

**SB3308**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB3308**

Introduced 2/19/2016, by Sen. Toi W. Hutchinson

**SYNOPSIS AS INTRODUCED:**

70 ILCS 3610/4

from Ch. 111 2/3, par. 354

Amends the Local Mass Transit District Act. Provides that no trustee of any District, except in a Metro East District, may be an elected village president, mayor, council member, or board member (currently, just elected official) of the municipality or municipalities or county or counties creating the District. Effective immediately.

LRB099 19509 AWJ 43902 b

**A BILL FOR**

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 percentage of  
2 service that the District provides to each municipality or  
3 county. Each participating municipality and county shall  
4 appoint trustees in proportion to the percentage of service  
5 received from the District by that municipality or county. The  
6 corporate authorities or the county board chairman, with the  
7 consent of the county board, of each participating municipality  
8 or county shall appoint one trustee to the Board for each 30%  
9 or fraction thereof of service that the municipality or county  
10 receives from the District. If an even number of trustees are  
11 appointed to the Board, the corporate authorities or the county  
12 board chairman, with the consent of the county board, of the  
13 municipality or county that receives the largest percentage of  
14 service from the District shall appoint one additional trustee.  
15 The first Trustees appointed to the Board and any 2 additional  
16 trustees, initially appointed as a result of this amendatory  
17 Act of 1983 shall serve for terms of 4 years or less, the terms  
18 to be staggered to the extent possible so that they expire one  
19 year apart and so that the terms of not more than 2 trustees  
20 expire in the same year, with the Trustees to serve less than 4  
21 years to be selected by lot. Thereafter, their successors shall  
22 serve for 4 years. Vacancies shall be filled for the unexpired  
23 term in the same manner as the original appointment.

24 Except in a Metro East Mass Transit District, no Trustee of  
25 any District may be an elected village president, mayor,  
26 council member, or board member ~~official~~ of the municipality or

1 municipalities or county or counties creating the District. A  
2 Trustee shall hold office until his successor has been  
3 appointed and has qualified. A certificate of the appointment  
4 or reappointment of any Trustee shall be filed with the clerk  
5 or clerks and such certificate shall be conclusive evidence of  
6 the due and proper appointment of such Trustee. A Trustee shall  
7 receive, as compensation for his services, not more than \$100  
8 for each day devoted to the business of the Board but not more  
9 than \$400 per month. For the purposes of this Section, each  
10 District may determine what constitutes a business day. He  
11 shall also be entitled to the necessary expenses, including  
12 traveling expenses, incurred in the discharge of his duties.  
13 The powers of each District and the Board shall be vested in  
14 the Trustees thereof in office from time to time. A majority  
15 shall constitute a quorum of the Board for the purpose of  
16 conducting its business and exercising its powers and for all  
17 other purposes. Action may be taken by the Board upon a vote of  
18 the majority of the Trustees present, unless in any case the  
19 bylaws of the Board shall require a larger number. The Board  
20 shall select a chairman and a vice-chairman from among the  
21 Trustees.

22 No Trustee or employee of the Board shall acquire or have  
23 any interest direct or indirect in any contract or proposed  
24 contract for materials or services to be furnished or used in  
25 connection with operations of the District. For inefficiency or  
26 neglect of duty or misconduct in office, a Trustee may be

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

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

26 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; 93-792, eff. 7-22-04.)

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