain inclusive and open to the public.

### ***DAC Recommendation***

Following discussion of the above options on November 12, 2020, DAC recommended that it be decommissioned by the City. The subsequent formation of a "Downtown Taskforce" should be constituted and will operate independently of the City. Staff concurs with this recommendation and has prepared the attached ordinance eliminating the Downtown Advisory Commission as a commission of the City and deleting the associated provisions in Title 2 (Boards and Commissions) of the Municipal Code.

## **FISCAL IMPACT:**

N/A