

**IN RE: PETITION FOR REFERENDUM OF ORDINANCE NO. 1751**

**CERTIFICATE OF CITY CLERK**

WHEREAS, Ordinance No. 1751, was duly adopted by the City of Fairmont on September 12, 2017, which ordinance is titled as follows: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT REPEALING ORDINANCE NO. 482, AS AMENDED, WHICH IS CODIFIED AS PART ONE ADMINISTRATIVE CODE, CHAPTER SEVEN BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 175 HUMAN RIGHTS COMMISSION, OF THE FAIRMONT CITY CODE, AND RE-ENACTING SAID ARTICLE 175 HUMAN RIGHTS COMMISSION.

WHEREAS, as of September 19, 2017, in accordance with Article VIII, Section 8.02 of the City Charter, five qualified voters of the City, namely, Kandice Nuzum, Susan Kay Star, Benjamin Jacob Hoffmaster, Kenneth L. Wright, and Shelly Wyckoff, filed with the City Clerk individual affidavits stating that they would constitute “the petitioners committee” and be responsible for circulating a referendum petition relating to Ordinance No. 1751 and filing same, which affidavits appear to be in property form.

WHEREAS, the petitioners committee identified Keep Fairmont Safe, P.O. Box 815, Fairmont, WV 26554-0815 as the address to which all notices to the committee are to be sent.

WHEREAS, the City Clerk upon the filing of the affidavit, promptly issued the appropriate petition blanks to the petitioners committee, together with a form affidavit of circulator.

WHEREAS, on October 11, 2017, the petitioners committee timely filed with the City Clerk its Petition for Referendum of Ordinance No. 1751.

WHEREAS, the City Clerk has thoroughly examined the Petition for Referendum.

NOW, THEREFORE, THIS CERTIFICATE OF CLERK WITNESSETH THAT:

The Petition for Referendum filed herein consisting of 584 pages appears to be in proper form and timely filed.

On the date of the filing of the Petition for Referendum, as of the date of the last regular City election, the City had a total of 13,199 qualified voters registered to vote as certified by the Clerk of the County Commission of Marion County, West Virginia, which is by the provisions of West Virginia Code §3-2-4, designated the chief voter registration authority for Marion County, West Virginia and all subdivisions therein, including the City of Fairmont.

The last regular City election occurred on November 8, 2016.

15% of the total of qualified voters registered as of November 8, 2016 is equal to 1,979 qualified registered voters.

Upon a thorough examination of the 584 pages of the Petition for Referendum filed herein, the City Clerk found a total of 2,460 signatures.

Of the 2,460 signatures examined, 1,610 signatures were initially validated belonging to qualified voters of the City registered to vote as of November 8, 2016. The 850 signatures which were not initially validated were re-examined. Upon re-examination of the 850 signatures, an additional 65 signatures were validated; 35 signatures were determined to be duplicate signatures; and 5 signatures were determined not valid in that the affidavit of the circulator was not in proper form. The remaining 745 signatures were determined to be invalid, as the signatories were not qualified voters of the City as of November 8, 2016.

Following an examination and re-examination of the signatures, the Clerk determined that the Petition for Referendum filed herein contained a total of 1,675 valid signatures belonging to qualified voters of the City registered to vote as of November 8, 2016, and that said Petition for Referendum was deficient by 304 signatures.

WHEREFORE: Given all of the above, the Clerk hereby certifies that the Petition for Referendum of Ordinance No. 1751, filed by the petitioners' committee on October 11, 2017 is insufficient to mandate a reconsideration of Ordinance No. 1751.

Dated this 27<sup>th</sup> day of October, 2017.



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Janet L. Keller, City Clerk  
City of Fairmont  
P.O. Box 1428  
Fairmont, WV 26554