



SUMMARY: An ordinance providing for the submission to the qualified electors of Washoe County, Nevada, at a special election to be held on Tuesday, March 25, 1980, of a question authorizing the County to amend Washoe County Ordinance No. 132 to add an additional excise tax of 2 cents per gallon on gasoline or other motor vehicle fuel.

BILL NO. 623

ORDINANCE NO. 452

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF WASHOE COUNTY, NEVADA, AT A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 25, 1980, OF A QUESTION AUTHORIZING WASHOE COUNTY TO AMEND WASHOE COUNTY ORDINANCE NUMBER 132 TO ADD AN ADDITIONAL TAX OF 2 CENTS PER GALLON ON GASOLINE OR OTHER MOTOR VEHICLE FUEL IN ORDER TO GENERATE REVENUES TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF PROPOSED AND EXISTING HIGHWAYS WITHIN WASHOE COUNTY, NEVADA; PROVIDING OTHER DETAILS CONCERNING THE SPECIAL ELECTION; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the County of Washoe, in the State of Nevada (hereinafter "County") is a county incorporated and operating under the laws of the State; and

WHEREAS, as a result of the provisions of Chapter 373 of Nevada Revised Statutes the Board of County Commissioners (hereinafter "Governing Body") was authorized in 1965 to create by ordinance, a Regional Transportation Commission (hereinafter "Commission") and to impose a tax of 2 cents per gallon on motor vehicle fuel sold within the County;

WHEREAS, in June of 1965 the Governing Body enacted County ordinance number 132 which created the commission and imposed an excise tax of 2 cents per gallon on all motor vehicle fuel sold in the County in addition to the motor vehicle fuel taxes imposed under the provisions of Chapter 365 of Nevada Revised Statutes; and

WHEREAS, during the 1979 legislative session, the Nevada State Legislature enacted Chapter 526, Statutes of Nevada, 1979, (hereinafter the "Act") which authorized the Governing Body to increase the tax on motor vehicle fuel an additional 2 cents per gallon if the increase were approved by a vote of the registered voters of the county upon a question which the Governing Body may submit to the voters at any election; and

WHEREAS, the Governing Body has determined and does hereby declare:

- A. That revenues currently generated under Washoe County Ordinance No. 132 are insufficient to provide the Commission with revenues needed to construct, maintain and repair proposed and existing public highways in the County; and
- B. That in order to acquire funds to begin actions to ameliorate the existing inadequacies and deficiencies within the County public highway system it is necessary and advisable to submit to a vote of the properly registered electors of the County at a special election

to be held on Tuesday, March 25, 1980 (hereinafter the "Election"), in accordance with the general laws of the State of Nevada, i.e., Title 24 of Nevada Revised Statutes and all laws amendatory thereof (herein the "General Election Act"), the following question:

PROPOSAL:

Shall Washoe County, Nevada, acting by and through its Board of County Commissioners, be authorized to amend Washoe County Ordinance No. 132, its motor vehicle fuel tax ordinance, to add an additional tax of 2 cents per gallon on gasoline or other motor vehicle fuel in order to generate revenue to be used exclusively for the construction, maintenance and improvement of proposed and existing public highways within Washoe County, Nevada? (herein the "Election Question")

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. This ordinance shall be known and may be cited as the "3-25-80 Special Election Ordinance."

SECTION 2. That the interest of the County and the public interest, necessity and desirability for an improved public highway system within the County demand that the Election Question, be submitted to the duly qualified registered voters of the County at the election to be conducted in accordance with the General Election Act.

SECTION 3. All actions heretofore taken by the Governing Body, its officers, employees and agents directed toward:

- A. The submission of the election question at the Election;
- B. The holding of the Election;
- C. Giving notice of the Election and the submission of the Election Question thereat;
- D. The establishment of election districts for the Election;
- E. Holding a registration of electors for the Election, and
- F. Giving notice of such registration and of the close of registration for the Election,

be, and the same hereby are, ratified, approved and confirmed.

SECTION 4. Subject to the approval of the qualified electors, the Governing Body proposes to amend the provisions of Washoe County Ordinance No. 132, the motor vehicle fuel tax ordinance, to add an additional tax of 2 cents per gallon on gasoline or other motor vehicle fuel in order to generate revenue to be used exclusively for the construction, maintenance and improvement of proposed and existing public highways within the County.

SECTION 5. Every citizen of the United States, 18 years of age or over, who has continuously resided in the State and in the County 30 days and in the precinct 10 days next preceding the date of the Election, except as otherwise provided in §1, Art. 2, State Constitution, shall be entitled

to vote at the Election if he has complied with the registration laws of the State and County. Registration of electors has been and will continue to be conducted for the Election for such period and in such manner as provided by law, and any elector registered and otherwise qualified to vote shall be eligible to vote on the Election Question.

SECTION 6. The Registrar of Voters of the County (herein the "Registrar"), is hereby authorized and directed immediately to prepare proper registry lists and records and to keep her office open for the registration of electors, to register all properly qualified electors, to keep and to maintain the registry lists and records, and otherwise to perform and cause to be performed the duties of Registrar imposed upon her by law, as herein provided.

SECTION 7. Pursuant to the provisions of the NRS 293.485 to 293.567, inclusive, of the General Election Act, and to all laws supplemental thereto, there shall continue to be a registration of qualified electors for the Election which shall be conducted pursuant to and shall conform as nearly as possible with the requirements of the General Election Act governing the registration of persons for general elections, except as otherwise provided herein. The Registrar is hereby authorized and directed to continue to conduct the registration of electors, pursuant to and in full conformity with the General Election Act, except as so modified.

SECTION 8. Any qualified elector whose name does not appear on the official registry list of qualified electors for the precinct in which he resides in the County, as shown by the official records of the registry agent, may apply to the Registrar at her office at Room 125, Washoe County Courthouse, 117 South Virginia Street, in Reno, Nevada 89501, up to and including Saturday, February 23, 1980 (which is the 5th Saturday preceding the Election), until 9:00 o'clock p.m., but not on or after Sunday, February 24, 1980, to have his name registered for the Election. The Registrar's office shall be open regularly for the registration of electors during such period between the regular hours of 8:00 o'clock a.m. to 5:00 o'clock p.m. on Mondays through Fridays, with Saturdays, Sundays, and legal holidays excepted; but during the last 5 days of registration for the Election, i.e., commencing on Tuesday, February 19, 1980, through Saturday, February 23, 1980, the registration offices shall be open from 8:00 o'clock a.m. to 5:00 o'clock p.m. and from 7:00 o'clock p.m. to 9:00 o'clock p.m. The Registrar shall close all registration of qualified electors for the Election for a full period of 30 days next preceding the date of the Election, i.e., commencing with and including Sunday, February 24, 1980. Electors may also be otherwise registered in accordance with the General Election Act.

SECTION 9. The Registrar shall cause published notice signed by her to be given to the effect that such registration will be closed on the day provided by law, specifying such day in such notice, and stating that electors may register for the ensuing Election by appearing before the Clerk at her office in the manner provided by law, in accordance with NRS 293.560, General Election Act, and all laws supplemental thereto.

SECTION 10. No notice of registration of electors is required to be given other than the notice required by the General Election Act.

SECTION 11. Absent voting shall be permitted in the manner provided by the provisions of NRS 293.310 to 293.340, inclusive, of the General Election Act, and all laws thereunto enabling.

SECTION 12. Only a punchcard voting system, including, without limitation, ballot cards, ballot page assemblies, and a punchcard vote recording device shall be used at the Election for voting, for registering, and for counting votes cast on the Election Question, as provided in the General Election Act, and in all laws thereunto enabling. There shall be provided ballot cards and ballot page assemblies, a ballot box, and other election material at each polling place. There shall be inserted in each of the ballot page assemblies used in conjunction with ballot cards at the Election the full Election Question substantially in the form stated in paragraph B of the 5th preamble of this Ordinance.

SECTION 13. The ballot cards and ballot page assemblies shall be in part in substantially the following form:

[Partial Form of Ballot Page Assembly]

OFFICIAL BALLOT

\* \* \* \* \*

ELECTION QUESTION SUBMITTED:

(Insert in each ballot page assembly as printed the full Election Question substantially in the form stated hereinabove in paragraph B. of the 5th preamble of this Ordinance).

: YES	: NO. _____
: NO	: NO. _____

The voter will prepare his ballot indicating his approval or disapproval of the foregoing proposal as the voter may desire by punching out and completely removing the dot or disk on the ballot card identified by the number thereon and on the ballot page assembly expressing his choice for or against the Election Question.

(Explanation of Election Question)

A YES vote WILL FAVOR authorizing the Board of County Commissioners of Washoe County to increase the tax on gasoline and other motor vehicle fuel 2 cents per gallon to generate revenues for the construction, maintenance and repair of proposed and existing public highways in Washoe County. If a majority of the votes cast are "yes", Washoe County will be authorized to increase the tax on motor vehicle fuel as set forth in the question.

A NO vote WILL OPPOSE authorizing the Board of County Commissioners of Washoe County increasing the tax on gasoline or other motor vehicle fuel 2 cents per gallon to generate revenue for the construction, maintenance and repair of proposed and existing public highways in Washoe County. If a majority of votes cast are "no", Washoe County will not be authorized to increase the tax on motor vehicle fuel as set forth in the question.

[End of Partial Form of Ballot Page Assembly]

SECTION 14. On each ballot page assembly there shall appear a number by the word "Yes," which number shall not otherwise appear on the ballot page assembly. The same number shall appear only once on each ballot card for the purpose of registering the vote of the qualified and registered voter of the County using the card for voting in favor of the Election Question. Similarly on each ballot page assembly there shall appear another number by the word "No," which number shall not otherwise appear on the ballot page assembly. The same number shall appear only once on each ballot card for the purpose of registering the vote of such qualified and registered voter of the County voting in such manner against the Election Question. A voter shall punch out and completely remove the dot or disk on the ballot card identified by the number thereon and on the ballot page assembly expressing his choice for or against the Election Question.

SECTION 15. The polls shall be opened at the hour of 7:00 o'clock a.m. on the day of the Election and shall remain open until and be closed at 7:00 o'clock p.m. of the same day, as provided, for a county where a punchcard voting system or voting machines are used, in NRS 293.273, General Election Act, and all laws supplemental thereto.

SECTION 16. Except as specifically provided in this Ordinance, the Election shall be had and conducted in accordance with the General Election Act and with all laws supplemental thereto.

SECTION 17. At the election on the Election Question, only duly qualified electors, as herein defined, of the County properly registered in accordance with the provisions hereof, shall be entitled to vote.

SECTION 18. The Registrar is hereby directed to procure any and all necessary materials, equipment, and supplies required by the General Election Act for the purpose of the election on the Election Question. It is hereby made the duty of the Registrar to have made and to secure immediately the ballot boxes, sample ballots, and ballot cards and ballot page assemblies as provided in §§12 through 14 hereof and to have printed enough copies of the Election Question to be submitted at the Election, as set forth in this Ordinance, to supply each election board officer for the Election, and enough additional copies otherwise to carry out the provisions of the General Election Act.

SECTION 19. The Registrar shall appoint suitable persons who are registered voters of the County as election board officers for the Election for each voting district, pursuant to the General Election Act, and the election board for each such voting district, shall be the election board for the election on the Election Question. Such members of the

election board for each polling place for the Election shall have charge of the ballot cards on the date of the Election. They shall perform such duties in holding the Election and shall make due return of the Election Question as are required by the General Election Act.

SECTION 20. The polling places, the precincts and voting districts and the boundaries thereof for the election on the Election Question shall be the same as those established by the Registrar in accordance with the General Election Act and as shown by the records and maps on file in her office.

SECTION 21. The Registrar is hereby authorized and directed to cause notice of the Election on the Election Question to be published twice in the Nevada State Journal, a newspaper printed, published, and having a general circulation in Washoe County, Nevada. The notice shall be published once each calendar week for two (2) successive calendar weeks by two (2) weekly insertions a week apart, the first publication to be not more than 30 days nor less than 22 days next preceding the date of the election.

SECTION 22. The notice of the Election to be published by the Registrar pursuant to section 21, shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION IN  
WASHOE COUNTY, NEVADA  
TO BE HELD ON TUESDAY, MARCH 25, 1980

Pursuant to an ordinance adopted by the Board of County Commissioners of the County of Washoe, in the State of Nevada (herein the "Governing Body," the "County" and the "State," respectively), designated in section one thereof by the short title "3-25-80 Special Election Ordinance," and adopted on January 15, 1980:

NOTICE IS HEREBY GIVEN that at a special election to be held on Tuesday, March 25, 1980, there will be submitted to the duly qualified electors of the County, properly registered, the following question:

PROPOSAL (ELECTION QUESTION SUBMITTED):

(Insert in each copy of the notice as printed the Election Question substantially in the same form as hereinabove stated in paragraph B of the 5th preamble of this Ordinance.)

(herein the "Election Question")

Ballot cards and ballot page assemblies, and to the extent necessary, sample ballots, will only be used in voting on the Election Question and will be furnished by the County's Registrar of Voters to the election officers, to be furnished by them in turn to the electors. On each official ballot page assembly there shall appear a number by the word "Yes," which number shall not otherwise appear on the ballot page assembly. The same number shall appear only once on each official ballot card for the purpose of registering the vote of the qualified and registered voter of the County using the card for voting in favor of the Election Question. Similarly on each official ballot page assembly there shall appear another number by the word "No," which number shall not otherwise appear on the ballot page assembly.

The same number shall appear only once on each official ballot card for the purpose of registering the vote of such voter voting against the Election Question. A voter shall punch out and completely remove the dot or disk on the ballot card identified by the number thereon and on the ballot page assembly expressing his choice for or against the Election Question.

If a majority of the electors voting on the Election Question are in favor of authorizing the Governing Body to amend County Ordinance 132 to increase the tax on motor vehicle fuel 2 cents per gallon, the proposal shall have carried. If a majority of such electors are against giving the Governing Board the authority to increase the tax on motor vehicle fuel such proposal shall have failed to carry.

The polls for the election on such date will be opened at the hour of 7:00 o'clock a.m. and will continue to be open until 7:00 o'clock p.m. of the same day, at which time the polls will be closed, as provided by law.

Absent voting will be permitted on the Election Question in the manner provided by the general election laws of the State. Otherwise an elector shall vote only at the polling place at the voting district in which he is properly registered.

Notice of the places of holding the Election within the County shall be given by the Registrar in accordance with the provisions of NRS 293.565 of the General Election Act, and all laws amendatory thereof.

The Election shall be had and conducted as nearly as practicable with the General Election Act, and with all laws amendatory thereof and supplemental thereto.

Every citizen of the United States, 18 years of age or over, who had continuously resided in the State and in the County 30 days and in the precinct 10 days next preceding the date of the election shall be entitled to vote at the election on the Election Question if he has complied with the registration laws of the State. An opportunity to register has been provided for all qualified electors, as provided by the statutes of the State.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this notice to be published, on this 3rd day of March, 1980.

/s/ Bill Farr  
Chairman  
Board of County Commissioners  
Washoe County, Nevada

ATTEST:

/s/ Judi Bailey  
County Clerk

(End of Form of Notice)



SECTION 23. Immediately after the closing of the polls, all counting board officers shall proceed to canvass the votes cast on the Election Question. The results of the election on the Election Question disclosed by such canvass shall be certified by the counting board of the voting precinct or voting district, if any, and the counting board shall make its returns to the Registrar for the Governing Body, all as provided by law.

SECTION 24. On Friday, March 28, 1980, commencing at the hour of 9:00 o'clock a.m., the Governing Body shall meet at its usual meeting place and publicly canvass the returns. If all the returns have not then been received, the Governing Body shall adjourn from day to day until the returns are all received, and shall then proceed to canvass them. The canvass shall, if necessary, be continued from day to day until completed, but in any event within 10 days after the Election, pursuant to the provisions of NRS 293.387, General Election Act.

SECTION 25. If a majority of the electors voting on the Election Question are in favor of the Governing Body increasing the tax on motor vehicle fuel as provided in the Election Question, the proposal to increase the motor vehicle fuel tax shall have carried, and the Governing Body shall cause an entry of that fact to be made upon its minutes and may proceed to amend the appropriate provisions of Washoe County Ordinance No. 132 to so provide. If the majority of the electors voting on the Election Question are against the Governing Body increasing the tax on motor vehicle fuel as provided in the Election Question, the proposal to increase the motor vehicle fuel tax shall have failed, and the Governing Body shall proceed no further to amend the provisions of Washoe County Ordinance No. 132 to increase the tax on motor vehicle fuel.

SECTION 26. The authority to increase the tax per gallon on motor vehicle fuel as provided in the Election Question, if conferred at the Election by an approval of the Election Question, shall be deemed and considered a continuing authority to impose the tax at one time or as may be provided by the Governing Body in the amendment to Washoe County Ordinance No. 132. Neither the partial exercise of the authority so conferred nor the lapse of time shall be considered as exhausting or limiting the full authority so conferred by the majority of electors voting in favor of the Election Question.

SECTION 27. All expenses incurred in holding the Election shall be the primary obligation of the County.

SECTION 28. Following the adoption of this Ordinance, the County Clerk shall immediately transmit and is hereby authorized to transmit, a certified copy of this resolution to the Registrar.

SECTION 29. The officers of the Governing Body and of the County be and they hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

SECTION 30. All bylaws, orders, and other instruments, or parts of bylaws, orders, and other instruments in conflict with this Ordinance, are hereby repealed. This repealer

shall not be construed to revive any bylaw, order, or other instrument, or part thereof, heretofore repealed.

SECTION 31. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on the 8th day of January, 1980.

Proposed by Commissioner Brown

Passed on the 15th day of January, 1980.

Vote:

Ayes: Commissioners: Farr, Stoess, Brown & Underwood.

Nays: Commissioners: None

Absent: Commissioners: Ferrari

Bill Farr  
BILL FARR, Chairman

ATTEST:

Judith Bailey  
County Clerk