



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** April 7, 2022

Staff Contact: Aubrey Rowlett, Clerk-Recorder

Agenda Title: For Possible Action: Discussion and possible action regarding the appointment of members to one committee to prepare arguments in favor of, and a second committee to prepare arguments in opposition to, the approval of a ballot question to be included on the November 2022 general election ballot asking whether to continue the current imposition of a five-cent excise tax on diesel fuel sold in Carson City which is set to expire on December 31, 2022. (Aubrey Rowlett, arowlett@carson.org)

Staff Summary: NRS 295.121 requires the Board of Supervisors to appoint separate committees to prepare arguments advocating for and opposing approval of ballot questions. The Carson City Clerk-Recorder's Office has received an application from Jim Dodson to serve on the committee advocating for approval of the ballot question, and an application from Chris Harris to serve on the committee opposing approval of the ballot question.

Agenda Action: Formal Action / Motion **Time Requested:** 10 minutes

Proposed Motion

1. I move to appoint Jim Dodson to the committee to prepare arguments advocating for approval of the ballot question.
2. I move to appoint Chris Harris to the committee to prepare arguments opposing approval of the ballot question.

Board's Strategic Goal

Efficient Government

Previous Action

June 4, 2020 - the Board of Supervisors adopted Ordinance No. 2020-7 to impose a five-cent per gallon diesel fuel tax with a provision for the tax to expire by limitation on December 31, 2022, unless the expiration is removed by approval of the voters at the next general election.

Background/Issues & Analysis

On June 4, 2020, the Board of Supervisors adopted Ordinance No. 2020-7, now codified at section 21.05.020 of the Carson City Municipal Code ("CCMC"), to impose a five-cent per gallon diesel fuel tax. This excise tax is for the sole purpose of construction, maintenance or repair of public highways, roads, streets and alleys, other than those maintained by the federal government and the State of Nevada. The tax became effective on August 1, 2020, but is subject to a sunset provision providing for the tax to expire on December 31, 2022, unless Carson City voters approve a ballot question allowing the tax to continue.

NRS 295.121(5) requires the Carson City Clerk-Recorder to recommend persons to the Board of Supervisors for appointment to committees to prepare arguments advocating for and opposing the ballot question. Each committee must be composed of three members who favor approval and three people who oppose approval. If the Board of Supervisors is unable to appoint three members to each committee, the Board of Supervisors may appoint fewer than three, but must appoint at least one person to each committee. If the Board of Supervisors is unable to appoint at least one member to each committee, the Clerk-Recorder must prepare the arguments in consultation with the District Attorney's Office.

After issuing a press release, posting the position advertisement online and presenting at the Carson City Regional Transportation Commission, the Clerk-Recorder's Office has received one application from a person interested in serving on the committee advocating for approval of the ballot question and one application from a person interested in serving on the committee opposing approval of the ballot question.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 295.121; CCMC 21.05.020

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

Do not appoint the applicants as members to the committees.

Attachments:

[Ballot Question Timeline_FINAL.pdf](#)

[Ballot Question Committee Memorandum.pdf](#)

[Chris Harris_Application Opposition.pdf](#)

[Jim Dodson_Application In Favor.pdf](#)

[Rules for Ballot Question Committees_FINAL.pdf](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

Timeline: 2022 General Election County Ballot Question

March 9	Regional Transportation Commission meeting; agenda item is for informational purposes only. Ballot approval falls within the authority of the Board of Supervisors.
March 12- March 30	Carson City Clerk-Recorder (“Clerk”) to post a notice for interested persons to serve on committee (website, Nevada Appeal).
April 7	Board of Supervisors approve the Ballot Question (condensation, explanation and financial effect on local government (NRS 293.481(1)(a)-(2)). Board of Supervisors in consultation with the Clerk appoints committees (NRS 295.121(1)).
May 20	Committees complete the writing of arguments advocating or opposing the question and submit to the Clerk.
June 6	Committees submit rebuttals to arguments and submit to the Clerk.
July 1	Clerk reviews the question (with consultation with the District Attorney’s Office). The Clerk shall reject any statement in the argument or rebuttal that the Clerk-Recorder believes is libelous or factually inaccurate. The decision to reject a statement is a final decision for purposes of judicial review. Not later than 5 days after the Clerk rejects a statement, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 days after the complaint is filed.
July 18	Final Ballot Question to the Clerk (NRS 293.481(1)(a)).



Aubrey Rowlatt

Clerk-Recorder

Office of the County Clerk
 885 East Musser St., Ste. 1025
 Carson City, NV 89701
 Tele: 775.887.2087
 Fax: 775.887.2146

MEMORANDUM REGARDING BALLOT QUESTION COMMITTEES

In compliance with Nevada Revised Statute ("NRS") 295.121, the Carson City Clerk-Recorder ("Clerk") is beginning the process of forming two ballot question committees (hereafter referred to as "Committees") for the November 8, 2022 General Election. The purpose of the Committees is to draft arguments for and against a ballot question on whether to continue a diesel fuel tax to be used for the sole purpose of construction, maintenance and repair of public roads and streets in Carson City.


In compliance with NRS 295.121 the official advertisement for these Committees shall commence on Wednesday, March 9, 2022. The last day to submit a Ballot Question Committee Interest Form ("Interest Form") to the Clerk will be no later than 5:00 p.m. on Wednesday, March 30, 2022.

In an effort to provide as much information as possible to all interested persons please find attached a ballot question information packet which will provide you with an Interest Form, copy of the public notice for recruitment, copy of NRS 295.121, a schedule for preparation of the ballot question and rules regarding the Committees.

After the deadline to receive Interest Forms has passed, the Clerk will submit a recommendation to the Carson City Board of Supervisors regarding the membership of these Committees. The Committees are not required to comply with the Nevada Open Meeting Law but may seek and consider comments from the public. The Committees shall meet and prepare a written argument advocating or opposing the question for inclusion on the ballot.

The Committees will have until Friday, May 20, 2022, by 5:00 p.m. to prepare and submit the arguments to the Clerk. The Clerk will then forward the arguments to the opposite Committee on Monday, May 24, 2022. The Committees shall prepare a rebuttal to the argument prepared by the other Committee and submit it to the Clerk by 5:00 p.m. on Friday, July 1, 2022. If a Committee fails to submit either the argument, rebuttal or both, the Clerk will place the following language on the sample ballot: "Argument (advocating)/(opposing) question not submitted by Ballot Question Committee." or "Rebuttal to argument (advocating)/(opposing) question not submitted by Ballot Question Committee."

If you have any additional questions from what is provided in the Ballot Question Information Packet, please do not hesitate to contact me.


 AUBREY ROWLATT
 Carson City Clerk-Recorder

RECEIVED

MAR 15 2022

CARSON CITY CLERK
ELECTIONS

Carson City
Ballot Question Committee
Interest Form

Complete each section below. If not applicable, enter "N/A", Type or print clearly.

Name Chris Harris	Home Phone 775-230-2226	E-Mail carsoncity@att.net	Fax
Street Address 5049 Imus Road			Zip 89706
Mailing Address 5049 Imus Road			Day Phone 775-230-2226
Name of Committee (Question subject): Bill 107 - Ordinance #2020-7 Diesel tax			
Your position on the Question:		<input type="checkbox"/>	In Favor
		<input checked="" type="checkbox"/>	Opposed
If Representing an Organization:			
Organization Name: _____			
Organization Address: _____			
Organization Phone: _____			
Organization Fax: _____			
Organization E-Mail: _____			
State your interest and qualifications to serve on the Ballot Question Committee in support of your position. Use 200 words or less. Attach additional page if necessary.			
I AM A SMALL BUSINESS OWNER IN CARSON CITY. DIESEL PRICES ARE ALREADY RISING DAILY. I WILL BE SPENDING THOUSANDS MORE ON DIESEL THIS YEAR, THAN EVER BEFORE. THIS IS THE WORST TIME EVER TO START OR EXTEND A FUEL TAX.			

Note: The information provided herein is subject to the Nevada Revised Statutes and may be disseminated accordingly.

A person may serve on more than one committee. Members serve without compensation. Once the sample ballot is published, the responsibilities of the Ballot Question Committees will be complete.

RETURN THIS FORM BY: Wednesday, March 30, 2022 (5:00 p.m.)

Carson City Clerk/Recorder
Mail or hand-deliver to:
885 E. Musser Street, Ste. 1025
Carson City, NV 89701

**Carson City
Ballot Question Committee
Interest Form**

RECEIVED

MAR 29 2022

CARSON CITY CLERK
ELECTIONS

Complete each section below. If not applicable, enter "N/A", Type or print clearly.

Name Jim Dodson	Home Phone 775-720-6144	E-Mail jimanddeann2@att.net	Fax
Street Address 3728 Prospect Dr, Carson City, NV			Zip 89703
Mailing Address Same as above			Day Phone 775-720-6144
Name of Committee (Question subject): An ordinance imposing a tax on diesel fuel sold in Carson City			
Your position on the Question:		<input checked="" type="checkbox"/>	In Favor
		<input type="checkbox"/>	Opposed
If Representing an Organization:			
Organization Name: _____			
Organization Address: _____			
Organization Phone: _____			
Organization Fax: _____			
Organization E-Mail: _____			
State your interest and qualifications to serve on the Ballot Question Committee in support of your position. Use 200 words or less. Attach additional page if necessary.			
See attached page			

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Carson City Clerk/Recorder

Mail or hand-deliver to:

885 E. Musser Street, Ste. 1025

Carson City, NV 89701

State your interest and qualifications to serve on the Ballot Question Committee in support of your position. Use 200 words or less. Attach additional page if necessary.

I have an interest in supporting this ballot question because I see it as an equitable way to help fund much needed repairs, restoration, and improvements to the local road system. Currently there is a huge shortfall of revenue compared to needs. I have a background in transportation engineering and currently serve as a member of CAMPO and Carson City RTC boards which gives me insight to these needs. Passage of this question would allow collection of revenue from diesel fuel purchased in Carson City to be used on local roads. If this ballot question isn't passed, diesel fuel users will no longer pay any fuel tax to fund local road needs. Most diesel fueled vehicles are heavier than gasoline fueled vehicles and consequently do more damage to roads and highways.

**CARSON CITY RULES FOR FORMATION OF A COMMITTEE TO PREPARE ARGUMENTS
ADVOCATING AND OPPOSING APPROVAL OF BALLOT QUESTIONS; DUTIES AND RULES
GOVERNING COMMITTEE; REVIEW OF ARGUMENTS; AND PLACEMENT OF ARGUMENTS IN
SAMPLE BALLOTS**

In accordance with Nevada Revised Statutes (“NRS”) 295.121, for each initiative, referendum, or other question to be placed on the ballot, the Carson City Board of Supervisors shall, in consultation with the Clerk-Recorder (“Clerk”), appoint two committees.

One committee must be composed of three persons who favor approval by the voters of the initiative, referendum, or other question. The second committee must be composed of three persons who oppose approval by the voters of the initiative, referendum, or other question. If the Board is unable to appoint three persons who are willing to serve on a committee, the Board may appoint fewer than three persons to that committee, but the Board must appoint at least one person to each committee.

A person may not serve simultaneously on both committees. If the Board of Supervisors fails to appoint a committee as required pursuant to NRS 295.121, the Clerk shall, in consultation with the District Attorney, prepare an argument advocating for approval and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the Clerk must satisfy the requirements of State Law. The Clerk shall not prepare the rebuttal of the arguments.

The committees shall:

1. Prepare arguments advocating or opposing approval of the ballot initiative, referendum or other question based on whether the members were appointed to advocate or oppose approval by the voters.
2. Prepare a rebuttal to the argument prepared by the other committee appointed.
3. Address in the argument and rebuttal:
 - a. The fiscal impact of the initiative, referendum or other question;
 - b. The environmental impact of the initiative, referendum, or other question;
and
 - c. The impact of the initiative, referendum, or other question on the public health, safety, and welfare.

The Clerk shall set the dates that the arguments and rebuttals are to be submitted by the committees.

The following rules are set forth to comply with the above statute and will apply to initiatives, referendums, or other questions to be placed on the Carson City ballot by the Clerk:

1. The Clerk shall, in a newspaper having a general circulation in the county, cause a notice signed by the Clerk to be published advertising committee recruitment.
2. The Clerk shall provide an *Interest Form* and *Ballot Question Information Packet* to any person expressing interest in serving on a committee and any organization which has expressed interest in having one of its' members serve on a committee.
3. Completed *Interest Forms* shall be submitted to the Clerk by the date prescribed by the Clerk.
4. Following review of the *Interest Forms*, the Clerk shall recommend, at a regularly scheduled meeting of the Board of Supervisors, three persons who favor approval by the voters of the initiative, referendum, or other question and three persons who oppose approval by the voters of the initiative, referendum, or other question. If there are fewer than three persons that submitted *Interest Forms* for each committee, the Clerk shall recommend to the Board not less than one person for each committee. The Clerk shall make committee member recommendations based upon a review of the *Interest Forms*. The Clerk may consult with the District Attorney and/or any Carson City official with expertise in the subject area of the ballot question.
5. If the Board is unable to appoint three persons who are willing to serve on a committee, the Board may appoint fewer than three persons to that committee, but the Board must appoint at least one person to each committee. If the Board fails to appoint a committee; the Clerk shall, in consultation with the District Attorney, prepare an argument advocating approval by the voters and an argument opposing approval by the voters.
6. A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum, or other questions.
7. The term of office for each member commences upon his/her appointment and expires upon publication of the sample ballot containing the initiative, referendum, or other question.
8. Members serve without compensation.
9. A member may serve on more than one committee if there is more than one initiative, referendum, or other question.

10. A committee appointed pursuant to this method:
- a. Shall select a chairman.
 - b. Shall seek and consider comments from the general public.
 - c. Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question limited to 400 words.
 - d. Shall prepare a rebuttal to the initiative, referendum or other question limited to 400 words.
 - e. Shall address in the argument and rebuttal:
 - i. The fiscal impact of the initiative, referendum or other question;
 - ii. The environmental impact of the initiative, referendum, or other question; and
 - iii. The impact of the initiative, referendum, or other question on the public health, safety, and welfare.
 - f. Shall not submit entire arguments or rebuttals in capital letters, indentations, stars, or bullets. Words that are underscored, capitalized or in bold face type will be set in italics if appropriate. Each argument and each rebuttal must be typed in a computerized format in paragraph form, preferable MS Word, and delivered to the Clerk on either a CD, a USB memory stick or by email. One printed, hard copy shall also be delivered as outlined in #11 below.
11. The arguments and rebuttals shall be submitted to the Clerk not later than 5:00 p.m. on the date prescribed by the Clerk. The Chairman of the committee shall attach a signed 'Argument/Rebuttal Cover Sheet' along with a printed copy of the Argument or Rebuttal statements with signature to indicate the committee has approved the text. Once the arguments and rebuttals have been submitted to the Clerk by the committee, they may not be amended or changed by the committee unless agreed upon by the committee, Clerk and District Attorney.
12. If a committee fails to submit the arguments and/or rebuttals by the time prescribed by the Clerk, the statement "Argument (advocating) (opposing) question not submitted by Ballot Question Committee." or "Rebuttal to argument (advocating) (opposing) question not submitted by Ballot Question Committee." as appropriate, will be printed in the sample ballot in place of the missing argument or rebuttal.

13. The Clerk will review the arguments and rebuttals submitted by the committees and reject any statements considered to be factually inaccurate, misleading, or libelous. The Clerk shall notify the committee chairman in writing that the arguments were accepted or if any statements were rejected. The decision of the Clerk is final for purposes of judicial review.
14. Not later than five days after notification that the Clerk has rejected a statement, the committee may appeal that rejection by filing a complaint in District Court. The Court shall set the matter for hearing not later than three days after the Complaint is filed and shall give priority to such a Complaint over all other matters pending the Court, except for criminal proceedings.
15. The Clerk shall place in the Sample Ballot, provided to the registered voters of the County, each argument and rebuttal prepared by the committees containing all statements not rejected as factually inaccurate, misleading, or libelous. Arguments and rebuttals shall be placed under the heading "Argument (Advocating)(Opposing) Question," and "Rebuttal to Argument (Advocating) (Opposing) Question". The words "Submitted by Ballot Question Committee (Advocating Approval) (Opposing Approval) of the Question as provided for in NRS 295.121" will appear at the end of each argument and rebuttal.
16. The Clerk may revise the language submitted by the committee so that it is clear, concise, and suitable for incorporation in the Sample Ballot. The Clerk will notify the chairman of the committee of any proposed revisions and shall not alter the meaning or effect of the committee's language without consent of the committee.
17. Word Count Standards:
 - a. Names and titles of committee members preparing arguments are not counted.
 - b. Punctuation is not counted.
 - c. All geographical names shall be considered as one word; for example, "Humboldt County", shall be counted as one word.
 - d. Each abbreviation for a word, phrase or expression shall be counted as one word; for example, "Misc." "Rd" shall be counted as one word.
 - e. Hyphenated words that appear in any generally available dictionary shall be counted as one word. Each part of all other hyphenated words shall be counted as a separate word.

- f. Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.
- g. Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, such as “one,” shall be considered as a separate word or words. “One” shall be counted as one word where “one hundred” shall be counted as two words. The following combinations are counted as one word: 2013, 25%, #5.
- h. Monetary amounts will be counted as one word; for example, “\$1,000,000” shall be counted as one word.