



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4232

Introduced 12/07/05, by Rep. Shane Cultra

SYNOPSIS AS INTRODUCED:

70 ILCS 3610/4

from Ch. 111 2/3, par. 354

Amends the Local Mass Transit District Act. Beginning with the general election in 2006, provides that the Board of Trustees for any Local Mass Transit District that is entirely within a county or that is coterminous with a county shall consist of 7 elected trustees (now, the trustees are appointed by the county board). Makes corresponding changes. Effective immediately.

LRB094 12963 MKM 47812 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Local Mass Transit District Act is amended
5 by changing Section 4 as follows:

6 (70 ILCS 3610/4) (from Ch. 111 2/3, par. 354)

7 Sec. 4. Board of Trustees.

8 (a) The powers of the local Mass Transit District shall
9 repose in, and be exercised by, a Board of Trustees.

10 (b) Except as otherwise provided in subsection (d), if ~~if~~
11 the District is created by only one municipality or only one
12 county the corporate authorities or the county board chairman
13 with the consent of the county board of such municipality or
14 county shall appoint either 3 or 5 trustees to the Board;
15 provided that in any Metro East Mass Transit District created
16 by a single county, 5 trustees shall be appointed and the
17 trustees so appointed shall be: (1) a mayor of a municipality
18 within the District; (2) a township supervisor from within the
19 District, or if in a county without township supervisors,
20 another mayor within the District; (3) the county board
21 chairman in which the District was formed or such other county
22 board member as he shall designate; and (4) 2 members of the
23 general public.

24 (c) Except as otherwise provided in subsection (d), if ~~if~~
25 the District is created by one or more municipalities or one or
26 more counties or any combination thereof, the corporate
27 authorities and the county board chairman of each participating
28 municipality or county shall determine the percentage of
29 service that the District provides to each municipality or
30 county. Each participating municipality and county shall
31 appoint trustees in proportion to the percentage of service
32 received from the District by that municipality or county. The

1 corporate authorities or the county board chairman, with the
2 consent of the county board, of each participating municipality
3 or county shall appoint one trustee to the Board for each 30%
4 or fraction thereof of service that the municipality or county
5 receives from the District. If an even number of trustees are
6 appointed to the Board, the corporate authorities or the county
7 board chairman, with the consent of the county board, of the
8 municipality or county that receives the largest percentage of
9 service from the District shall appoint one additional trustee.
10 The first Trustees appointed to the Board and any 2 additional
11 trustees, initially appointed as a result of this amendatory
12 Act of 1983 shall serve for terms of 4 years or less, the terms
13 to be staggered to the extent possible so that they expire one
14 year apart and so that the terms of not more than 2 trustees
15 expire in the same year, with the Trustees to serve less than 4
16 years to be selected by lot. Thereafter, their successors shall
17 serve for 4 years. Vacancies shall be filled for the unexpired
18 term in the same manner as the original appointment.

19 (d) Beginning with the general election in 2006, any
20 District that is entirely within a county or that is
21 coterminous with a county shall have a board of 7 trustees
22 elected at large by the electors of the District in accordance
23 with the general election law. The trustees elected in 2006
24 shall be elected to staggered terms as follows: 4 members shall
25 serve a term of 2 years each and 3 members shall serve a term of
26 4 years each. Thereafter, their successors shall serve 4-year
27 terms. The terms of all trustees in office at the time of the
28 general election in 2006 shall terminate upon the election and
29 qualification of the trustees elected in the general election
30 in 2006. Within 30 days after a vacancy occurs, the term shall
31 be filled by appointment by the county board chairman, with the
32 advice and consent of the county board. If there remains an
33 unexpired portion of the vacated term of more than 28 months,
34 then the appointed trustee shall serve until the next general
35 election, at which time a trustee shall be elected to serve for
36 the remainder of the term.

1 (e) Except in a Metro East Mass Transit District, no
2 Trustee of any District may be an elected official of the
3 municipality or municipalities or county or counties creating
4 the District. A Trustee shall hold office until his successor
5 has been appointed and has qualified. A certificate of the
6 appointment or reappointment of any Trustee shall be filed with
7 the clerk or clerks and such certificate shall be conclusive
8 evidence of the due and proper appointment of such Trustee. A
9 Trustee shall receive, as compensation for his services, not
10 more than \$100 for each day devoted to the business of the
11 Board but not more than \$400 per month. For the purposes of
12 this Section, each District may determine what constitutes a
13 business day. He shall also be entitled to the necessary
14 expenses, including traveling expenses, incurred in the
15 discharge of his duties. The powers of each District and the
16 Board shall be vested in the Trustees thereof in office from
17 time to time. A majority shall constitute a quorum of the Board
18 for the purpose of conducting its business and exercising its
19 powers and for all other purposes. Action may be taken by the
20 Board upon a vote of the majority of the Trustees present,
21 unless in any case the bylaws of the Board shall require a
22 larger number. The Board shall select a chairman and a
23 vice-chairman from among the Trustees.

24 (f) No Trustee or employee of the Board shall acquire or
25 have any interest direct or indirect in any contract or
26 proposed contract for materials or services to be furnished or
27 used in connection with operations of the District. For
28 inefficiency or neglect of duty or misconduct in office, any
29 appointed ~~a~~ Trustee may be removed by the person or body which
30 made the original appointment, but the ~~a~~ Trustee shall be
31 removed only after he shall have been given a copy of the
32 charges against him at least 10 days prior to the hearing
33 thereon and has had an opportunity to be heard in person or by
34 counsel. In the event of the removal of any appointed Trustee,
35 a record of the proceedings, together with the charges and
36 findings thereon, shall be filed in the office of the clerk or

1 clerks of the creating county or counties or municipality or
2 municipalities.

3 (g) The Board shall employ a managing director of the
4 District and may employ a secretary, treasurer, technical
5 experts and such other officers, agents and employees,
6 permanent and temporary, as it may require, and shall fix and
7 determine their qualifications, duties and compensation and
8 the amount of bond to be furnished for such offices and
9 positions. For such legal services as it may require, the Board
10 may call upon any chief law officers of the municipality,
11 municipalities, or the county or counties as the case may be,
12 or may employ and fix the compensation of its own counsel and
13 legal staff. The Board may delegate to one or more of its
14 agents or employees such powers and duties as it may deem
15 proper. Notwithstanding the other provisions of this
16 paragraph, employment of any person other than a managing
17 director or secretary by any Metro East Mass Transit District
18 created by a single county shall require the authorization of
19 the county board of such county.

20 (h) Neither the District, the members of its Board nor its
21 officers or employees shall be held liable for failure to
22 provide a security or police force or, if a security or police
23 force is provided, for failure to provide adequate police
24 protection or security, failure to prevent the commission of
25 crimes by fellow passengers or other third persons or for the
26 failure to apprehend criminals.

27 (Source: P.A. 93-590, eff. 1-1-04; 93-792, eff. 7-22-04.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.