

ORDINANCE

OCB-001A-09

AMENDING THE BYLAWS OF THE
EMERGENCY TELEPHONE SYSTEM BOARD

WHEREAS, the County has created an Emergency Telephone System Board ("ETSB") to perform statutory and other duties related to its emergency 9-1-1 system under 50 ILCS 750/1 et seq.; and

WHEREAS, the ETSB functioned independently under Bylaws adopted by the County pursuant to OEX-003-89, adopted June 13, 1989, amended OEX-003A-89, adopted May 10, 1994 and amended OCB-001-09, adopted December 9, 2008; and

WHEREAS, certain Opinions of the Illinois Attorney General indicate that the ETSB is a County agency; and

WHEREAS, it is necessary to amend the existing Bylaws to properly reflect the status of the ETSB and its relation to the County.

NOW, THEREFORE, BE IT ORDAINED that the amended Bylaws, attached hereto and incorporated herein by reference, be and are hereby adopted to govern the operations of the Emergency Telephone System Board of the County of DuPage.

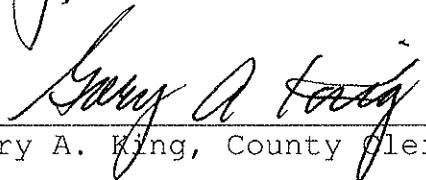
Enacted this 9th day of November, 2010 in Wheaton, Illinois.



Robert J. Schillerstrom, Chairman
DuPage County Board

Ayes: 17
Absent: 1

ATTEST:



Gary A. King, County Clerk

DUPAGE COUNTY
EMERGENCY TELEPHONE SYSTEM BOARD BYLAWS

Article I – Purpose, Powers, Duties and Appointing Authority

A. The DuPage County Emergency Telephone System Board is established pursuant to 50 ILCS 750/15.4 and pursuant to resolution EX-003-89 of the DuPage County Board, adopted June 13, 1989, as amended, establishing the Emergency Telephone System Board.

B. The powers of the Emergency Telephone System Board shall be those powers which are provided by 50 ILCS 750/15.4 and by the ordinance of the DuPage County Board, OEX-003-89, adopted June 13, 1989, amended OEX-003A-89, adopted May 10, 1994 and amended OCB-001-09 adopted December 9, 2008.

C. All Board members shall serve without compensation from the Board. Additionally, all members of the Emergency Telephone System Board shall make periodic reports of Emergency Telephone System Board activities to the organizations/agencies they represent.

D. The County Board is the appointing authority for the Emergency Telephone System Board and Office of the Emergency Telephone System Board in accordance with 50 ILCS 750/15.4. The County Board may consider recommendations from the agencies or groups from which membership for the ETSB is selected as per Article II below prior to making his appointments to the County Board. The County Board Chairman, consistent with state law, shall appoint the officers of the ETSB.

Article II – Membership

A. Membership of the Emergency Telephone System Board shall consist of eight voting members. The voting membership of the Emergency Telephone System Board shall be as follows:

Public Member

1 Representative

who is a resident of the service territory.

DuPage County

2 Representatives

one of whom is a County Board Member;

one of whom represents the County
Office of Homeland Security and
Emergency Management.

Public Safety Agencies

4 Representatives

one of whom is recommended by the DuPage County Sheriff;

one of whom is recommended by the DuPage Chiefs of Police and is not affiliated with DuComm;

one of whom is recommended by the DuPage Fire Chiefs and is not a member of DuComm;

one of whom is recommended by DuComm.

Municipalities

1 Representative

who is recommended by DuPage Mayors and Managers Conference and is a member of DuPage ETSB by referendum.

B. During their term of office, all members of the Emergency Telephone System Board shall be employed by, appointed by, or otherwise have representation status granted by the above organizations/agencies they will be charged with representing.

Article III – Organization

A. Officers

1. Chairman: The Chairman shall control all the business of the Emergency Telephone System Board and shall prepare an agenda for each meeting. He may sign, with the secretary or any other properly authorized officer of the Emergency Telephone System Board, any instruments authorized to be executed, shall perform all duties incidental to the office of Chairman and those proscribed by the Board. The Chairman shall vote in all matters to come before the Board.

2. Vice Chairman: The Vice Chairman shall be one of the members of the Emergency Telephone System Board. The Vice Chairman shall perform the duties of the Chairman in his absence.

3. Secretary: The Secretary shall be the DuPage County Clerk or his designee. The secretary shall be responsible for the minutes of all the meetings, see that notices are duly given in accordance with the bylaws and applicable laws, be custodian of all the records of the Board, and perform all duties incidental to the office of secretary and those proscribed by the Board. The Secretary shall not be a member of the Board.

4. Treasurer: The Treasurer of the Emergency Telephone System Board shall be the Treasurer of DuPage County as provided for in 50 ILCS 750/15.4(C). The Treasurer shall not be a member of the Board, but shall be custodian of all moneys received by the Board.

B. Meetings:

1. Regular meetings shall be held no less than once a calendar quarter. Forty-eight (48) hours' notice of a regular meeting shall be given to members of the Board, including an agenda and agenda materials. Notice may be waived if all members of the Board agree, but no business shall be conducted if any Board member objects. The schedule of regular meetings shall be established and published by the Board pursuant to the provisions of the State of Illinois Open Meetings Act.

2. Special meetings may be held at the (a) written call of the Chairman with notice of location, time and date of said meeting, or (b) by written call with notice of location, time and date of said meeting by any four board members. Forty-eight (48) hours' written notice shall be given to the Board including an agenda and materials for all meetings. Notice may be waived if all members of the Board agree to said waiver in writing. Only those items appearing on the agenda of the special meeting may be considered at the meeting.

3. Notices and meetings of the Emergency Telephone System Board shall be subject to the provisions of the State of Illinois Open Meetings Act.

C. Voting:

1. It shall be deemed there is a quorum when 5 or more members of the ETSB are present.

2. Each member of the Board in attendance, including the Chairman, shall have one vote. In the event of a tie, the Chairman shall not vote again to break the tie, and the motion will fail.

3. Proxy votes will not be allowed.

D. General Powers and Duties:

The Board shall have those powers and duties provided in 50 ILCS 750/15.4 and those set forth in DuPage County Ordinance OEX-03B-89 and amendments to said Ordinance.

E. Fiscal Duties and Responsibilities:

The Emergency Telephone System Board shall:

1. Receive monies from the surcharge imposed under 50 ILCS 750/15.3, and from any other source, for deposit into the Emergency Telephone System Fund which shall be held and managed by the DuPage County Treasurer. All monies received by the ETSB pursuant to the surcharge imposed pursuant to 50 ILCS 750/15.3 and other monies received from any source shall be deposited into a separate interest bearing ETS Fund account. The County may establish such accounting codes and funds within this Fund as may be convenient for audit and record-keeping purposes. All interest earned on the ETS Fund shall accrue to and remain in the ETS Fund.
2. No expenditure may be made from the ETS Fund except upon the direction of the ETSB by resolution passed by a majority of all members of the ETSB; however, all disbursements from the fund shall be in accordance with the DuPage County Procurement Ordinance and such policies and guidelines set by the Emergency Telephone System Board which do not conflict with that ordinance. All property acquired by, or real property acquired for the use of, the Emergency Telephone System Board shall be deemed property of the County of DuPage but shall be used as the ETSB deems appropriate and in compliance with state statute. In applying the Procurement Ordinance, where action of the County Board Chairman is expressed, the Chairman of the Emergency Telephone System Board shall act; where action of the Purchasing Manager is expressed, the County Purchasing Manager shall act; when the Chief Financial Officer is expressed, the County Chief Financial Officer shall act. The Decision Memo procedure shall be followed, but no approval by the County Finance Committee shall be required.
3. Cause to be prepared quarterly fiscal reports and an annual budget for the operation of the Emergency Telephone System Board and associated activities.
4. Be audited at least annually by the DuPage County Auditor.
5. Complete an annual budget no later than September 1st in each year for presentation to the County Board Chairman and for approval by the County Board as part of the overall County budget. The County Board must approve a budget, an annual headcount, set an annual lump-sum appropriation for the ETSB and set the amount of the surcharge imposed pursuant to 50 ILCS 750/15.3(e) prior to the beginning of each fiscal year of the ETSB as part of the annual County budget process.

6. Cooperate with any examinations or audits conducted by the DuPage County Auditor.
7. Nothing herein shall prohibit the ETSB from contracting for an independent audit as the ETSB deems appropriate.

F. Operational Duties and Responsibilities:

The Emergency Telephone System Board shall:

1. Set the general policy and operations of the Emergency Telephone System Board.
2. Receive reports of committees of the Board.
3. Hire any staff necessary, pursuant to the headcount allocation as set by the County Board, for the implementation or upgrade of the 9-1-1- System, and for day-to-day operations and shall provide for compensation of such staff.
 - a. All such staff, except for independent contractors, shall be deemed employees of the County of DuPage for purposes of benefits and general personnel policies, but the County shall not make hiring, discipline or termination decisions.
 - b. The County of DuPage Ethics Ordinance shall be applicable to all activities of the Emergency Telephone System Board and its employees. In applying the Ethics Ordinance, where Chairman is expressed, the Emergency Telephone System Board Chairman shall act, except that the County Board Chairman shall remain the ultimate jurisdictional authority for the conduct of Board members; where County Board members are expressed, the Emergency Telephone System Board members shall act.
4. The DuPage County State's Attorney or his designee shall be the attorney for the ETSB.
5. Delegate day-to-day operations and duties, including implementation of budgeted expenditures, to ETSB staff.
6. Be subject to and abide by the terms of the DuPage Procurement Code for every expenditure made by the ETSB or their staff.
7. Contract for a Non-paid Officers' Professional Liability Bond.
8. Be authorized to make grants of money or equipment to any 9-1-1 public safety agencies, including but not limited to police

departments, fire departments, fire protection districts, emergency medical services providers, and emergency services and disaster agencies whose service area is located in whole or part in DuPage County, provided that grants funded by surcharge monies will be limited to use for purposes set forth in 50 ILCS 750/15.4(c)7.

Article IV – Terms of Office

A. Appointments of members to the ETSB shall be for a three (3) year term or for the balance of an unexpired term. The Chairman of the ETSB shall serve a two (2) year term and shall be appointed by a majority of County Board Members and pursuant to the County Board Rules.

B. There shall be no limit to the number of terms a member may serve on the Emergency Telephone System Board.

C. A vacancy on the Emergency Telephone System Board may be occasioned by resignation, death, physical or mental incapacity, continuous refusal to attend the scheduled meetings by the member, removal for cause, or cessation of membership in, or employment by, the designated entity. The Emergency Telephone System Board shall determine if a vacancy exists. After consulting with the constituent entity represented by the member, the Emergency Telephone Board shall, within 60 days of the vacancy, notify the County Board Chairman of a vacancy of the Emergency Telephone System Board and shall forward a recommendation for a replacement appointee. An appointment to fill a vacancy shall be made pursuant to the procedures set forth in Article I, paragraph ~~C~~ D, herein.

D. Removal for cause. Members of the Board shall not be subject to removal, except for cause and upon a written statement of said charges. Any person so charged shall then have an opportunity to contest said charges before the County Board within 30 days. The County Board shall then determine if cause exists to terminate such charged Board Member.

Article V – Committees

A. The Emergency Telephone System Board may establish any committees necessary to fulfill the functions of the Board. Committees and the committee members shall be appointed by the Chairman of the Emergency Telephone System Board. Committee membership shall be limited to Board members. All committee recommendations must be approved by the ETSB.

B. The Board may establish the following committees:

1. FINANCE, which shall oversee all expenditures and the preparation of an annual budget and quarterly financial reports.
2. PROJECTS, which shall coordinate the implementation and evaluation of major system components.

3. USER GROUP, which shall facilitate communication between the Emergency Telephone System Board and affected public safety agencies using the 911 system, and shall receive comments from the public safety agencies regarding the functioning of the system and recommend to the Emergency Telephone System Board measures necessary to respond to such comments.

C. The Board may establish other committees as they deem necessary which may include non-members of the ETSB as either voting or non-voting members as specified by the ETSB.

Article VI -- Office of the Emergency Telephone System Board

Location of the principal offices of the Emergency Telephone System Board of DuPage County, Illinois, shall be in the DuPage County Offices located at 1901 North Naper Boulevard, Naperville, Illinois 60540. The assets of the ETSB are housed throughout the county at various participating agencies and PSAPs. Meetings will be held at the DuPage County Office in Wheaton, Illinois, at 421 N. County Farm Road, as posted. ETSB Committee meetings may be held at locations within the DuPage ETSB system boundaries as posted.

Article VII -- Administration

A. The procedures to be followed by the Emergency Telephone System Board for expenditures and disbursement of funds shall be subject to the procedures used by the County Board of DuPage County, Illinois.

1. The fiscal year of the Emergency Telephone System Board will be December 1 through November 30.

2. Documented and budgeted expenses incurred by Emergency Telephone System Board members/representatives are reimbursable in accordance with County policies.

B. Except as otherwise required by these bylaws, laws of the State of Illinois or other local ordinances, meetings are to be conducted pursuant to the latest edition of Roberts Rules of Order.

Article VIII -- Amendments

These bylaws may be amended by the County Board as the County Board deems necessary.