



County Board Ordinance

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File #: CB-O-0002-24

Agenda Date: 11/26/2024

Agenda #: 9.A.

AMENDING SECTION 20-40 OF THE DU PAGE COUNTY CODE
PERTAINING TO THE EMERGENCY TELEPHONE SYSTEM BOARD

WHEREAS, in 1989, a majority of electors of the County of DuPage (County) authorized the County Board to impose a monthly surcharge upon billed subscribers of certain wired telephone network connections provided by telecommunication carriers for the purpose of installing or improving an emergency telephone service to respond to calls to 9-1-1 in accordance with the Emergency Telephone System Act (Act) 50 ILCS 750/15.3, previously 720 ILCS 750/15.3 and Ch. 134, par. 45.3 of the Illinois Revised Statutes; and

WHEREAS, the Act required the County Board to establish an Emergency Telephone System Board (ETSB), provide for the manner of appointment and the number of its members, and by ordinance define its powers and duties (50 ILCS 750/15.4, previously 720 ILCS 750/15.4 and Ch. 134, par. 45.4); and

WHEREAS, in accordance with the requirements of the Act, the County Board, adopted an ordinance pursuant to resolution OEX-003-89 defining the powers of the ETSB, and by subsequently amending that ordinance; and

WHEREAS, the County Board further defined the powers and duties of the ETSB by adopting bylaws set forth in Ordinance OCB-001A-09 in 2010 which superseded any previous by-laws of the ETSB and set forth the terms governing the ETSB's composition and operations pursuant to Ordinance OCB-001A-09; and

WHEREAS, the County Board further provided for the selection of the Chair of the ETSB by adopting, and subsequently amending Section VII of the County Board Rules; and

WHEREAS, the statutory duties and the role of the ETSB in ensuring the successful dispatch of first responding personnel to calls made to 9-1-1, including calls made by wireless devices, have changed significantly since 2010, which has resulted in previous amendments to this Ordinance in 2015 and 2019, which directly incorporated the previously-established by-laws into Ordinance 20-40 but omitted any reference to them as "by-laws;" and

WHEREAS, this amendment of Ordinance 20-40 addresses and aligns with the recent changes to the Act and to the ETSB, furthers governmental efficiency, and improves transparency.

NOW THEREFORE BE IT ORDAINED that the amendment to Section 20-40 of the DuPage County Code, attached hereto and incorporated herein, be, and hereby is, adopted.

Enacted and approved this 26th day of November, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____
JEAN KACZMAREK, COUNTY CLERK

20-40: THE EMERGENCY TELEPHONE SYSTEM BOARD OF DU PAGE 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. “Active member” means a person who is participating in or supporting the organization with intent to support or advocate for the organization under the circumstances that demonstrate the knowledge or the goals of such group and are currently employed by a participating ETSB 9-1-1 System member agency.
 - ii. “ETSB” means the Emergency Telephone System Board of DuPage County;
 - iii. “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;
 - iv. “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.
 - v. “Member” refers to any person appointed to serve on the ETS Board.
 - vi. “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;
 - vii. “Public Safety Answering Point (PSAP)” as entity responsible for receiving 9-1-1 calls and processing those calls according to a specific operational policy;
 - viii. “ETSB Personnel” refers to the Executive Director and the staff under the Executive Director’s direction and control, including any 9-1-1 System Manager appointed by the ETS Board;
 - ix. “Quorum” a quorum of the board of twelve (12) shall be seven (7) members. A quorum (7 members) is required for this Board to conduct any business;
 - x. “Supermajority” for the board of twelve (12) members requires a vote of eight (8) members; and
 - xi. “Simple Majority” shall be a majority of the members present.

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 (ETSA) 50 ILCS 750 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 and work groups as the ETSB deems necessary or useful;
 - iii. Maintain and facilitate an interoperable radio network infrastructure and related PSAP emergency dispatch equipment as a component of the emergency telephone system

9-1-1 for police, fire, and emergency response purposes as allowed by the ETSA statute and state contract for interoperable radio networks;

- iv. Develop policies to coordinate and facilitate standardization of the 9-1-1 System software and operation for the most efficient receipt of a 9-1-1 call, operation, and delivery of the 9-1-1 dispatch;
- 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 the ETSB Board 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.
- ix. Designate a 9-1-1 System Manager, whose duties and responsibilities shall be set forth in by the Emergency Telephone System Board in writing.

- c. **Powers Inferred.** The ETSB may exercise any additional power or duty necessarily implied from the foregoing provision of this Paragraph 2, and those that are essential and indispensable to carry out such powers and duties.

3) Membership of ETSB

- a. **Board Composition.** The ETSB shall consist of twelve (12) members appointed by the DuPage County Board upon the nomination of the Chair of the County Board. At no time shall the membership of the board consist of more than thirty (30) percent membership from any governmental entity serviced by any one PSAP within the ETSB. This thirty (30) percent restriction shall only apply to members in the following categories: iv – ix and shall exclude elected officials, as defined by 50 ILCS 750/15.4. The 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 member of any other constituency represented on the ETSB;
 - iii. DuPage County Sheriff's Office – One (1) member who represents the DuPage County Sheriff;
 - iv. Addison Consolidated Dispatch Center (ACDC) – One (1) member who represents ACDC;
 - v. DuPage Public Safety Communications (DU-COMM) – One (1) member who represents DU-COMM;

- vi. 9-1-1 Public Safety Agency 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. 9-1-1 Public Safety Agency Fire Chiefs Representative – One (1) member who represents the DuPage County Fire Chief’s Association who is an active chief from a government entity that is a member of the DuPage ETSB;
 - viii. DuPage Mayors and Managers Conference (DMMC) Representative – One active member who represent the DMMC from each PSAP that are members of DuPage ETSB;
 - ix. 9-1-1 Public Safety Agency Emergency Services Representative – One (1) member who represents or is employed by an 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 shall continue past the end of their term until their successors have been qualified and appointed. If an expired term continues past the termination date for 180 days, the membership shall be deemed vacant. 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, repeated refusal to attend scheduled meetings of the ETSB, removal for cause, cessation of active membership in or employment by the entity which the member represents, or in the case of the Public Representative member, residency outside of the ESB service area. Except for a vacancy created by operation of the terms of paragraph i and for 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 Chair, the Chair 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. Current Board Membership

1. The Current Terms of the ETSB shall remain in effect and the passage of this Ordinance shall not affect the terms of the current membership of the ETSB in any way.
2. Upon the conclusion of the terms of the Board, each representative shall be appointed in the matter set forth in paragraph (3)(c)(i).

4) Organization and Operations of the ETSB

a. Officers

i. Chair

1. Designation - The Chair of the County Board shall from time to time designate one of the County Board Representatives to serve as Chair of the ETSB.
2. Powers and Duties. The Chair shall:
 - a. Have general supervision and authority over the operations of the ETSB and its personnel;
 - b. Determine the agenda for and preside at the meetings of the ETSB;
 - c. Sign, with the secretary or any other properly authorized officer of the ETSB, any instruments which the Board authorizes the Chair to execute;
 - d. Appoint at the Chair's sole discretion such ad-hoc committees as the Chair deems necessary or prudent to assist the Chair in the performance of the Chair's duties;
 - e. Perform all duties incidental to the office of the Chair and any other duties as the ETSB may prescribe.

ii. Vice-Chair. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair and other duties as the Board may prescribe. The Chair of the County Board shall from time to time designate one of the DuPage Mayors and Managers Conference Representatives to serve as Vice-Chair of the ETSB.

iii. Secretary. The DuPage County Clerk or the Clerk's 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 prescribe. The Secretary shall not be a voting member of the Board.

iv. Treasurer. The DuPage County Treasurer shall be the Treasurer *ex-officio* of the ETSB as provided by 50 ILCA 750-15.4(c). The Treasurer shall be the custodian of all monies received by the Board. The Treasurer shall not be a voting member of the Board.

v. ETSB Attorney. The DuPage County State's Attorney or a designee of the State's Attorney shall be the *ex-officio* ETSB Attorney. The ETSB Attorney shall not be a voting member of the Board.

b. Internal Operations

i. Standing Committees and Focus Groups

1. The ETSB may establish any standing committee or workgroup as it deems necessary to carry out the function of the ETSB. The Chair of the ETSB, with the advice and consent of the ETSB, shall appoint all standing committees and their membership.
2. Standing Committees and subcommittees shall post an agenda and provide minutes pursuant to the Open Meetings Act.
3. The ETSB may have informal teams of subject matter experts called Focus Groups. The Focus Groups will have no authority but may make recommendations to Committees, 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. The Executive Director may create Focus Groups for, but not limited to, the purpose of configuration and implementation of new 9-1-1 systems, review of software or upgrades to existing components of the 9-1-1 system. Focus Groups will generally be regular users of the 9-1-1 System or employees of the ETSB or PSAPs whose input into the workflow and configuration are essential to their daily operational use.

- ii. Policies and Rules. The ETSB may adopt and from time to time amend policies and/or rules governing its internal operations 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. The Emergency Telephone System Fund.

1. The Treasurer shall hold and manage all monies collected from the surcharge for deposit into the Emergency Telephone System Fund account(s). 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 funds shall remain in the fund.
2. The ETSB has the sole authority to authorize expenditures from the fund.
 - a. The ETSB may direct such expenditure pursuant to a resolution passed by resolution approved by a majority of the ETSB's voting membership.
 - b. A super majority of the board shall be required for budget approval and any new capital purchase exceeding \$1,000,000.
 - c. A super majority shall consist of two-thirds votes (2/3) or not less than eight (8) members.
3. The ETSB shall expend funds from the Emergency Telephone System Fund Exclusively for the purposes authorized by Illinois law.

ii. Budget and Fiscal Year.

1. Along with its own process, the ETSB shall submit its proposed annual budget in accordance with County Budget Calendar each year for presentation to the

County Board Chair 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.
2. The ETSB's fiscal year shall commence annually on December 1 and close on November 30.
 3. Approval of the budget will require a super majority vote of the ETSB.
 4. Once approved by the ETSB, the budget will be sent to the County Board for final approval.

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 Chair is expressed with respect to a procurement, the Chair 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 Manager 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 and deems such property as surplus. Any monetary proceeds from the disposal of property acquired through surcharge shall be deposited into the Emergency Telephone System 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 Manager shall have the authority to authorize expenses in the amount and manner provided in DuPage County Ord. 2-346.

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 Chair and Board in writing.
5. Upon completion of the Accounts Payable process and Audit review, the Payment of Claims shall be 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 participate in the County ERP system and provide to the ETS Board on a monthly basis fiscal year expenditures and revenue reports. On a not less than an annual basis, the County Chief Financial Officer and Treasurer shall provide a revenue report for the ETS Board.
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 County shall procure audit services including a single annual, independent audit for ETSB. The ETSB shall be responsible for the cost of their portion of the County contract for a single annual, independent audit. The ETSB shall participate in the procurement of audit services with the County. The ETSB Company funds shall be reviewed in annual, separate audit coordinated through the County Finance Office with ETSB staff.

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 (Act) to the extent that the Act is applicable to each.
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 Chair, 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 ESTB 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. Some actions of the Board shall require the affirmative vote of two-thirds (2/3) of the membership entitled to be appointed to the Committee. So long as the Board consists of twelve (12) members (whether or not those positions are filled), eight (8) members shall constitute two-thirds of the membership entitled to be appointed.
 - a. Super-Majority shall be required for:
 - i. Annual Budget Approval;
 - ii. Any increase or decrease in headcount or salary changes outside of the annual budget process;
 - iii. New Capital purchases in excess of \$1M;
 - iv. New ETSB Policies or amendments to existing ETSB policies;
 - v. Approval and recommendation of Intergovernmental Agreements to the County Board on behalf of the ETSB;
 - vi. Consolidation of an outside agency including any agency seeking services from a PSAP which will utilize any or part of the 9-1-1 System components including but not limited to, the DEDIR System or CAD;
 - vii. Migration of an existing agency from one PSAP to another within the 9-1-1 System including costs associated with the migration, if any.