



Adopted in House Comm. on Mar 31, 2004

09300HB6229ham001

LRB093 15462 MKM 49099 a

1 AMENDMENT TO HOUSE BILL 6229

2 AMENDMENT NO. _____. Amend House Bill 6229 by replacing
3 everything after the enacting clause with the following:

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. The powers of the local Mass Transit District shall
8 repose in, and be exercised by, a Board of Trustees. If the
9 District is created by only one municipality or only one county
10 the corporate authorities or the county board chairman with the
11 consent of the county board of such municipality or county
12 shall appoint either 3 or 5 trustees to the Board; provided
13 that in any Metro East Mass Transit District created by a
14 single county, 5 trustees shall be appointed and the trustees
15 so appointed shall be: (1) a mayor of a municipality within the
16 District; (2) a township supervisor from within the District,
17 or if in a county without township supervisors, another mayor
18 within the District; (3) the county board chairman in which the
19 District was formed or such other county board member as he
20 shall designate; and (4) 2 members of the general public. If
21 the District is created by one or more municipalities or one or
22 more counties or any combination thereof, the corporate
23 authorities and the county board chairman of each participating
24 municipality or county shall determine the percentage of

1 service that the District provides to each municipality or
2 county. Each participating municipality and county shall
3 appoint trustees in proportion to the percentage of service
4 received from the District by that municipality or county. The
5 corporate authorities or the county board chairman, with the
6 consent of the county board, of each participating municipality
7 or county shall appoint one trustee to the Board for each 30%
8 or fraction thereof of service that the municipality or county
9 receives from the District. If an even number of trustees are
10 appointed to the Board, the corporate authorities or the county
11 board chairman, with the consent of the county board, of the
12 municipality or county that receives the largest percentage of
13 service from the District shall appoint one additional trustee.
14 ~~or the county board chairman with the consent of the county~~
15 ~~board of each participating municipality or county shall~~
16 ~~appoint one trustee to the Board for every 100,000 inhabitants,~~
17 ~~or fraction thereof, of such municipality or county.~~ The first
18 Trustees appointed to the Board and any 2 additional trustees,
19 initially appointed as a result of this amendatory Act of 1983
20 shall serve for terms of 4 years or less, the terms to be
21 staggered to the extent possible so that they expire one year
22 apart and so that the terms of not more than 2 trustees expire
23 in the same year, with the Trustees to serve less than 4 years
24 to be selected by lot. Thereafter, their successors shall serve
25 for 4 years. Vacancies shall be filled for the unexpired term
26 in the same manner as the original appointment.

27 Except in a Metro East Mass Transit District, no Trustee of
28 any District may be an elected official of the municipality or
29 municipalities or county or counties creating the District. A
30 Trustee shall hold office until his successor has been
31 appointed and has qualified. A certificate of the appointment
32 or reappointment of any Trustee shall be filed with the clerk
33 or clerks and such certificate shall be conclusive evidence of
34 the due and proper appointment of such Trustee. A Trustee shall

1 receive, as compensation for his services, not more than \$100
2 for each day devoted to the business of the Board but not more
3 than \$400 per month. For the purposes of this Section, each
4 District may determine what constitutes a business day. He
5 shall also be entitled to the necessary expenses, including
6 traveling expenses, incurred in the discharge of his duties.
7 The powers of each District and the Board shall be vested in
8 the Trustees thereof in office from time to time. A majority
9 shall constitute a quorum of the Board for the purpose of
10 conducting its business and exercising its powers and for all
11 other purposes. Action may be taken by the Board upon a vote of
12 the majority of the Trustees present, unless in any case the
13 bylaws of the Board shall require a larger number. The Board
14 shall select a chairman and a vice-chairman from among the
15 Trustees.

16 No Trustee or employee of the Board shall acquire or have
17 any interest direct or indirect in any contract or proposed
18 contract for materials or services to be furnished or used in
19 connection with operations of the District. For inefficiency or
20 neglect of duty or misconduct in office, a Trustee may be
21 removed by the person or body which made the original
22 appointment, but a Trustee shall be removed only after he shall
23 have been given a copy of the charges against him at least 10
24 days prior to the hearing thereon and has had an opportunity to
25 be heard in person or by counsel. In the event of the removal
26 of any Trustee, a record of the proceedings, together with the
27 charges and findings thereon, shall be filed in the office of
28 the clerk or clerks of the creating county or counties or
29 municipality or municipalities.

30 The Board shall employ a managing director of the District
31 and may employ a secretary, treasurer, technical experts and
32 such other officers, agents and employees, permanent and
33 temporary, as it may require, and shall fix and determine their
34 qualifications, duties and compensation and the amount of bond

1 to be furnished for such offices and positions. For such legal
2 services as it may require, the Board may call upon any chief
3 law officers of the municipality, municipalities, or the county
4 or counties as the case may be, or may employ and fix the
5 compensation of its own counsel and legal staff. The Board may
6 delegate to one or more of its agents or employees such powers
7 and duties as it may deem proper. Notwithstanding the other
8 provisions of this paragraph, employment of any person other
9 than a managing director or secretary by any Metro East Mass
10 Transit District created by a single county shall require the
11 authorization of the county board of such county.

12 Neither the District, the members of its Board nor its
13 officers or employees shall be held liable for failure to
14 provide a security or police force or, if a security or police
15 force is provided, for failure to provide adequate police
16 protection or security, failure to prevent the commission of
17 crimes by fellow passengers or other third persons or for the
18 failure to apprehend criminals.

19 (Source: P.A. 93-590, eff. 1-1-04.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."