

Article 10

VILLAGE CLERK

2-10-1: DUTIES GENERALLY:

The Village Clerk shall attend all meetings of the Board of Trustees and shall keep a full journal of the proceedings; shall be keeper and custodian of all books, records, ordinances, resolutions, and papers of the Village except as otherwise provided; shall receive, mark and properly file all papers belonging to the Village coming into the Clerk's office and shall grant certified copies from the records and papers of the Village; shall make preparations for and supervise all municipal elections; shall administer oaths; and shall execute such orders as may be received from the Board of Trustees; and the Clerk shall carry out all duties as imposed by state law. (1981 Code)

2-10-2: CORPORATE SEAL:

The Village Clerk shall be the keeper of the Corporate Seal and shall affix it to all papers on which it is required. (1981 Code)

2-10-3: REGISTRATIONS AND PERMITS:

The Village Clerk shall sign and issue such registrations and permits as required by this code or applicable ordinance. (Ord. 15-049, 2-2-2015)

2-10-4: COMMUNICATIONS, ORDINANCES, ETC., DELIVERED TO PRESIDENT AND BOARD OF TRUSTEES:

All petitions required by law, to be legally effective, shall be filed with the Village Clerk. Other communications addressed to the President and Board of Trustees may be received by the Village Clerk. All petitions and communications so received shall be delivered by the Clerk to the President and Board of Trustees without delay. The Clerk shall also, without delay, deliver to the President of the Board of Trustees all ordinances or resolutions under the Clerk's charge which may require approval or other action by the President, with all papers on which the same were founded. (1981 Code)

2-10-5: RESOLUTIONS, COMMUNICATIONS, ETC., DELIVERED TO OFFICERS AND COMMITTEES:

The Village Clerk shall, without delay, deliver to the officers of the Village and to all committees of the Board of Trustees, all resolutions and communications referred to such officers or committees by the President and Board of Trustees. (1981 Code)

2-10-6: NOTIFICATION OF ELECTION OR APPOINTMENT:

Within five (5) days after the result of any election is declared or appointment made, the Village Clerk shall notify all persons elected or appointed to any office of their election or appointment. Unless such person shall respectively qualify in ten (10) days after such notice, the office shall become vacant, and the Clerk shall notify the appropriate Village officer of such vacancy. (1981 Code)

2-10-7: RECEIPT OF DOCUMENTS:

The Village Clerk shall receive, time stamp with the hour, date and year, issue a receipt over his signature, and make a record of all documents including petitions, injury suits, bids and other such papers as are required to be filed in the Clerk's office. (1981 Code)

2-10-8: RECORD PUBLICATION AND PROOF OF ORDINANCES AND RESOLUTIONS:

The Village Clerk shall maintain a list of all ordinances and resolutions approved by the Board of Trustees.

Each entry shall include the title and number of the ordinance or resolution, and the date of passage. The Village Clerk shall have published those ordinances for which publication is required, and shall attach a publisher's affidavit to the original copy of the ordinance as proof of publication. Original copies of ordinances and resolutions shall be maintained and indexed as a permanent record. The Village Clerk shall also publish notices and such other documents as are required by law. (1981 Code)

2-10-9: APPOINTMENT OF DEPUTY CLERK:

The Village Clerk is authorized to appoint one Deputy Clerk who (when so appointed) may, when directed, assume the responsibilities of the Village Clerk in the Clerk's absence. (1981 Code)

2-10-10: OTHER DUTIES:

The Village Clerk shall generally do and perform such other duties as may be required by the Board of Trustees and the provisions of this Code or other ordinances of the Village. (1981 Code)

2-10-11: OFFICE SUPERVISION:

The Village Clerk shall have management and control of all matters and things pertaining to the office of the Village Clerk, and shall supervise and direct the appointment and removal of subordinate employees with the approval and consent of the Village Manager. (1981 Code)

2-10-12: VACANCY:

A vacancy in the office of the Village Clerk occurring during the term shall be filled by appointment of

an Acting Clerk by the Board of Trustees until the next Municipal election. (1981 Code)

2-10-13: DOMESTIC PARTNERSHIP REGISTRATION:

A. Definitions: When used in this Section, the following terms have the following meanings:

DECLARATION OF DOMESTIC PARTNERSHIP: A form, provided by the Village Clerk, in which two (2) people declare to be jointly responsible for the necessities of life incurred during the domestic partnership and to qualify as a domestic partnership as set forth in this Section when the declaration is signed.

The declaration form shall set forth all the requirements for a domestic partnership as defined herein. The declaration shall state that the persons executing such declaration may be held civilly liable for the misstatement of any information set forth therein and that such declaration may further be construed by a court of law as creating enforceable, legal obligations between the persons executing the same.

DEPENDENT: One who lives with a domestic partner and is a biological, adopted or stepchild of a domestic partner, a dependent of a domestic partner as defined by Internal Revenue Service regulations, or a ward of a domestic partner as determined under the laws of guardianship or agency.

DOMESTIC PARTNER: Each adult in a domestic partnership.

DOMESTIC PARTNERSHIP: Two (2) unrelated adults of the same sex, who are residents of the Village of Oak Park, who have chosen to share one another's lives in an intimate and committed relationship of mutual caring, who also:

1. Share the same primary, regular and permanent residence and have lived together for the previous six (6) months;
2. Agree to be jointly obligated and responsible for the necessities of life for each other;
3. Are not married to anyone;
4. Are each eighteen (18) years of age or older;
5. Are competent to enter into a contract;
6. Are and have been each other's sole domestic partner for at least six (6) months prior to execution of the Declaration of Domestic Partnership required under this Section;
7. Agree to file a Termination of Domestic Partnership within thirty (30) days of any change in the partnership which causes it not to satisfy any one of the requirements for a domestic

partnership set forth herein;

8. Have filed the required notice of termination of any prior domestic partnership acknowledged under the provision of this Section in the manner required herein and no less than six (6) months prior to the execution of the current Declaration of Domestic Partnership; and
9. Execute a Declaration of Domestic Partnership, indicating compliance of the persons executing such declaration with all the requirements for a domestic partnership set forth in this Section.

LIVE TOGETHER: Two (2) people claiming domestic partnership status share the same primary, regular and permanent residence. It is not necessary that both domestic partners have the legal right to possess the residence. Domestic partners do not cease to live together if one leaves the shared residence for a period not to exceed one year, but intends to return.

NECESSITIES OF LIFE: Basic food, shelter, clothing, medical care and the costs associated therewith. The domestic partners need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible and obligated for the cost.

REGISTERED DOMESTIC PARTNERSHIP: A domestic partnership that has been registered as provided by this Section.

TERMINATION OF REGISTERED DOMESTIC PARTNERSHIP: Any change in the domestic partnership which causes the partnership not to satisfy any one of the requirements for a domestic partnership, set forth herein.

- B. Declaration Of Domestic Partnership; Execution And Accompanying Documentation: A Declaration of Domestic Partnership must be signed, under oath, by both parties seeking registration by the Village as a domestic partnership. The Village Clerk shall, within thirty (30) days of the effective date hereof, make such forms available.

The persons executing such declaration will also be required to indicate that they have thoroughly read the declaration and that they understand the content thereof at the time of execution. The Village Clerk or the Village Clerk's designee, shall receive executed Declarations of Domestic Partnership and may require reasonable documentation verifying the ages and the primary, regular and permanent residence address of the persons seeking registration as a domestic partnership.

Once the declaration has been properly executed by both individuals seeking registration of a domestic partnership by the Village and presented to the Village Clerk, or the Clerk's designee, along with all supporting documentation requested by the Clerk, or the Clerk's designee, and the Clerk is satisfied that the individuals seeking registration as a domestic partnership have properly executed same, are residents of the Village and are at least eighteen (18) years of age and are not presently, nor has either partner been, in another registered domestic partnership for at least six (6) months immediately preceding execution of the declaration, the Clerk, or the Clerk's designee, shall issue those individuals a certificate under the Village Clerk's signature, which shall indicate the registration of the domestic partnership and shall identify the parties to same. The certificate shall further indicate that the domestic partners must comply with the provisions of subsection 2-10-13C of this Section, with regard to amendments and subsection 2-10-13D of this Section, with

regard to the termination of the domestic partnership and the possible consequences for the failure to do so.

- C. **Amendments To Domestic Partnership Registration:** Domestic partners may amend the domestic partnership registration to add or delete dependents or change, the household address. Amendments to the domestic partnership registration shall be signed by both domestic partners and shall be delivered to the Village Clerk and to any person or employer who has been provided with a copy of the registered Declaration of Domestic Partnership by either domestic partner.
- D. **Termination Of Domestic Partnership Registration; Notice Required:** A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement with the Village Clerk by a domestic partner. The death of a domestic partner automatically terminates a domestic partnership. A domestic partnership may be terminated by a domestic partner who files with the Village Clerk, by hand or by certified mail, a termination statement. A domestic partner may terminate a registered domestic partnership by filing a termination statement with the Village Clerk, executed under oath by at least one domestic partner, and stating that the domestic partnership has ended or ceased to meet the criteria for a registered domestic partnership established hereunder. If the termination statement has not been signed by both domestic partners, the other domestic partner shall be notified of such termination by registered mail, return receipt requested, and the termination statement shall declare that such notification has occurred. A termination statement shall also be delivered to any third party to whom a domestic partner has given a Certificate of Domestic Partnership in order to qualify for a right or benefit. The termination statement shall be delivered to all parties set forth hereinabove within thirty (30) days of the termination of the domestic partnership.

If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership declaration until six (6) months have elapsed from termination.

E. **Maintenance Of Records:**

1. The Village Clerk shall keep a record of all registered Declarations of Domestic Partnership, amendments to declarations and notices of termination received by the Village Clerk. The records shall be maintained so that amendments and notices of termination are filed with the registered Declaration of Domestic Partnership to which they pertain.
2. The declarations, and amendments thereto, and termination notices shall be maintained by the Village Clerk as public records subject to disclosure pursuant to the Illinois Freedom of Information Act.
3. The certified copy of the registered declaration may be used as evidence of the existence of a domestic partnership.

- F. **Fees:** The Village Clerk shall charge a fee of fifty dollars (\$50.00) for the registration or termination of a Declaration of Domestic Partnership and shall charge a reasonable fee per document for providing certified copies of registered declarations, amendments of declarations or notices of termination. There shall be no additional charge for the issuance of the original certified copies of the registered declaration to each domestic partner or for the filing of amendments to registered declarations or notices of termination.

G. Enforcement By Civil Action: Any person or employer may bring a civil action in any court of competent jurisdiction against the appropriate domestic partner(s) to recover damages when such person or employer has relied upon a registered Declaration of Domestic Partnership to the person's or employer's detriment as a result of:

1. A false statement in a Declaration of Domestic Partnership or a false assertion of family membership; or
2. A failure to notify the Village Clerk, or any person or employer previously notified of a domestic partnership of a change in the status of the domestic partnership or family membership.

There shall not, however, be a cause of action against a domestic partner or partners under this Section for failure to list a dependent in a registered Declaration of Domestic Partnership. (Ord. 1997-0-36, 9-2-97)