

ORDINANCE NO. 17 - \_\_\_\_\_

**AN ORDINANCE REPEALING AND REPLACING TITLE 1 (ADMINISTRATIVE),  
CHAPTER 9 (MUNICIPAL FINANCES), ARTICLE G (ENHANCED 911 SYSTEM  
SURCHARGE), SECTION 13 (EMERGENCY TELEPHONE SYSTEM BOARD)  
OF THE NAPERVILLE MUNICIPAL CODE**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in the exercise of its home  
rule powers that:**

**SECTION 1:** Title 1 (Administrative), Chapter 9 (Municipal Finances), Article G  
(Enhanced 911 System Surcharge), Section 13 (Emergency Telephone System Board) of the  
Naperville Municipal Code is hereby repealed in its entirety and replaced in its entirety with the  
underlined language as follows:

**1-9G-13: - EMERGENCY TELEPHONE SYSTEM BOARD:**

1. Board Established: In accordance with Section 15.4 of the Emergency Telephone System Act, 50 Illinois Compiled Statutes 750/15.4, the Mayor and the City Council hereby established the Emergency Telephone System Board (hereinafter "Board").
  - 1.1. Members: The Board shall consist of:
    - 1.1.1. City of Naperville Chief of Police (Chairman)
    - 1.1.2. City of Aurora Chief of Police
    - 1.1.3. Village of North Aurora Chief of Police
    - 1.1.4. City of Naperville Fire Chief
    - 1.1.5. City of Aurora Fire Chief
    - 1.1.6. City of Naperville PSAP Director
    - 1.1.7. City of Aurora PSAP Director (non-voting member)
    - 1.1.8. City of Naperville City Council Member
    - 1.1.9. City of Aurora Alderman
    - 1.1.10. Two (2) City of Naperville Residents
    - 1.1.11. City of Aurora Resident
  - 1.2. Members of the Board shall serve without compensation, but shall be reimbursed for their actual, necessary and documented expenses;
  - 1.3. In the event of a tie, the Board Chairman shall cast the tie-breaking vote.

1.4. City Council, Alderman and resident members of the Board shall be appointed on the basis of their training, ability, or experience in the duties of the Board with said City of Naperville members being appointed by the Mayor of the City of Naperville, subject to the approval of the Naperville City Council and said City of Aurora members being appointed by the Mayor of the City of Aurora, subject to the approval of the Aurora City Council; and

City Council, Alderman and resident members of the Board shall serve at the will of the respective Council that approved the appointment of said member and be removed upon a majority vote of the Council that approved the appointment of said member with or without cause.

2. Terms:

2.1. The initial City Council, Alderman and resident Board members shall serve staggered terms as follows:

2.1.1. One (1) City of Naperville resident Board member and one City of Aurora resident Board member shall serve for a period of four (4) years;

2.1.2. One (1) City of Naperville resident Board member shall serve for period of three (3) years;

2.1.3. One (1) Naperville City Council Board member shall serve for a period of two (2) years; and

2.1.4. One (1) Aurora Alderman Board member shall serve for one (1) year.

2.2. Thereafter, Board members shall serve for a period of four (4) years or until a successor is nominated and approved.

2.3. Annual terms shall be deemed to expire on December 31 of a given year, except that for initial appointments the first year shall be deemed to expire on December 31 of the year following the year of appointment.

2.4. A Board member may be reappointed for successive four (4) year terms.

2.5. Vacancies shall be filled for the unexpired term of the member being replaced in the same manner as all original appointments.

3. Procedures, Officers, Rules And Reports:

3.1. Officers; Rules And Regulations: The City of Naperville Chief of Police shall be designated as chairman beginning with the first group of appointees. Immediately following their appointment, the members of the Board shall meet, organize, elect a secretary and such officers for annual terms as they may deem necessary, and shall adopt and amend as necessary, rules and regulations of organization and procedures consistent with the City's ordinances.

3.2. Meetings:

3.2.1. The Board shall meet at such times as it may by resolution designate. Special meetings may be called by the chairman or any three (3) members of the Board, provided forty-eight (48) hours' notice of such a special meeting is given to each member.

3.2.2. Service of such notice may be waived by any member. Notice of each meeting shall be given pursuant to the provisions of the Open Meetings Act.

3.2.3. Participation by means other than physical presence:

3.2.3.1. A majority of the Board must be physically present at the Board meeting in order to achieve a quorum. As long as a quorum is physically present, a majority of the Board may allow a member of the Board to attend a meeting by video or audio conference if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; (iii) a family or other emergency; or (iv) as otherwise permitted by the Illinois Open Meetings Act, 5 ILCS 120 et al., as amended from time to time.

3.2.3.2. A Board member wishing to attend a regular or special meeting by video or audio conference must notify the chairman not less than twenty-four (24) hours before the meeting unless advance notice is impractical. Such notice for an emergency meeting shall be given as early as possible.

3.2.3.3. The chairman will announce the name of any Board member attending by video or audio conference at the beginning of the meeting.

3.2.3.4. Board members participating by video or audio conference shall preface their comments and their votes by first stating their last name.

3.2.4. If the Naperville Police Chief, Aurora Police Chief, North Aurora Police Chief, Naperville Fire Chief, or Aurora Fire Chief are unable to attend a Board meeting, the absent Chief may, in said Chief's sole discretion, designate an employee from their respective department to attend the meeting in the absent Chief's stead. The absent Chief's designee shall serve as a proxy for the absent Chief and have all of the rights and responsibilities of the absent Chief including the right to vote on all matters before the Board.

3.3. Voting: Each member of the Board, except the City of Aurora's PSAP Director, shall be entitled to one vote on all matters.

3.4. Meeting Minutes: The Board shall keep written records of its proceedings which shall be open at all times to public inspection. Copies of all minutes of the Board shall be furnished to the City of Naperville and City of Aurora City Council.

- 3.5. Reports And Recommendations: The Board shall issue such reports and recommendations as are requested by the City of Naperville or City of Aurora City Council or the Naperville City Manager or Mayor of the City of Aurora, in addition to matters which it may initiate by its own action.
- 3.6. Response To Requests For Reports Or Recommendations: Upon the request of the Naperville City Manager, Mayor of the City of Aurora or the City of Naperville or City of Aurora City Council, the Board shall respond to requests for reports or recommendations within sixty (60) days of receipt of the request, or report on the status of consideration of the matter providing an estimate of when the report will be concluded.
- 3.7. Annual Report: The Board shall file its annual report with the City of Naperville and City of Aurora City Council no later than November 1 of any year, setting forth its activities of the past year and its goals for the coming year.
4. Powers And Duties: The powers and duties of the Board shall include, without limitation:
  - 4.1. Planning an emergency telephone system;
  - 4.2. Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems;
  - 4.3. Receiving monies from the surcharge imposed by this Article and from any other source, for deposit into the Emergency Telephone System Fund (hereinafter the "Fund");
  - 4.4. Authorizing all disbursement from the Fund; and
  - 4.5. Hiring, on a temporary basis, any staff necessary for the implementation or upgrade of the system.
5. Emergency Telephone System Fund Established: The City of Naperville Finance Director is hereby authorized and directed to establish and be the custodian of an interest bearing account designated as the Fund for receipt of all surcharge and other monies paid or collected to fund the operation of the E911 system. To the extent possible, the funds for the City of Naperville PSAP and the City of Aurora PSAP shall be kept separate and the funds distributed for each PSAP shall be used to support the respective PSAP. To the extent that the funds are not distributed by the State of Illinois or Illinois State Police to the specific PSAP, the Naperville ETSB shall take all steps to distribute the funds to the appropriate PSAP and shall reflect the intent of this Agreement. The Naperville ETSB shall distribute the revenues according to the ESN lines for wireline funds and by ZIP code from cell phone, Voice over Internet Protocol

(“VoIP”), and other applicable wireless technology customer bills for wireless funds to the corresponding PSAP.

6. Expenditures From Fund: No expenditure may be made from the Fund except upon the direction of the Board by resolution passed by majority of the quorum of Board members. The Board can only direct Naperville PSAP funds to be expended on Naperville PSAP expenditures and can only direct Aurora PSAP funds to be expended on Aurora PSAP expenditures. All expenditures from the Fund shall be clearly detailed to show that whether the funds come from the City of Naperville PSAP or the City of Aurora PSAP and whether the funds benefit the City of Naperville PSAP or the City of Aurora PSAP. The Board shall not have the authority to limit the City of Aurora’s expenditure of funds designated for Aurora’s PSAP or City of Naperville’s expenditure of funds designated for Naperville’s PSAP, provided that the expenditure meets the criteria of this Section. The Board, upon a supermajority of all members and with written authority from the Mayor and Chief of Police of the City of Naperville and City of Aurora, can vote to make joint expenditures. Expenditures may be made only to pay for costs associated with:
  - 6.1. The design of an emergency telephone system;
  - 6.2. The coding of an initial master street address guide database, and update and maintenance thereof;
  - 6.3. The repayment of any monies advanced for the implementation of the system;
  - 6.4. The charges for automatic number identification and automatic location identification equipment, and maintenance, replacement and update thereof;
  - 6.5. The nonrecurring charges related to installation of the emergency telephone system and ongoing network charges;
  - 6.6. Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purposes related to the operation of the system, including:
    - 6.6.1. Costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities; or
    - 6.6.2. Costs of personnel attributable directly to the operation of the system.
  - 6.7. Costs directly attributable to the operation of an emergency telephone system do not include the costs of public safety agency personnel and equipment dispatched in response to an emergency call.

7. Database Completion: The Board shall complete the database before implementation of the E911 system. The error ratio of the database shall not at any time exceed one percent (1%) of the total database.
8. Compliance With City Policies: The Board shall carry out its duties and obligations in accordance with the Intergovernmental Agreement between City of Naperville, City or Aurora and Village of North Aurora Regarding the Function of the Naperville ETSB and all adopted City of Naperville policies and ordinances to the extent that they lawfully apply.

**SECTION 2:** This ordinance shall be in full force and effect on December 1, 2017.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk