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County to Withdraw Emergency Response and Disaster Preparedness Fee *County Executive to Recommend taking Fee to November Ballot*

SAN JOSE, CALIF.—Today, County Executive Pete Kutas announced that the County will not pursue implementation of the Emergency Response and Disaster Preparedness Fee approved in January. The County's action is in response to a decision issued by the Court of Appeal, First Appellate District (San Francisco) on April 29, 2008 in *Bay Area Cellular Telephone Company, et al v City of Union City*. The decision held that the charge imposed by the City on telephone lines to fund the City's 911 emergency communication system was a special tax that must be approved by two-thirds of the voters in the City. The City's 911 system and fee is substantially similar to the fee adopted by the County.

In January, the County of Santa Clara Board of Supervisors approved the establishment of an Emergency Response and Disaster Preparedness Fee, designed to recover costs for services used by residents in Santa Clara County, including annual costs for disaster planning and preparation and the emergency communications fee for 9-1-1 call answering, law enforcement dispatching, fire dispatching, ambulance dispatching, pre-arrival medical instruction, disaster preparedness, and backup 9-1-1 call answering.

"In light of the Appeal Court decision we have two options," said Kutas. "We can wait until the case goes to the State Supreme Court, which may take 18-24 months for a conclusion, or take the matter to the voters in November."

Kutas indicated that he will return with a number of revenue generating options to the Board of Supervisors on June 3, and that his recommendation will be to place an Emergency Response and Disaster Preparedness Fee measure on the ballot for Santa Clara County voters in November.

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