



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB2595

Introduced 10/9/2013, 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. 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 12865 OMW 47407 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 by the Directors,  
22          from the members of the Board, with the concurrence of 8 of  
23          such Directors. To implement the changes in appointing  
24          authority under this Section, upon the expiration of the  
25          term of or vacancy in office of the Chairman appointed  
26          under item (5) of subsection (a) of this Section, a

1 Chairman shall be appointed under this subparagraph.

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

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

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

15 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

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

17 (a) Each director shall be appointed for a term of 4 years,  
18 and until his successor has been appointed and qualified. A  
19 vacancy shall occur upon the resignation, death, conviction of  
20 a felony, or removal from office of a director. Any director  
21 may be removed from office (i) upon the concurrence of not less  
22 than 8 directors, on a formal finding of incompetence, neglect  
23 of duty, or malfeasance in office, ~~or~~ (ii) by the Governor in  
24 response to a summary report received from the Executive  
25 Inspector General in accordance with Section 20-50 of the State



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

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

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

1 (70 ILCS 3615/5.06 new)

2 Sec. 5.06. Ex parte communications.

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

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

25 (c) An ex parte communication received by any Regional  
26 Transit Board, or by the head or other employee of a Regional

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

22 (d) Any person who fails to (i) report an ex parte  
23 communication to an ethics officer, (ii) make information part  
24 of the record, or (iii) make a filing with the Office of the  
25 Executive Inspector General as required by this Section is  
26 guilty of a business offense and is subject to a fine of at

1 least \$1,001 and up to \$5,000.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.