



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4335

Introduced 12/29/2005, by Rep. Shane Cultra - Chapin Rose

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 with a population of less than 250,000 and not contiguous to a county with a population of 500,000 or more shall consist of 7 elected trustees (now, the trustees are appointed by the county board). Makes corresponding changes. Effective immediately.

LRB094 16165 HLH 51406 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 with a population of
21 less than 250,000, or that is coterminous with a county with a
22 population of less than 250,000, shall have a board of 7
23 trustees elected at large by the electors of the county in
24 accordance with the general election law. The trustees elected
25 in 2006 shall be elected to staggered terms as follows: 4
26 members shall serve a term of 2 years each and 3 members shall
27 serve a term of 4 years each. Thereafter, their successors
28 shall serve 4-year terms. The terms of all trustees in office
29 at the time of the general election in 2006 shall terminate
30 upon the election and qualification of the trustees elected in
31 the general election in 2006. Within 30 days after a vacancy
32 occurs, the term shall be filled by appointment by the county
33 board chairman, with the advice and consent of the county
34 board. If there remains an unexpired portion of the vacated
35 term of more than 28 months, then the appointed trustee shall
36 serve until the next general election, at which time a trustee

1 shall be elected to serve for the remainder of the term. This
2 subsection (d) does not apply to any district that is entirely
3 within or coterminous with a county with a population of less
4 than 250,000 if the county is contiguous to a county with a
5 population of 500,000 or more.

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

29 (f) No Trustee or employee of the Board shall acquire or
30 have any interest direct or indirect in any contract or
31 proposed contract for materials or services to be furnished or
32 used in connection with operations of the District. For
33 inefficiency or neglect of duty or misconduct in office, any
34 appointed a Trustee may be removed by the person or body which
35 made the original appointment, but the a Trustee shall be
36 removed only after he shall have been given a copy of the

1 charges against him at least 10 days prior to the hearing
2 thereon and has had an opportunity to be heard in person or by
3 counsel. In the event of the removal of any appointed Trustee,
4 a record of the proceedings, together with the charges and
5 findings thereon, shall be filed in the office of the clerk or
6 clerks of the creating county or counties or municipality or
7 municipalities.

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

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

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

33 Section 99. Effective date. This Act takes effect upon
34 becoming law.