

20-40: - THE EMERGENCY TELEPHONE SYSTEM BOARD OF DUPAGE COUNTY

1) Short Title, Definitions

- a) Short Title. This Ordinance may be cited as the "DuPage County Emergency Telephone System Board Ordinance."
- b) Definitions. As used in this Ordinance, unless the context clearly requires otherwise, the following terms are herein defined:
 - i) "ETSB" means the Emergency Telephone System Board of DuPage County;
 - ii) "ETSB Service Area" means the geographic area and telephonic area defined by the 9-1-1 system design plan filed with and approved by the Illinois State Police 9-1-1 System Administrator;
 - iii) "Member Agency or Member Agencies" refers to any unit of local government which is a member of the ETSB either by referendum or intergovernmental agreement;
 - iv) "Member" refers to any person appointed to serve on the ETS Board;
 - v) "Surcharge" means any fee which the law may impose or authorize to be imposed by ordinance which the ETSB is authorized to expend for the purposes set forth by law;
 - vi) "Public Safety Answering Point (PSAP) is an entity responsible for receiving 9-1-1 calls and processing those calls according to a specific operational policy;
 - vii) Additional definitions, the ordinance adopts the definitions defined in the National Emergency Number Association Glossary of 9-1-1 Terminology NENA-ADM-000.19-2016, 12/20/2016 where a statutory definition differs, the Illinois statutory definition as stated will take precedent.

2) Powers and Duties of the ETSB

- a) Powers Authorized by Illinois Law. The ETSB may perform any duty or function authorized by Illinois law, including, but not limited to, those powers and duties authorized by the Emergency Telephone System Act and the Wireless Emergency Telephone System Act in effect and as subsequently amended.
- b) Powers Authorized by DuPage County. In addition to the powers and duties set forth in Paragraph (a), pursuant to 50 ILCS 750/15.4, DuPage County authorizes the ETSB to perform the following duties:
 - i) Provide for the general policies and operations of the ETSB;
 - ii) Establish such committees or work groups as the ETSB deems necessary or useful;
 - iii) Maintain and operate an interoperable radio network infrastructure and related emergency dispatch equipment as a component of the emergency telephone system for police, fire, and emergency response purposes;
 - iv) Develop policies to coordinate and facilitate the consolidation of Public Safety Answering Points (PSAPs) within its geographic 9-1-1 System in DuPage County and adjacent counties including but not limited to Cook, Kane and Will counties; and providing financial assistance, including reimbursement to ETSB PSAPs and member agencies to migrate to a consolidated center for purposes of E9-1-1 dispatch services in accordance with such policies. A PSAP or member agency

seeking reimbursement for expenses incurred pursuant to an ETSB consolidation policy shall demonstrate it procured the goods and services for which it seeks reimbursement through a process no less restrictive than those set forth in the DuPage County Procurement Ordinance. The ETSB may contract directly with the agency seeking reimbursement;

- v) Employ such personnel necessary and provide for the compensation thereof, for the implementation or upgrade of the 9-1-1 System and for the day-to-day operations of the ETSB pursuant to the headcount allocation established by the County Board.
 - (1) All such personnel except for independent contractors are employees of the County of DuPage for purposes of benefits and general personnel policies.
 - (2) The ETSB shall have the exclusive authority for the hiring, discipline, or termination of such personnel;
 - vi) Delegate day-to-day operations and duties, including the implementation of budgeted expenditures to ETSB officers or personnel;
 - vii) Authorize the expenditure and payment of any funds Illinois law may authorize the ETSB to control for any purpose that the law authorizes such funds to be expended;
 - viii) Perform any other duty or function as may be authorized by the DuPage County Board by ordinance, resolution, intergovernmental agreement, or other enactment.
- c) Powers Inferred. The ETSB may exercise any additional power or duty necessarily implied from the foregoing provisions of this Paragraph 2, and those that are essential and indispensable to carry out such powers and duties.

3) Membership of the ETSB

- a) Board Composition. The ETSB shall consist of twelve (12) members appointed by the DuPage County Board upon the nomination of the Chairman of the County Board.

ETSB Membership shall consist of the following:

- i) Public Representative - One (1) public member who resides within the service area of the ETSB;
- ii) County Board Representative - Three (3) members of the DuPage County Board who are not also a members of any other constituency represented on the ETSB;
- iii) Sheriff's Representative - One (1) member who represents the DuPage County Sheriff;
- iv) Addison Consolidation Dispatch Center (ACDC) - One (1) member who represents ACDC;
- v) DU-COMM Representative - One (1) member who represents DuPage Public Safety Communications (DU-COMM);
- vi) Police Chiefs Representative - One (1) member who represents the DuPage County Association of Chiefs of Police who is an active chief from a government entity that is a member of the DuPage ETSB;
- vii) Fire Chiefs Representative - One (1) member who represents the DuPage County Fire Chiefs Association who is an active chief from a government entity that is a

member of the DuPage ETSB;

- viii) Mayors and Managers Representative - Two (2) active members who represent the DuPage Mayors and Managers Conference, not more than one of whom shall be affiliated with a municipality that is a member of DU-COMM;
 - ix) Emergency Services Representative – One (1) member who represents or is employed by a public health, emergency service, or disaster agency or provider of emergency medical services not otherwise represented on the ETSB.
- b) Eligibility. All members shall reside in or represent an entity within the service area of the ETSB throughout the duration of their term of office. Members representing an association or agency pursuant to paragraph (a) shall remain employed, appointed by, or otherwise have representation status granted by the association or agency they represent.
- c) Term of Office.
- i) Duration. Members shall be appointed for a term of three (3) years commencing on December 1 and until their successors have been appointed and qualified. The County Board may appoint any member appointed to consecutive terms so long as he or she continues to meet the requirements of membership as set forth in this Ordinance.
 - ii) Vacancies. A vacancy in the ETSB shall be occasioned by resignation, death, physical or mental incapacity, continuous refusal to attend scheduled meetings of the ETSB, removal for cause, cessation of membership in or employment by the entity which the member represents, or in the case of the Public Member, residency outside of the ETSB service area. Except for a removal for cause as set forth in paragraph iii, the ETSB shall determine the existence of a vacancy. The County Board shall fill all vacancies within sixty (60) days in the manner in which the original appointment was made for the duration of the unexpired term.
 - iii) Removals for Cause. The County Board shall have the authority to remove a member of the ETSB for cause upon a written statement by the ETSB or its Chairman, the Chairman of the County Board, or by the DuPage County Ethics Commission, Investigator General, or Ethics Adviser stating the basis of such charges. Any member so charged shall have the opportunity to contest such charges before the County Board within thirty (30) days. The County Board shall then determine whether cause exists to remove such charged member.
 - iv) Appointments in 2013. Notwithstanding the provisions of paragraph (c)(i) of this Section, the unexpired terms of all ESTB members shall terminate on December 1, 2013. For appointments commencing on December 1, 2013, the County Board shall appoint members to initial terms of one (1), two (2), or (3) years as follows:
 - (1) To a one-year term ending on December 1, 2014
 - (a) The Police Chiefs Representative
 - (b) The Fire Chiefs Representative
 - (c) County Board Representative "A"

(d) Mayors and Managers Representative "A"

(2) To a two-year term ending on December 1, 2015

- (a) County Board Representative "B"
- (b) The DU-COMM Representative
- (c) The Public Representative

(3) To a three-year term ending on December 1, 2016

- (a) Mayors and Managers Representative "B"
- (b) The Representative of the Sheriff
- (c) The Emergency Services Representative

Upon the conclusions of the terms set forth in this paragraph (iv) each representative shall be appointed in the manner provided in paragraph (i).

v) Appointments in 2019. For new appointments, the County Board shall appoint members to initial terms as follows:

(1) To a term ending December 1, 2019

- (a) County Board Representative "C"

(2) To a term ending December 1, 2021

- (a) Addison Consolidated Dispatch Center (ACDC) Representative

Such 2019 appointments create a balance in the staggered member's seats of four (4) per year.

Upon the conclusion of the terms set forth in this paragraph (iv), each representative shall be appointed in the manner provided in paragraph (i).

4) Organization and Operations of the ETSB

a) Officers

i) Chairman.

(1) Designation. The Chairman of the County Board shall from time to time designate one of the County Board Representatives to serve as Chairman of the ETSB.

(2) Powers and Duties. The Chairman shall

- (a) Have general supervision and authority over the operations of the ETSB and its personnel;
- (b) Determine the agenda for and preside at meetings of the ETSB;
- (c) Sign, with the secretary or any other properly authorized officer of the ESTB, any instruments which the Board authorizes him or her to execute;
- (d) Appoint in his or her sole discretion such *ad-hoc* committees as he or she deems necessary or prudent to assist him or her in the performance of his or her duties;
- (e) Perform all duties incidental to the office of the Chairman and any other duties as the ETSB may proscribe.

- ii) Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in his or her absence and other duties as the Board may proscribe. The Chairman of the County Board shall from time to time designate one of the Mayors and Managers Representatives to serve as Vice-Chairman of the ETSB.
 - iii) Secretary. The DuPage County Clerk or his or her designee shall be Secretary *ex-officio* of the ETSB. The Secretary shall be responsible for recording the minutes of all meetings, ensuring that notices of such comply with the Open Meetings Act, be the custodian of all records of the Board, and perform all duties incidental to the office of secretary and other duties which the Board may proscribe. The Secretary shall not be a member of the Board.
 - iv) Treasurer. The DuPage County Treasurer shall be the Treasurer *ex-officio* of the ETSB as provided by 50 ILCS 750/15.4(c). The Treasurer shall be the custodian of all moneys received by the Board. The Treasurer shall not be a member of the Board.
 - v) ETSB Attorney. The DuPage County State's Attorney or his or her designee shall be the *ex-officio* ETSB Attorney. The ETSB Attorney shall not be a member of the Board.
- b) Internal Operations
- i) Standing Committees and Workgroups.
 - (1) The ETSB may establish any standing committee or workgroups as it deems necessary to carry out the functions of the ETSB. The Chairman of the ETSB, with the advice and consent of the ETSB shall appoint all standing committees and workgroups, and their membership.
 - (2) Standing Committees shall post an agenda and provide minutes pursuant to the Open Meetings Act.
 - (3) The ETSB shall have informal teams of subject matter experts called Work Groups. The Work Groups will have no authority but may make recommendations to the Policy Advisory Committee, or upon request of, to the ETS Board, in their area of expertise with respect to policy and scope of work for 9-1-1 system equipment.
 - ii) Bylaws and Rules. The ETSB may adopt and from time to time amend bylaws and/or rules governing its internal operations, policies, and procedures provided that all such policies may not conflict with any statute, ordinance, or County policy applicable to the ETSB.
- c) Finance and Procurement
- i) Budget and Fiscal Year.
 - (1) The ETSB shall complete its proposed annual budget by September 1 of each year for presentation to the County Board Chairman and for consideration by the

County Board as part of the County's budget process. Such budget process shall include:

- (a) The County Board's approval of an ETSB budget;
- (b) The County Board's establishment of the ETSB's annual headcount;
- (c) The County Board's approval of a lump-sum appropriation for ETSB purposes; and
- (d) The County Board's determination of the rate of the surcharge imposed pursuant to 50 ILCS 750/15(e);

(2) The ETSB's fiscal year shall commence annually on December 1 and close on November 30.

ii) Emergency Telephone System Fund.

(1) The Treasurer shall hold and manage all moneys collected from the surcharges for deposit into the Emergency Telephone System Fund account. Such fund account shall be interest bearing and shall be maintained in accordance with established County accounting practices and procedures. Any interest earned within such fund shall remain in the fund.

(2) The ETSB has the sole authority to authorize expenditures from the fund. The ETSB may direct such expenditure pursuant to a resolution passed by resolution approved by a super majority of the ETSB's voting membership.

(a) A super majority shall consist of three-fourths votes ($\frac{3}{4}$) or not less than nine (9) members.

(3) The ETSB shall expend funds from the Emergency Telephone System Fund exclusively for the purposes authorized by Illinois law.

iii) Procurement

(1) The ETSB shall adhere to the requirements of Illinois law applicable to Counties and the DuPage County Procurement Ordinance in the procurement of all goods and services as well as to any internal procurement policies the ETSB may adopt.

(a) In applying the DuPage County Procurement Ordinance to an ETSB procurement, the following rules of construction shall apply:

(i) Where the action of the County Board Chairman is expressed with respect to a procurement, the Chairman of the ETSB shall act;

(ii) Where the action of a department head is expressed with respect to a procurement, the 9-1-1 System Coordinator of the ETSB staff as authorized by the ETSB shall act;

(iii) Where the action of the County Board or a committee thereof is expressed with respect to a procurement, the ETSB shall act;

iv) All personal property acquired by the ETSB is the property of DuPage County. The ETSB may use such property in any way it deems appropriate and in compliance with the requirements of Illinois law. The County may not dispose of or reassign such personal property until or unless the ETSB by resolution declares deems such property as surplus. Any monetary proceeds from the disposal of property acquired through surcharge shall be deposited into the Emergency Telephone System Board 4000-

5820 Fund.

v) Accounts Payable / Payment of Claims

- 1) The ETSB shall identify specific staff members who shall have the authority to approve recurring expenditures and expenditures incurred from contracts approved by the ETS Board through the procurement process and submit same to Accounts Payable for payment;
- 2) The Executive Director/9-1-1 System Coordinator shall have the authority to authorize expenses up to \$5,000.
- 3) Expenditures shall be submitted to and processed through the County ERP Accounts Payable System according to the process determined by County policy and the Chief Finance Officer.
- 4) The Office of the County Auditor shall complete a limited scope internal audit of transaction processing of ETSB invoices submitted for payment. The results of this audit shall be submitted in a timely manner to the ETSB Chairman and Board in writing.
- 5) Upon completion of the Accounts Payable process and Audit review, the Payment of Claims released to the Treasurer's office for processing.
- 6) The County Clerk's office shall prepare checks received from the Treasurer's office and shall deliver the checks in sealed envelopes to the mailroom for posting and pick up by the US Postal service upon receipt of said checks. Checks that cannot be processed the day received, should be kept in the Treasurer's Office vault. (55 ILCS 5/3-2012)

vi) Financial Reports and Audits

- (1) Financial Reports. The ETSB shall prepare or cause to be prepared quarterly fiscal reports and an annual budget for its operation and associated activities.
- (2) Internal Audit. The DuPage County Auditor shall conduct an audit of the ETSB at least annually. The ETSB and its staff shall fully cooperate with any audit or other examination conducted by the Auditor.
- (3) External Audit. The ETSB shall contract for an annual independent audit.

vii) Meetings

- (1) Open Meetings Act. The ETSB and each of its committees, task forces, or working groups shall provide notice of, conduct, and retain records of its meetings in accordance with the Illinois Open Meetings Act to the extent that the Act is applicable to it.
- (2) Regular Meetings. The ETSB shall convene at least quarterly. The ETSB shall determine and provide public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year, stating the regular dates, times, and places of such meetings.
- (3) Special Meetings. The Chairman or a super majority of the members of the ETSB may require a special meeting of the ETSB pursuant to a written call with notice of

the location, time, and date of the special meeting and an agenda detailing the items the ETSB will consider. The ETSB may not consider any business not contained on a special call agenda.

- (4) Notice of Meetings to ETSB Members. Except in cases of a *bona fide* emergency, in addition to the requirements set forth in the Open Meetings Act, the ETSB shall provide actual notice of its meetings to its members forty-eight (48) hours in advance of such meeting. Notice to ETSB members shall include an agenda and agenda materials. The ETSB may agree to waive this additional notice by unanimous consent, however it may not conduct business if a member objects in person or in writing.
- (5) Meeting Locations. The ETSB shall conduct its meetings on the DuPage County Complex. Committees and other subordinate bodies of the ETSB may meet at any location within the ETSB service area that is convenient and open to the public.
- (6) Super Majority Required. All actions of the Board shall require the affirmative vote of three-quarters (3/4) of the membership entitled to be appointed to the Board. So long as the Board consists of twelve (12) members, nine (9) members shall constitute three quarters of the membership entitled to be appointed.