



Naperville

CITY COUNCIL AGENDA ITEM

SUBJECT: DAC Term Limits

TYPE OF VOTE: Simple Majority

ACTION REQUESTED:

Concur with DAC and direct staff to prepare an ordinance amending Section 2-1-6 (Terms and Term Limits) of the Naperville Municipal Code as it applies to the Downtown Advisory Commission.

BOARD/COMMISSION REVIEW:

At their February 26, 2015 meeting, the Downtown Advisory Commission made a motion to amend the Municipal Code to allow DAC members to serve four (4) three-year terms (cumulative) for a total of 12-years per commissioner, except that resident-at-large positions would be subject to standard term limits (i.e., two (2) three-year terms). Motion approved (7-0).

COUNCIL ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
n/a		

DEPARTMENT: Transportation, Engineering, and Development Business Group

SUBMITTED BY: Allison Laff, AICP, Planning Operations Manager

FISCAL IMPACT:

None

BACKGROUND:

Title 2: Term Limits

Chapter 2-1-6: - TERMS AND TERM LIMITS of the Naperville Municipal Code provides:
All terms of members of boards and commissions shall terminate on May 30 of the year in which the term is expired. All members of boards and commissions shall be limited to two (2) consecutive terms and shall not be eligible for appointment beyond two (2) consecutive terms. However, the Mayor has the authority to appoint persons who are not otherwise eligible because they have already served two (2) consecutive terms, to a vacancy and serve solely for the remainder of one unexpired term. The terms shall be three (3) years, unless otherwise specifically provided.

Title 2: Downtown Advisory Commission

Chapter 20 (Downtown Advisory Commission) of Title 2 (Boards and Commissions) provides regulations regarding the creation and purpose, membership, term, residency, and powers and duties of the Downtown Advisory Commission (DAC), including:

2-20-2: - MEMBERSHIP:

The Commission shall consist of eleven (11) members, appointed by the Mayor with the approval of City Council, pursuant to Section 2-1-2 of this Title, unless otherwise noted. Said membership shall include the following:

1. One member shall be the president of Naperville Area Chamber of Commerce, or his or her designee.
2. One member shall be the president of the Naperville Development Partnership, or his or her designee.
3. Two (2) members shall be property owners in the downtown area.
4. One member who conducts or manages a business within the central business district
5. Two (2) members shall be citizens appointed at large.
6. One member shall have professional expertise in architecture or design.
7. Two (2) members shall be appointed by the Mayor with the approval of the majority of the City Council.
8. One member shall be the City Manager or designee.

2-20-3: - TERM:

Except for the members appointed from the Naperville Area Chamber of Commerce and the Naperville Development Partnership, all term limits shall conform to the provisions of Section 2-1-6, "Terms And Term Limits", of this Title.

2-20-4: - RESIDENCY:

Except for the two (2) members who own property in the central business district, the one member who conducts or manages a business within the central business district, the one member with expertise in architecture or design, and the President of the Naperville Development Partnership, the remaining members shall be subject to the residency requirements pursuant to Section 2-1-5, "Residency Requirements", of this Title.

DISCUSSION:

At their October 20, 2014 meeting, the Downtown Advisory Commission discussed the membership requirements of the commission. During this discussion (see Attachment 1), concerns were raised regarding the term limits applicable to the commission, particularly due to the difficulty in filling some of the specifically defined seats with a limited candidate pool (i.e., those who either own a property or business in the downtown, or those with a strong interest/awareness of downtown, depending on the seat). For reference, the Downtown Property Owner seat has been vacant since December 2013. In response to these concerns, DAC made a motion to request that the term limit provisions be waived for DAC (motion approved, vote 9-0).

Prior to forwarding the requested amendment to the City Council for consideration, staff requested confirmation of DAC's October 2014 motion at the February 26, 2015 DAC meeting (see Attachment 2). Based on additional discussion that occurred at this meeting, DAC made a

revised motion to request that the code be amended to allow DAC members to serve four (4) three-year terms (cumulative) for a total of 12 years per commissioner, except that resident-at-large positions would be subject to standard term limits (i.e., two (2) three-year terms). This motion was approved (7-0). Following the motion, Commissioner Jeffries clarified that her motion was intended to allow previous DAC commissioners who have served 2 terms to be eligible to be reappointed to DAC to serve an additional 2 terms if so desired.

If City Council concurs with the Downtown Advisory Commission, staff will prepare an ordinance which modifies Title 2: Term Limits to include the following:

- Clarification that term limits shall not be applicable to the Naperville Chamber of Commerce, Naperville Development Partnership, City Council or City Manager designees (status quo).
- Revise the term limits applicable to the two (2) downtown property owners, one (1) downtown business owner, and one (1) design professional seats to allow these commissioners to serve four (4) three-year terms for a total of 12 cumulative years per commissioner.
- Allow prior DAC commissioners who have completed 2 terms to be eligible to serve an additional 2 terms.
- Continue to apply standard terms limits to the two (2) citizen at large positions given the large potential applicant pool to draw from.

RECOMMENDATION:

Concur with DAC and direct staff to prepare an ordinance amending Title 2 (Board and Commissions) of the Naperville Municipal Code as it pertains to term limits applicable to the Downtown Advisory Commission.

ATTACHMENTS:

1. DAC Term Limits – Attachment 1 – October 20, 2014 DAC Meeting Summary
2. DAC Term Limits – Attachment 2 – February 26, 2015 DAC Meeting Summary
3. DAC Term Limits – Attachment 3 – Current DAC Roster