



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2606

Introduced 10/22/2013, by Sen. William E. Brady

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/3B.02	from Ch. 111 2/3, par. 703B.02
70 ILCS 3615/3B.03	from Ch. 111 2/3, par. 703B.03
70 ILCS 3615/5.06 new	

Amends the Regional Transportation Authority Act. Requires approval by city, county, and township boards for appointments to the Commuter Rail Board. Limits the term of the Chairman of the Commuter Rail Board to 2 years. Permits the Chairman to be reappointed, but prohibits consecutive reappointments. On the effective date of this amendatory Act, removes all directors currently serving on the Commuter Rail Board and provides that they may not be reappointed. Provides that new directors shall be appointed to fill these board vacancies and that each director newly appointed shall serve for the remainder of the unexpired term of the former director that he or she is appointed to replace. Permits directors appointed on or after the effective date of this amendatory Act to be reappointed, but prohibits consecutive reappointments. Sets forth procedures for city, county, or township boards to remove a director which they have appointed from office. Adds a new Section that sets forth procedures with regard to ex parte communications received by any of the Regional Transit Boards, Regional Transit Board heads, or other Regional Transit Board employees. Defines terms. Effective immediately.

LRB098 14425 OMW 49106 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 Regional Transportation Authority Act is
5 amended by changing Sections 3B.02 and 3B.03 and by adding
6 Section 5.06 as follows:

7 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

8 Sec. 3B.02. Commuter Rail Board.

9 (a) Until April 1, 2008, the governing body of the Commuter
10 Rail Division shall be a board consisting of 7 directors
11 appointed pursuant to Sections 3B.03 and 3B.04, as follows:

12 (1) One director shall be appointed by the Chairman of
13 the Board of DuPage County with the advice and consent of
14 the County Board of DuPage County and shall reside in
15 DuPage County.

16 (2) Two directors appointed by the Chairmen of the
17 County Boards of Kane, Lake, McHenry and Will Counties with
18 the concurrence of not less than a majority of the chairmen
19 from such counties, from nominees by the Chairmen. Each
20 such chairman may nominate not more than two persons for
21 each position. Each such director shall reside in a county
22 in the metropolitan region other than Cook or DuPage
23 County.

1 (3) Three directors appointed by the members of the
2 Cook County Board elected from that part of Cook County
3 outside of Chicago, or, in the event such Board of
4 Commissioners becomes elected from single member
5 districts, by those Commissioners elected from districts,
6 a majority of the residents of which reside outside
7 Chicago. In either case, such appointment shall be with the
8 concurrence of four such Commissioners. Each such director
9 shall reside in that part of Cook County outside Chicago.

10 (4) One director appointed by the Mayor of the City of
11 Chicago, with the advice and consent of the City Council of
12 the City of Chicago. Such director shall reside in the City
13 of Chicago.

14 (5) The chairman shall be appointed by the directors,
15 from the members of the board, with the concurrence of 5 of
16 such directors.

17 (b) After April 1, 2008 the governing body of the Commuter
18 Rail Division shall be a board consisting of 11 directors
19 appointed, pursuant to Sections 3B.03 and 3B.04, as follows:

20 (1) One Director shall be appointed by the Chairman of
21 the DuPage County Board with the advice and consent, by a
22 two-thirds majority vote, of the DuPage County Board and
23 shall reside in DuPage County. To implement the changes in
24 appointing authority under this Section, upon the
25 expiration of the term of or vacancy in office of the
26 Director appointed under item (1) of subsection (a) of this

1 Section who resides in DuPage County, a Director shall be
2 appointed under this subparagraph.

3 (2) One Director shall be appointed by the Chairman of
4 the McHenry County Board with the advice and consent, by a
5 two-thirds majority vote, of the McHenry County Board and
6 shall reside in McHenry County. To implement the change in
7 appointing authority under this Section, upon the
8 expiration of the term of or vacancy in office of the
9 Director appointed under item (2) of subsection (a) of this
10 Section who resides in McHenry County, a Director shall be
11 appointed under this subparagraph.

12 (3) One Director shall be appointed by the Will County
13 Executive with the advice and consent, by a two-thirds
14 majority vote, of the Will County Board and shall reside in
15 Will County. To implement the change in appointing
16 authority under this Section, upon the expiration of the
17 term of or vacancy in office of the Director appointed
18 under item (2) of subsection (a) of this Section who
19 resides in Will County, a Director shall be appointed under
20 this subparagraph.

21 (4) One Director shall be appointed by the Chairman of
22 the Lake County Board with the advice and consent, by a
23 two-thirds majority vote, of the Lake County Board and
24 shall reside in Lake County.

25 (5) One Director shall be appointed by the Chairman of
26 the Kane County Board with the advice and consent, by a

1 two-thirds majority vote, of the Kane County Board and
2 shall reside in Kane County.

3 (6) One Director shall be appointed by the Mayor of the
4 City of Chicago with the advice and consent, by a
5 two-thirds majority vote, of the City Council of the City
6 of Chicago and shall reside in the City of Chicago. To
7 implement the changes in appointing authority under this
8 Section, upon the expiration of the term of or vacancy in
9 office of the Director appointed under item (4) of
10 subsection (a) of this Section who resides in the City of
11 Chicago, a Director shall be appointed under this
12 subparagraph.

13 (7) Five Directors residing in Cook County outside of
14 the City of Chicago, as follows:

15 (i) One Director who resides in Cook County outside
16 of the City of Chicago, appointed by the President of
17 the Cook County Board with the advice and consent, by a
18 two-thirds majority vote, of the members of the Cook
19 County Board.

20 (ii) One Director who resides in the township of
21 Barrington, Palatine, Wheeling, Hanover, Schaumburg,
22 or Elk Grove. The Director shall be approved by a
23 majority vote of at least 4 of the township boards. To
24 implement the changes in appointing authority under
25 this Section, upon the expiration of the term of or
26 vacancy in office of the Director appointed under

1 paragraph (3) of subsection (a) of this Section who
2 resides in the geographic area described in this
3 subparagraph, a Director shall be appointed under this
4 subparagraph.

5 (iii) One Director who resides in the township of
6 Northfield, New Trier, Maine, Niles, Evanston, Leyden,
7 Norwood Park, River Forest, or Oak Park. The Director
8 shall be approved by a majority vote of at least 6 of
9 the township boards.

10 (iv) One Director who resides in the township of
11 Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney,
12 Lemont, Palos, or Orland. The Director shall be
13 approved by a majority vote of at least 6 of the
14 township boards. To implement the changes in
15 appointing authority under this Section, upon the
16 expiration of the term of or vacancy in office of the
17 Director appointed under paragraph (3) of subsection
18 (a) of this Section who resides in the geographic area
19 described in this subparagraph and whose term of office
20 had not expired as of August 1, 2007, a Director shall
21 be appointed under this subparagraph.

22 (v) One Director who resides in the township of
23 Worth, Calumet, Bremen, Thornton, Rich, or Bloom. The
24 Director shall be approved by a majority vote of at
25 least 4 of the township boards. To implement the
26 changes in appointing authority under this Section,

1 upon the expiration of the term of or vacancy in office
2 of the Director appointed under paragraph (3) of
3 subsection (a) of this Section who resides in the
4 geographic area described in this subparagraph and
5 whose term of office had expired as of August 1, 2007,
6 a Director shall be appointed under this subparagraph.

7 (vi) The Directors identified under the provisions
8 of subparagraphs (ii) through (v) of this paragraph (7)
9 shall be appointed by the members of the Cook County
10 Board. Each individual Director shall be appointed by
11 those members of the Cook County Board whose Board
12 districts overlap in whole or in part with the
13 geographic territory described in the relevant
14 subparagraph. The vote of County Board members
15 eligible to appoint directors under the provisions of
16 subparagraphs (ii) through (v) of this paragraph (7)
17 shall be weighted by the number of electors residing in
18 those portions of their Board districts within the
19 geographic territory described in the relevant
20 subparagraph (ii) through (v) of this paragraph (7).

21 (8) The Chairman shall be appointed for a 2 year term
22 by the Directors, from the members of the Board, with the
23 concurrence of 8 of such Directors. The Chairman may be
24 reappointed, but may not be reappointed for consecutive
25 terms. To implement the changes in appointing authority
26 under this Section, upon the expiration of the term of or

1 vacancy in office of the Chairman appointed under item (5)
2 of subsection (a) of this Section, a Chairman shall be
3 appointed under this subparagraph.

4 (c) No director, while serving as such, shall be an
5 officer, a member of the board of directors or trustee or an
6 employee of any transportation agency, or be an employee of the
7 State of Illinois or any department or agency thereof, or of
8 any unit of local government or receive any compensation from
9 any elected or appointed office under the Constitution and laws
10 of Illinois.

11 (d) Each appointment made under subsections (a) and (b) of
12 this Section and under Section 3B.03 shall be certified by the
13 appointing authority to the Commuter Rail Board which shall
14 maintain the certifications as part of the official records of
15 the Commuter Rail Board.

16 (Source: P.A. 95-708, eff. 1-18-08.)

17 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

18 Sec. 3B.03. Terms, Vacancies.

19 (a) Each director shall be appointed for a term of 4 years,
20 and until his successor has been appointed and qualified. A
21 vacancy shall occur upon the resignation, death, conviction of
22 a felony, or removal from office of a director. Any director
23 may be removed from office (i) upon the concurrence of not less
24 than 8 directors, on a formal finding of incompetence, neglect
25 of duty, or malfeasance in office, ~~or~~ (ii) by the Governor in

1 response to a summary report received from the Executive
2 Inspector General in accordance with Section 20-50 of the State
3 Officials and Employees Ethics Act, provided he or she has an
4 opportunity to be publicly heard in person or by counsel prior
5 to removal, or (iii) by that director's appointing authority,
6 with the consent of the relevant local legislative body or
7 bodies under Section 3B.02 of this Act, in the same manner as
8 provided for consent in Section 3B.02 of this Act. Within 30
9 days after the office of any director becomes vacant for any
10 reason, the appropriate appointing authorities of such
11 director, as provided in Section 3B.02, shall make an
12 appointment to fill the vacancy. A vacancy shall be filled for
13 the unexpired term.

14 (b) Notwithstanding any other provision of law to the
15 contrary, all directors holding office on the effective date of
16 this amendatory Act of the 98th General Assembly are hereby
17 removed from office on the effective date of this amendatory
18 Act of the 98th General Assembly and may not be reappointed.
19 New directors shall be appointed to fill the vacancies created
20 under this subsection pursuant to Section 3B.02 of this Act.
21 Each director newly appointed under this subsection shall serve
22 for the remainder of the unexpired term of the former director
23 that he or she is appointed to replace. Directors appointed on
24 or after the effective date of this amendatory Act of the 98th
25 General Assembly may be reappointed, but may not be reappointed
26 for consecutive terms.

1 (Source: P.A. 95-708, eff. 1-18-08; 96-1528, eff. 7-1-11.)

2 (70 ILCS 3615/5.06 new)

3 Sec. 5.06. Ex parte communications.

4 (a) "Ex parte communication" means any written or oral
5 communication by any person that imparts or requests material
6 information or makes a material argument regarding potential
7 action concerning regulatory, quasi-adjudicatory, investment,
8 or licensing matters pending before or under consideration by
9 any of the Regional Transit Boards. "Ex parte communication"
10 shall also include any written or oral communication made by a
11 person that imparts or requests material information or makes a
12 material argument concerning procurement or personnel
13 decisions by any of the Regional Transit Boards. "Ex parte
14 communication" does not include the following: (i) statements
15 by a person publicly made in a public forum; (ii) statements
16 regarding matters of procedure and practice, such as format,
17 the number of copies required, the manner of filing, and the
18 status of a matter; and (iii) statements made by an employee of
19 a Regional Transit Board to the head or other employees of that
20 Regional Transit Board.

21 (b) An ex parte communication received by a Regional
22 Transit Board, or by the head or other employee of a Regional
23 Transit Board, from an interested party or his or her official
24 representative or attorney shall promptly be memorialized and
25 made a part of the record.

1 (c) An ex parte communication received by any Regional
2 Transit Board, or by the head or other employee of a Regional
3 Transit Board, other than an ex parte communication described
4 in subsection (b), shall immediately be reported to that
5 Regional Transit Board's ethics officer by the recipient of the
6 communication and by any other employee of that Regional
7 Transit Board who responds to the communication. The ethics
8 officer shall require that the ex parte communication be
9 promptly made a part of the public record and made available to
10 the public. The ethics officer shall promptly file the ex parte
11 communication with the Office of the Executive Inspector
12 General, including all written communications, all written
13 responses to the communications, and a memorandum prepared by
14 the ethics officer stating the nature and substance of all oral
15 communications, the identity and job title of the person to
16 whom each communication was made, all responses made, the
17 identity and job title of the person making each response, the
18 identity of each person from whom the written or oral ex parte
19 communication was received, the individual or entity
20 represented by that person, any action the person requested or
21 recommended, and any other pertinent information. The
22 disclosure shall also contain the date of any ex parte
23 communication.

24 (d) Any person who fails to (i) report an ex parte
25 communication to an ethics officer, (ii) make information part
26 of the record, or (iii) make a filing with the Office of the

1 Executive Inspector General as required by this Section is
2 guilty of a business offense and is subject to a fine of at
3 least \$1,001 and up to \$5,000.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.