



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4507

Introduced 02/03/04, by Charles E. Jefferson

SYNOPSIS AS INTRODUCED:

70 ILCS 3610/4

from Ch. 111 2/3, par. 354

Amends the Local Mass Transit District Act. Provides that, if a Local Mass Transit District is created by one or more municipalities or one or more counties, or a combination thereof, then each participating municipality or county shall appoint trustees in proportion to the percentage of service it receives from the District (now, shall appoint one trustee for every 100,000 inhabitants, or fraction thereof, of the municipality or county). Provides that, if an even number of trustees are appointed to the Board, that the municipality or county that receives the largest percentage of service shall appoint one additional member. Effective immediately.

LRB093 20570 MKM 46379 b

1 AN ACT concerning transportation.

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
24 municipality or county shall determine the percentage of
25 service that the District provides to each municipality or
26 county. Each participating municipality and county shall
27 appoint trustees in proportion to the percentage of service
28 received from the District by that municipality or county. The
29 corporate authorities or the county board chairman, with the
30 consent of the county board, of each participating municipality
31 or county shall appoint one trustee to the Board for each 30%
32 or fraction thereof of service that the municipality or county

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

19 Except in a Metro East Mass Transit District, no Trustee of
20 any District may be an elected official of the municipality or
21 municipalities or county or counties creating the District. A
22 Trustee shall hold office until his successor has been
23 appointed and has qualified. A certificate of the appointment
24 or reappointment of any Trustee shall be filed with the clerk
25 or clerks and such certificate shall be conclusive evidence of
26 the due and proper appointment of such Trustee. A Trustee shall
27 receive, as compensation for his services, not more than \$100
28 for each day devoted to the business of the Board but not more
29 than \$400 per month. For the purposes of this Section, each
30 District may determine what constitutes a business day. He
31 shall also be entitled to the necessary expenses, including
32 traveling expenses, incurred in the discharge of his duties.
33 The powers of each District and the Board shall be vested in
34 the Trustees thereof in office from time to time. A majority
35 shall constitute a quorum of the Board for the purpose of
36 conducting its business and exercising its powers and for all

1 other purposes. Action may be taken by the Board upon a vote of
2 the majority of the Trustees present, unless in any case the
3 bylaws of the Board shall require a larger number. The Board
4 shall select a chairman and a vice-chairman from among the
5 Trustees.

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

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

36 Neither the District, the members of its Board nor its

1 officers or employees shall be held liable for failure to
2 provide a security or police force or, if a security or police
3 force is provided, for failure to provide adequate police
4 protection or security, failure to prevent the commission of
5 crimes by fellow passengers or other third persons or for the
6 failure to apprehend criminals.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.