



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5513

by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

70 ILCS 3610/4

from Ch. 111 2/3, par. 354

Amends the Local Mass Transit District Act. Provides that the corporate authorities and the county board chairman of each participating municipality or county shall determine the make up of the board of trustees.

LRB098 19877 JLK 55096 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. 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

1 municipality or county shall determine the make up of the board  
2 of trustees. If no determination is made, then the corporate  
3 authorities and the county board chairman of each participating  
4 municipality or county shall determine the percentage of  
5 service that the District provides to each municipality or  
6 county. Each participating municipality and county shall  
7 appoint trustees in proportion to the percentage of service  
8 received from the District by that municipality or county. The  
9 corporate authorities or the county board chairman, with the  
10 consent of the county board, of each participating municipality  
11 or county shall appoint one trustee to the Board for each 30%  
12 or fraction thereof of service that the municipality or county  
13 receives from the District. If an even number of trustees are  
14 appointed to the Board, the corporate authorities or the county  
15 board chairman, with the consent of the county board, of the  
16 municipality or county that receives the largest percentage of  
17 service from the District shall appoint one additional trustee.  
18 The first Trustees appointed to the Board and any 2 additional  
19 trustees, initially appointed as a result of this amendatory  
20 Act of 1983 shall serve for terms of 4 years or less, the terms  
21 to be staggered to the extent possible so that they expire one  
22 year apart and so that the terms of not more than 2 trustees  
23 expire in the same year, with the Trustees to serve less than 4  
24 years to be selected by lot. Thereafter, their successors shall  
25 serve for 4 years. Vacancies shall be filled for the unexpired  
26 term in the same manner as the original appointment.

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

24           No Trustee or employee of the Board shall acquire or have  
25 any interest direct or indirect in any contract or proposed  
26 contract for materials or services to be furnished or used in

1 connection with operations of the District. For inefficiency or  
2 neglect of duty or misconduct in office, a Trustee may be  
3 removed by the person or body which made the original  
4 appointment, but a Trustee shall be removed only after he shall  
5 have been given a copy of the charges against him at least 10  
6 days prior to the hearing thereon and has had an opportunity to  
7 be heard in person or by counsel. In the event of the removal  
8 of any Trustee, a record of the proceedings, together with the  
9 charges and findings thereon, shall be filed in the office of  
10 the clerk or clerks of the creating county or counties or  
11 municipality or municipalities.

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

1 authorization of the county board of such county.

2 Neither the District, the members of its Board nor its  
3 officers or employees shall be held liable for failure to  
4 provide a security or police force or, if a security or police  
5 force is provided, for failure to provide adequate police  
6 protection or security, failure to prevent the commission of  
7 crimes by fellow passengers or other third persons or for the  
8 failure to apprehend criminals.

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