

Court ruling puts 911 fee in jeopardy for California cities

By Kathryn Reed

Conflicting court rulings have South Lake Tahoe officials trying to figure out if the nearly \$500,000 it collects each year from the 911 fee on phone bills is legal.

“Clearly the existing 911 fee is important in our ability to provide emergency dispatch services to the community and to visitors. The dollars derived go exclusively to operate the city’s emergency dispatch center and are an essential part of our city’s emergency delivery system,” City Manager Dave Jinkens said.

However, the state Supreme Court refused to hear an Appellate Court’s decision out of Union City regarding the matter. This means that ruling which deemed the fee to be a tax is the law. But a case out of Santa Cruz says it is a fee, not a tax.

It’s up to individual cities to figure out what it is.

Why the distinction between the assessments being a tax versus a fee is important is because a city can impose a fee, but voters must approve a tax.

City Attorney Patrick Enright said he expects to bring a recommendation to the City Council in April. It will be up the council to decide if it believes what is collected is a fee or a tax.

If it’s ruled a tax, then the council would have to decide to eliminate it or ask the voters in November to continue with it.

If the half million dollars disappears, it's not known how the dispatch services would be funded.