



MANAGER'S MEMORANDUM

Prepared for: **Naperville City Council**

By: City Manager's office

5/28/2026

A. MANAGER'S MEMORANDUM

Source:

1. Marcie Schatz,
Assistant to the
City Manager

Subject:

Legislative Positions -
Week of May 25, 2026

Action:

FYI

2. Jake Fiedler,
Special Events Coordinator
Community Services

Change of Scope:
Mandala South Asian
Performing Arts

FYI

**CITY OF NAPERVILLE
MEMORANDUM**

DATE: May 28, 2026
TO: Doug Krieger, City Manager
FROM: Marcie Schatz, Assistant to the City Manager
SUBJECT: Legislative positions – Week of May 25, 2026

Purpose:

At the December 2, 2025, meeting, the City Council approved the 2026 legislative priorities. City staff uses the approved legislative priorities (LP), principles, and review process which includes reporting on legislative actions in the Managers Memorandum.

Discussion:

City staff filed witness slips on the following bills:

Bill No.	Title	Position	Basis
SB635 SA1	Faith Based Housing	Opponent	Usurp Municipal Authority
SB640 SA1	Middle Housing	Opponent	Usurp Municipal Authority
SB643 SA1	Third Party Plan Review and Inspections	Opponent	Usurp Municipal Authority
SB1796	Body Cameras – FOIA Request	Proponent	Legislative Priority
SB2715 HA5 HA8	Open Meetings Act- Statewide Association (FOIA)	Proponent	Legislative Priority

**The City engaged on SB2715 due to the addition of FOIA-related Amendments 5 and 8 which are aligned with the legislative priority of Government Efficiency, maintaining transparency while reducing the burden on city staff.*

SB635 AMENDMENT 1 – FAITH BASED HOUSING

Cited as the “Faith Based Housing and Mixed Use By-Right Act”. “By-Right” definition requires 40% of units to be affordable. Allows by-right multi-family and mixed-use developments not more than 6 stories. Prohibits additional setback requirements, minimum parking requirements, other development restrictions including FAR and lot coverage, unreasonable restrictions on supportive housing, approval based on subjective design standards, and a hearing or vote by plan commission or corporate authorities as a condition of approval. Allows municipalities to apply requirements that are applicable to comparable developments, objective, and related to public health and

safety. May impose ministerial permit fees comparable to other developments. Establishes permit review timelines and approvals. Limits home rule powers.

SB640 AMENDMENT 1 – MIDDLE HOUSING

Provides energy efficiency building code changes for middle housing. Provides middle housing entitlements in counties and municipalities to expand housing choice, increase supply of attainable housing, and establish uniform statewide standards. Applicable to all residential districts. Municipalities may not require a lot size greater than 2500 sf for a single-family dwelling. For lot sizes of 2500 sf to 7500 sf, four dwelling units are permitted by right. For lot sizes over 7500 sf, six dwelling units are permitted by right. Municipalities must adopt clear and objective standards by June 1, 2027, reflective of these requirements. Municipalities may not adopt parking standards that would impede middle housing. Municipalities must allow conversions to middle housing up to the permitted density allowed with exceptions. Discretionary review of middle housing is prohibited unless also required for single family units. Establishes setbacks, floor area ratio, driveway, access, lot coverage requirements, and affordability standards for middle housing. Limits home rule powers.

SB643 AMENDMENT 1 – THIRD PARTY PLAN REVIEW AND INSPECTIONS

Provides for timeframes for initial (30 business days) and subsequent plan review (10 business days) for a one-family residential project, 2-family residential project or any multifamily, mixed-use, or commercial project. For single trade permits, including HVAC, solar photovoltaic system, fence, and EV charging stations, municipalities shall complete its review within three business days. Provides that, if a municipality fails to complete its plan review within the deadlines established under the provisions, then the applicant may retain a qualified third-party plan reviewer. Provides that a municipality shall accept any plan review submitted by a qualified third-party plan reviewer as meeting the municipality's requirements if the review demonstrates compliance with the applicable building codes. Provides that, if a municipality fails to conduct a required inspection within five business days, then the applicant may retain a qualified third-party inspector. Provides that a municipality may require reasonable documentation demonstrating that a qualified third-party plan reviewer or qualified third-party inspector meets the qualification requirements, including proof that the qualified third-party plan reviewer's or qualified third-party inspector's licensure or certification is current and active and has knowledge of local zoning and building codes. Provides that a municipality may not charge plan review or inspection fees for any portion of the review process or inspection process performed by a qualified third-party plan reviewer or qualified third-party inspector. Provides that a qualified third-party plan reviewer or qualified third-party inspector shall disclose any potential conflict of interest to the applicant and the municipality before accepting an engagement. Limits home rule powers.

SB1796- BODY CAMERAS – FOIA REQUESTS

Provides that a public body may charge fees reflecting its actual costs up to \$40 for each hour spent by personnel in searching for and retrieving a requested recording or examining the record for or applying necessary redactions on requests for recordings

that are made pursuant to the Law Enforcement Officer-Worn Body Camera Act, unless the request is made by: (1) a court order; (2) the subject of the encounter or the subject's legal representative; (3) a witness to the encounter or the witness's representative, if the encounter resulted in the recording being flagged; (4) a representative of the news media, as defined in the Act; or (5) a nonprofit, scientific, or academic organization when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education. Provides that a public body shall respond to requests for recordings within 5 business days after the receipt of the request with an estimated time that will be required for the public body to provide the recordings requested and an estimate of the fees to be charged. Further provides that the public body shall have an additional 5 business days to respond to a request once payment of the estimated fee is made, as well as any extensions allowed under any other applicable provisions of the Act. Specifies that if the requester fails to pay the required estimated fees within 30 days after the public body requests payment of the estimated fee, then the public body may deny the request. Requires a public body that imposes a fee under the provisions of the amendatory Act must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records and must apply a new balance or refund based on the actual cost versus the paid estimate. Authorizes a waiver of fees under the amendatory Act if the requester can demonstrate that the purpose of the request is to access and disseminate information in order to further the interest of the health, safety, and welfare or the legal rights of the community.

SB2715 - OPEN MEETINGS STATEWIDE ASSOCIATION*

Replaces everything after the enacting clause with the provisions of the introduced bill with the following changes. Amends the Open Meetings Act (rather than amends the Open Meetings Act contingent upon Senate Bill 243, as amended by House Amendment No. 1, becoming law). Provides that a public body may hold closed meetings to consider self evaluation, practices and procedures, or professional ethics, when meeting with a representative of a regional association (only for regional associations pertaining to municipalities) or statewide association of which the public body is a member. Effective immediately (rather than effective immediately or on the date Senate Bill 243 takes effect, whichever is later).

As Amended in HFA 5:

Amends the Freedom of Information Act. Defines "vexatious litigant". Provides that, in any action under the Act, a public body may move for an order declaring the plaintiff to be a vexatious litigant and authorizes the court to require the posting of security before proceeding on the merits. Sets forth procedures for determining vexatious-litigant status, including stays of proceedings, required findings, and available sanctions for failure to post security. Authorizes courts to issue prefiling orders limiting future actions filed by vexatious litigants, establishes procedures for clerks when such orders are in effect, and provides for automatic stays and dismissal of improperly filed actions.

Requires the clerk of the court to report determinations of vexatious-litigant status to the Public Access Counselor and requires maintenance of a registry of vexatious litigants.

As Amended in HFA 8:

In the Freedom of Information Act, changes the definition of "vexatious litigant" to include a person who, in the 12 months immediately preceding the commencement of an action under the Act, has commenced civil actions against 10 or more public bodies under the Act in any court. Provides that, if a public body establishes that a plaintiff meets the definition of vexatious litigant under the Act (rather than is a vexatious litigant), the court shall declare the plaintiff a vexatious litigant and shall order the vexatious litigant to post security in an amount calculated to cover the public body's current and anticipated reasonable attorney's fees and costs (rather than the public body's reasonable attorney's fees and costs). Requires a court determining whether a person is a vexatious litigant to consider only the person's litigation history under the Act (rather than to consider the person's litigation history under the Act). Changes specified time periods for civil procedure in the context of a vexatious litigant under the Freedom of Information Act from 10 business days to 15 business days.

Recommendation:

Please include in the May 28, 2026, Manager's Memorandum.

**CITY OF NAPERVILLE
MEMORANDUM**

DATE: May 28, 2026
TO: Doug Krieger, City Manager
FROM: Jake Fiedler, Special Events Coordinator, Community Services
SUBJECT: Change of Scope: Mandala South Asian Performing Arts

Purpose:

At the May 20, 2026, SECA Commission meeting, Mandala South Asian Performing Arts presented a change of scope to their proposed Story of Ram initiative, in which they were awarded a \$10,000 SECA Grant for Operations Funding.

Discussion:

The applicant submitted an updated plan for review and discussion at the SECA Commission meeting held May 20, 2026. The original proposal, Story of Ram, set for October 2026, sits closely at the intersection of mythology and religion. After the SECA grant was awarded, several artists expressed hesitation about participating in the event due to the current political climate. In light of this, the applicant sought support for an alternative proposal centered on nature, community storytelling, and cultural memory through a multi-ethnic Asian performance.

Inspired by human connection to earth and nature, this immersive production by Mandala South Asian Performing Arts brings together rare traditional instruments, movement, and storytelling to explore themes of nature, memory, migration, and belonging. The initiative would include interviews with seniors from the Naperville community about their memories of feeling connected to nature - whether from their places of origin or through their lives in Naperville.

Featuring acclaimed artists including Chamni Sriparam, Saraswathi Ranganathan, Tzu-Tsen Wu, Tatsu Aoki, Bob Garrett, Habib, and the Pak Ngurah Ensemble, the work blends Indian classical ragas, Japanese improvisational aesthetics, Taiwanese string traditions, Thai instrumental and Indonesian gamelan-inspired textures, and contemporary composition into a richly layered sonic and movement experience.

The SECA Commission determined that the proposed revisions constituted a minor change in scope, as the updated proposal did not alter the overall type of project, primary audience, format, or core deliverables of the funded event. While the artistic

focus evolved from the original concept, the revised proposal remained consistent with the project's broader purpose of providing a culturally focused public arts experience. Additionally, there were no changes to the fundamental use or justification of SECA-funded expenses, and no additional funding was requested. The Commission further found that the overall purpose, nature, and public benefit of the project remained substantially the same. The SECA Commission recommended that Mandala South Asian Performing Arts be granted approval to proceed with the updated plan.

Recommendation:

Please include in the May 28, 2026, Manager's Memorandum.