

WMA Board & Energy Council

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Jean Josey, City of Dublin, WMA, EC

Yang Shao, City of Fremont, WMA, EC

Ben Barrientos, City of Livermore, WMA, EC

Matthew Jorgens, City of Newark, WMA, EC

Ken Houston, City of Oakland, WMA, EC

Rita Duncan, Oro Loma Sanitary District, WMA

Lorrel Plimier, City of Piedmont, WMA, EC

Matt Gaidos, City of Pleasanton, WMA, EC

Xouhoa Bowen, City of San Leandro, WMA, EC

Jeff Wang, City of Union City, WMA, EC

Timothy Burroughs, Executive Director

AGENDA

**MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT
AUTHORITY BOARD (WMA)
AND
THE ENERGY COUNCIL (EC)**

WEDNESDAY, MAY 28, 2025

3:00 P.M.

***IN PERSON MEETING LOCATION:*
STOPWASTE BOARD ROOM
1537 WEBSTER STREET, OAKLAND, CA**

This meeting will be conducted in a hybrid model with both in-person attendance and Teleconference participation:

- Teleconference location #1: 118 Glashaus Loop, Emeryville, CA
- Teleconference location #2: Fremont City Hall, 3300 Capitol Ave. Building A, Fremont, CA
- Teleconference location #3: Dublin City Hall, 100 Civic Plaza, Dublin, CA
- Teleconference location #4: 806 Pierce Street, Albany, CA
- Teleconference location #5: 2928 Linden Avenue, Berkeley, CA
- Teleconference location #6: 123 Main Street, Pleasanton, CA
- Teleconference location #7: 22493 Bayview Ave Hayward, CA
- Teleconference location #8: Newark City Hall, 37101 Newark Blvd., Conf. Rm 1, Newark, CA
- Teleconference location #9: Renaissance Nanjing Olympic Centre Hotel, 139 Aoti Street, Nanjing

Members of the public may attend in person at the Board Room, or the addresses listed above or by:

1. Calling US+1 669 900 6833 and using the Webinar ID 848 4981 2470
2. Using the [Zoom](#) website or App and entering meeting code 848 4981 2470

During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at

<http://www.stopwaste.org/virtual-meetings> no later than noon, Wednesday, May 28, 2025.

The public may also comment by sending an e-mail to publiccomment@stopwaste.org. Written public comment will be accepted until 3:00 p.m. on the day prior to the scheduled meeting. Copies of all written comments submitted by the deadline above will be provided to each Board Member and will be added to the official record. Comments will not be read into the record.

In accordance with the Americans with Disabilities Act, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENTS - *(Members are asked to please advise the Board or the Council if you might need to leave before action items are completed.)*

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Boards or Council but not listed on the agenda.

V. CONSENT CALENDAR - The Consent Calendar contains routine items of business. Items in this section will be acted on in one motion for both the WMA and EC, unless removed by a member of either Board. Members of the WMA who are not members of the EC will vote as part of the Consent Calendar vote, but their votes will not be considered in connection with any EC items.

Page

1 1. **Approval of the Draft Joint WMA, EC, and PC&RB Minutes of April 23, 2025**

5 2. **Alameda County Reusable Bag Ordinance Amendment**

Staff recommend that the WMA Board adopt the ordinance set forth in Attachment A. Ordinance 2025-01 revises Ordinance 2016-02 so that SB 1053 rules (banning plastic bags at checkout) will apply to Alameda County affected stores.

VI. REGULAR CALENDAR

19 1. **FY 2026 Budget Adoption (Timothy Burroughs & Pat Cabrera)**

That both the Waste Management Authority and the Energy Council hold public hearings and adopt their respective budget resolutions (Attachments A and B).

25 2. **Update to Legislative Positions for 2025 (Jennifer West)**

Staff recommend that the Boards adopt the stated positions on the bills outlined in the staff report.

3. **Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Timothy Burroughs)**

(Planning Committee & Recycling Board meeting (2025 StopWaste Environmental Leadership Awards) will be held on Thursday, June 12, 2025 at 4:00 p.m. at StopWaste, 1537 Webster Street, Oakland, CA)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. CLOSED SESSION (WMA only)

1. Pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director
(confidential materials provided separately)

2. Pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: Board Members Jensen, Mourra, Sadoff, and Zermeño
Unrepresented Employee: Executive Director
(confidential materials provided separately)

IX. ADJOURNMENT – TO WMA & EC MEETING JUNE 25, 2025 AT 3:00 P.M.

DRAFT

**MINUTES OF THE JOINT MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT
AUTHORITY BOARD (WMA), THE ENERGY COUNCIL (EC)
AND
RECYCLING BOARD**

**Wednesday, April 23, 2025
3:00 P.M.**

**IN PERSON MEETING LOCATION:
STOPWASTE BOARD ROOM
1537 WEBSTER STREET, OAKLAND, CA**

I. CALL TO ORDER

President Zermeño called the meeting to order at 3:02 p.m. Timothy Burroughs explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings- Instructions.](#)

II. ROLL CALL OF ATTENDANCE

WMA, EC, & RB

County of Alameda	David Haubert, WMA, EC
City of Alameda	Tracy Jensen, WMA, EC, RB
City of Berkeley	Mark Humbert, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Jean Josey, WMA, EC
City of Emeryville	David Mourra, WMA, EC, RB (EC Interim President)
City of Fremont	Yang Shao, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC (WMA President)
City of Livermore	Ben Barrientos, WMA, EC, RB
City of Newark	Matthew Jorgens, WMA, EC
City of Oakland	Ken Houston, WMA, EC
Oro Loma Sanitary District	Rita Duncan, WMA
City of Piedmont	Lorrel Plimier, WMA, EC
City of Pleasanton	Matt Gaidos, WMA, EC
City of San Leandro	Xouhoa Bowen, WMA, EC, RB
City of Union City	Jeff Wang, WMA, EC, RB
Environmental Educator	Ellen McClure, RB
Environmental Organization	Elaine Owyang, RB
Recycling Materials Processing Industry	Laura McKaughan, RB
Recycling Programs	Barun Singh, RB
Source Reduction Specialist	Grace Liao, RB (RB President)
Solid Waste Industry Representative	Virginia Harrington, RB

ABSENT

City of Albany	Jennifer Hansen-Romero, WMA, EC
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Staff Participating

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Alma Freeman, Communications Manager
Meri Soll, Senior Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel
Andrew Massey, County Counsel

III. ANNOUNCEMENTS BY PRESIDENTS

President Zermeño welcomed Ken Houston to the WMA/EC Board as the new delegate for the City of Oakland, and Barun Singh, as the new Recycling Programs representative for the Recycling Board.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments.

V. CONSENT CALENDAR

1. **Approval of the Draft WMA & EC Minutes of March 26, 2025 (WMA & EC only)**
2. **Approval of the Draft PC/RB Minutes of March 13, 2025 (RB only)**
3. **Recycling Board Attendance Record (RB only)**
4. **Written Report of Ex Parte Communications (RB only)**

There were no public comments for the Consent Calendar. Board member Barrientos moved approval of the Consent Calendar for the WMA & EC, and Board member Sadoff seconded. Board member McKaughan moved approval of the Consent Calendar for the RB, and Board member McClure seconded.

The Clerk called the roll: WMA Vote: 16-0 EC Vote: 16-0 RB Vote: 11-0
(Ayes: Barrientos, Bowen, Duncan, Gaidos, Harrington, Haubert, Humbert, Jensen, Jorgens, Josey, Liao, McClure, McKaughan, Mourra, Owyang, Plimier, Sadoff, Shao, Singh, Wang, Zermeño. Nays: None. Abstained: None. Absent: Hansen-Romero, Houston)

VI. REGULAR CALENDAR

1. **Draft Fiscal Year 2026 Agency Budget (Timothy Burroughs & Pat Cabrera) (WMA, EC & RB)**

This item is for information only.

Timothy Burroughs and Pat Cabrera presented an overview of the Draft Fiscal Year 2026 agency budget. A link to the staff report and presentation is available here: [FY2026-Budget-Presentation.pdf](#).

Mr. Burroughs thanked the Board for their leadership and partnership, and thanked staff for their passion, expertise, and commitment. Ms. Cabrera provided a summary of financial highlights and Mr. Burroughs provided an overview of programs.

Additional time was provided to Board members for discussion and to ask clarifying questions. An audio link to the discussion is available here: [FY2026-Budget-Discussion](#). Board member Josey asked that staff add an addendum that shows the prior year budget and actuals.

Ms. Cabrera stated that the Agency is being very proactive with regard to fiscal forecasting and will continue to prepare and present annual fiscal forecasts and advise the Boards of any changes in disposal trends which would require significant changes to Agency expenditures and/or revenues, and staff will present findings of the regulatory fee analysis to the Boards in July or September. There were no public comments on this item. There were no changes or revisions to the budget. The Board acknowledged StopWaste staff for their excellent work and expressed appreciation for the Agency's proactive fiscal management, transparency, and program innovation.

2. **Amending Reusable Bag Ordinance (Ordinance 2016-2) (Meri Soll)**

At the April 23 meeting, staff recommends that the WMA Board conduct a public hearing and introduce Ordinance 2025-01 amending Ordinance 2016-02, waive a full reading of the ordinance, and direct staff to place it on the consent calendar for adoption at the May 28, 2025, WMA meeting.

Timothy Burroughs introduced the item and Meri Soll provided an overview of the staff report. A link to

DRAFT

the report is available here: [RBO-Ordinance-Amendment-memo.pdf](#). Ms. Soll reminded the Board that at the March 26, 2025, WMA meeting, staff presented proposed amendments to the Alameda County Reusable Bag Ordinance (Ordinance 2016-02) to align with State Law SB 1053, which bans film plastic bags at point of sale at state regulated stores (primarily grocery, convenience, drug, and liquor stores). At the April 23, 2025 meeting, staff recommended that the Board conduct a public hearing and then introduce and waive the first reading of the amended ordinance (Attachment A) and schedule adoption of the amended ordinance on the consent calendar for the May 28, 2025, Board meeting. Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [RBO-Ordinance-Amendment-Discussion](#).

President Zermeño opened the public hearing. There was no public comment, and the public hearing was closed. Board member Sadoff moved approval of the staff recommendation, and Board member Barrientos seconded. The motion carried 17-0. The Clerk called the roll:

(Ayes: Barrientos, Bowen, Duncan, Gaidos, Houston, Humbert, Jensen, Jorgens, Josey, Mourra, Plimier, Sadoff, Shao, Wang, Zermeño. Nays: None. Abstained: None. Absent: Hansen-Romero, Haubert)

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn) (WMA only)

(Planning Committee and Recycling Board meeting on May 8, 2025 at 6:00 p.m. The meeting will be held at StopWaste, 1537 Webster Street, Oakland, CA)

Board member Wang requested an interim appointment for the May 8 meeting. Board member Duncan volunteered to attend. There were no public comments for this item. Board member Josey moved for approval of the interim appointment, and Board member Bowen seconded. The motion carried 17-0. The Clerk called the roll:

(Ayes: Barrientos, Bowen, Duncan, Gaidos, Houston, Humbert, Jensen, Jorgens, Josey, Mourra, Plimier, Sadoff, Shao, Wang, Zermeño. Nays: None. Abstained: None. Absent: Hansen-Romero, Haubert)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Mr. Burroughs announced the monthly topic brief which provides a snapshot of StopWaste's goals and focus areas that help inform our budget and shape our programs. A link to the topic brief is available [here](#).

VIII. ADJOURNMENT – The meeting adjourned at 4:38 p.m. in memory of the passing of Board member Sadoff's mom, and Pope Francis.

Next meetings:

PC & RB MEETING, MAY 8, 2025 AT 6:00 P.M.

WMA & EC MEETING, MAY 28, 2025 AT 3:00 P.M.

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DATE: May 28, 2025
TO: Waste Management Authority (WMA) Board
FROM: Meri Soll, Senior Program Manager
SUBJECT: Alameda County Reusable Bag Ordinance Amendment

SUMMARY

At the May 28, 2025, meeting, the Waste Management Authority (WMA) Board will consider adoption of an ordinance amending the Alameda County Reusable Bag Ordinance (Ordinance 2016-02). The amendment will align the Reusable Bag Ordinance (RBO) with the new State Law, SB 1053, which bans plastic bags at point-of-sale at state regulated stores (primarily grocery, convenience, drug, and liquor stores) starting January 1, 2026.

DISCUSSION

At the April 23, 2025, meeting, the WMA Board conducted a public hearing and introduced Ordinance 2025-01 amending Ordinance 2016-02, waived reading of the ordinance, and directed staff to place it on the consent calendar for the May 28, 2025, WMA meeting. Attachment A provides the text of Ordinance 2025-01.

Amending Ordinance 2016-2 to align with SB 1053 will allow the new state rules (banning plastic bags at point of sale) to apply to approximately 1,500 Alameda County stores affected by state law. Amending the ordinance to align with state law means that, as of January 1, 2026, no film plastic checkout bags will be allowed to be distributed at point-of-sale at state-regulated stores, which are primarily grocery, liquor, pharmacy, and convenience stores. Only recycled paper bags may be distributed. The recycled paper bags must have a recycled paper content of at least 50 percent starting in 2028, up from the 40 percent required under current law.

Additional background and history on the Alameda County Reusable Bag Ordinance and the evolution of state law regulating checkout bags is included in the memo submitted to the WMA Board at the April 23 meeting, available at the following link: [RBO-Ordinance-Amendment-memo](#).

RECOMMENDATION

Staff recommend that the WMA Board adopt the ordinance set forth in Attachment A. Ordinance 2025-01 revises Ordinance 2016-02 so that SB 1053 rules (banning plastic bags at checkout) will apply to Alameda County affected stores.

Attachment A:

Ordinance 2025-01 Amending Ordinance 2016-02

ATTACHMENT A

ORDINANCE 2025-1 AMENDING ORDINANCE 2012-02 AS AMENDED BY ORDINANCE 2016-02

ORDINANCE REGULATING THE USE OF CARRYOUT BAGS AND PROMOTING THE USE OF REUSABLE BAGS

The Board of the Alameda County Waste Management Authority (“Authority”) finds that:

1. In 2012 the Authority adopted Ordinance 2012-02, the Ordinance Regulating the Use of Carryout Bags and Promoting the Use of Reusable Bags and amended that ordinance in 2016 (collectively, the “Reuseable Bag Ordinance”).
2. In 2024 the legislature adopted, and the Governor signed Senate Bill 1053 amending the State law regarding single-use carryout bags. Beginning January 1, 2026, that law requires regulated stores to provide customers needing a bag with only recycled paper bags, eliminating an earlier exception allowing distribution of some types of plastic film bags. The State law further requires that the recycled paper bags provided by stores have a recycled paper content of at least 50% beginning in 2028, up from 40% under the current law.
3. This ordinance amends the Reusable Bag Ordinance to provide that stores subject to the State single-use carryout bag law are required only to comply with the terms of that law. Stores not subject to that law remain subject to the Reuseable Bag Ordinance as amended in 2016. This ordinance takes effect on January 1, 2026.
4. The Board of the Alameda County Waste Management Authority held a public meeting on [date], 2025, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

Therefore, the Board of the Authority hereby ordains as follows:

Section 1. Adoption.

Ordinance 2016-02, the Ordinance Regulating the Use of Carryout Bags and Promoting the Use of Reusable Bags as amended by Ordinance 2016-02 is hereby amended as set forth in Exhibit A effective January 1, 2026. Text to be added is indicated in bold double underlined font (e.g., **underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~).

Section 2. Severability.

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which

can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Publication.

Within 15 days after adoption of a summary of the ordinance with the names of those voting for and against, the ordinance shall be published and a certified copy of the full text with the names of those voting for and against the ordinance shall either (i) be posted on the Authority's website or (ii) be posted in the Authority offices.

Following introduction on April 23, 2025 and adopted May 28, 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of the ORDINANCE NO. 2025-01.

TIMOTHY BURROUGHS
EXECUTIVE DIRECTOR

**ORDINANCE 2012-2
AS AMENDED BY ORDINANCE 2016-2
AND 2025-1**

**ORDINANCE REGULATING THE USE OF CARRYOUT BAGS
AND PROMOTING THE USE OF REUSABLE BAGS**

The Board of the Alameda County Waste Management Authority (“Authority”) ordains as follows:

SECTION 1 (Enactment)

The Board of the Authority does hereby enact this Ordinance in full consisting of Section 1 through Section 10.

SECTION 2 (Findings)

- (a) The purpose of this Ordinance is to reduce the use of single use carryout bags, and promote the use of reusable bags at the point of sale in Alameda County **and align with state law eliminating the use of plastic bags at point of sale in state regulated stores in Alameda County. This Ordinance was adopted in 2012, amended in 2016 to apply to additional types of stores, and amended in 2025 to reflect changes in State law. The 2025 amendments took effect on January 1, 2026.**
- (b) The Authority has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management (“JPA”). The JPA grants the Authority the power, duty, and responsibility to prepare, adopt, revise, amend, administer, enforce and implement the County Integrated Waste Management Plan (“CoIWMP”), and pursuant to Section 5.m of the JPA, the power to adopt ordinances necessary to carry out the purposes of the JPA.
- (c) Reducing single use bag use is reasonably necessary to carry out the purposes of the JPA and implement the CoIWMP, including the following goals and policies.
- (d) Goal 1 of the CoIWMP is to promote environmental quality, ensure protection of public health and safety, and to minimize environmental impacts in all aspects of solid waste management. Policy 1.4.1 includes reduction of hard to recycle materials.
- (e) Goal 2 of the CoIWMP calls on the Authority and its member agencies to achieve maximum feasible waste reduction and to reduce the amount of waste disposed at landfills through improved management and conservation of resources.
- (f) Policy 2.1.1 adopts a waste management hierarchy that ranks management of waste through source reduction and then recycling and composting above landfill disposal.
- (g) Goal 7 of the CoIMWP is to Promote Inter-jurisdictional Cooperation. Policy 7.1.3 states that the Authority shall coordinate with other organizations as needed to

fulfill its countywide role including coordinating on related issues such as water and litter. Objective 7.8 states that the Authority will coordinate and facilitate program implementation by individual or subregional groupings of member agencies.

- (h) Numerous studies have documented the prevalence of plastic carry-out bags littering the environment, blocking storm drains and fouling beaches.
- (i) Plastic bags are a substantial source of marine debris.
- (j) Plastic bags cause operational problems at County landfills and transfer stations and contribute to litter countywide.
- (k) Agency studies show that as a result of Ordinance 2012-2, there has been a 44% decrease in plastic bags found in Alameda County Storm drains and a 69% decrease in paper and plastic bags at point of sale, and the number of shoppers bringing a reusable bag to affected stores, or not using a bag at all, has more than doubled.
- (l) Member Agencies are required by the Municipal Regional Permit **3.0** (MRP) for storm water to reduce trash by ~~970%~~ **723** and 100% by ~~20225~~ **25**. ~~with cities having the option to implement plastic bags to achieve these requirements.~~
- (m) There are several alternatives to single-use carry-out bags readily available.
- (n) Despite the positive impacts of the ~~existing~~ **2012** ordinance, ~~it is~~ **in 2016 it was** estimated that 62% of the projected 764 million bags distributed in Alameda County ~~are~~ **were** distributed by currently affected stores. Further efforts are needed to decrease single-use checkout bags.
- (o) The Authority prepared the Mandatory Recycling and Single Use Bag Reduction Ordinances Environmental Impact Report, which considered two separate projects and included the environmental review required by the California Environmental Quality Act for this Ordinance. The Authority certified those portions of the EIR relevant to this Ordinance. The Authority prepared an Addendum that analyzed the environmental impacts associated with amending the reusable bag ordinance and found that the amendments would not result in any new significant environmental impacts that were not addressed in the EIR and will not cause any impacts to be substantially greater than were identified in the EIR. Nor do changed circumstances or new information reveal the ordinance would have any significant impacts not considered in the EIR or result in increases in the severity of any impacts identified in the EIR.
- (p) This ordinance will be enforced using the principle of progressive enforcement with the objective of bringing the regulated community into compliance. Progressive enforcement measures shall be used in the following order in order to promote compliance: (i) official notification of non-compliance, (ii) warning of an impending administrative citation and related fine, (iii) issuance of an administrative citation and fine, and (iv) civil enforcement and/or criminal enforcement if warranted by the nature

of the violation.

- (q) **In 2024 the State of California amended the State law regarding single-use carryout bags to require state regulated stores to provide customers needing a bag with only recycled paper bags, eliminating an earlier exception allowing distribution of certain types of plastic film bags. The amendments take effect January 1, 2026. This ordinance was amended in 2025 to provide that stores subject to the State single-use carryout bag law are required only to comply with the terms of that law. Stores not subject to that law remain subject to this ordinance. The 2025 ordinance amendments take effect on January 1, 2026.**

SECTION 3 (Definitions)

The definitions set forth in this Section shall govern the application and interpretation of this ordinance.

- (a) “Alameda County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.
- (b) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management (JPA).
- (c) “Authority Representative” means any agent of the Authority designated by the Enforcement Official to implement this Ordinance, including Member Agency employees, or private contractors hired for purposes of monitoring and enforcement.
- (d) “Covered Jurisdiction” means a Member Agency of the JPA that has not opted out of coverage under Ordinance 2012-02 or Ordinance 2016-02 pursuant to Section 8 of this Ordinance. “2012 Covered Jurisdiction” means a Member Agency. “2016 Covered Jurisdiction” means a Member Agency that has not opted out of coverage under Ordinance 2016-02.
- (e) “Customer” means any Person obtaining goods from a Store.
- (f) “Enforcement Official” means the Executive Director of the Authority or his or her authorized designee.
- (g) “Executive Director” means the individual appointed by the Authority Board to act as head of staff and perform those duties specified by the Authority Rules of Procedure and by the Board.
- (h) “Member Agency” means a party to the JPA. Current member agencies are the County of Alameda, the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, and the Castro Valley and Oro Loma Sanitary Districts. The service areas for the purpose of Section 8 of this Ordinance are:

- (1) The legal boundaries of each of the 14 incorporated municipalities within Alameda County.
- (2) The unincorporated sections of the County.
- (i) "Nonprofit Charitable Reuse Organization" means a charitable organization recognized as having Section 501 (c)(3) status by the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.
- (j) "Person" means an individual, firm, public or private corporation, limited liability company, partnership, industry or any other entity whatsoever.
- (k) "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- (l) "Primary Enforcement Representative" is the chief executive of a Covered Jurisdiction or a qualified designee who will coordinate with the Authority regarding implementation of the Ordinance. A qualified designee shall have at least two years of municipal code enforcement experience or have undergone at least the level one municipal code compliance training program of the California Association of Code Enforcement Officers, or equivalent training program approved by the Enforcement Official.
- (m) "Produce/Product Bags" are bags that are integral to the packaging of the product, or bags without handles provided to the Customer (i) to transport produce, bulk food or meat from a produce, bulk food or meat department within a Store to the point of sale, (ii) to hold prescription medication dispensed from a pharmacy, or (iii) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Content Paper Bag.
- (n) "Public Eating Establishment" means a restaurant, take-out food establishment or other business (including, but not limited to, food sales from vehicles or temporary facilities open to the public) that receives 90% or more of its revenue from the sale of prepared and ready-to-consume foods and/or drinks to the public.
- (o) "Recycled Content Paper Bag" **has the meaning set forth in Public Resources Code section 42280(e) for "Recycled paper bag" as it may be amended from time to time. As of January 1, 2026 that law provides that it means "a paper carryout bag provided by a store to a customer at the point of sale that meets all of the following requirements:**
 - (1) Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the state.**

(2) Has printed on the bag the name of the manufacturer, the country where the bag was manufactured, and the percentage of postconsumer content.

(3) (A) Contains a minimum of 50 percent postconsumer recycled materials.
(B) The requirement in subparagraph (A) applies on and after January 1, 2028.

~~means a paper bag provided by a Store to a Customer at the check stand, cash register, point of sale, or other location for the purpose of transporting food or merchandise out of the Store and that contains no old-growth fiber and a minimum of forty percent (40%) postconsumer recycled material; is one hundred percent (100%) recyclable and compostable, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and has printed in a highly visible manner on the outside of the bag the words “Recyclable,” the name and location of the manufacturer, and the percentage of post-consumer recycled content.~~

- (p) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: 1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; 2) has a minimum volume of 15 liters; 3) is machine washable or is made from a material that can be cleaned or disinfected; 4) does not contain lead, cadmium or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags; 5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and 6) if made of plastic, is a minimum of at least 2.25 mils thick.
- (q) "Single-Use Carryout Bag" means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of the Store. Single-Use Carryout Bags do not include Produce/Product Bags.
- (r) "Store" means any of the following stores located within Covered Jurisdictions:
- (1) **“State Regulated Stores” which are stores defined in Public Resources Code section 42280(f) as it may be amended from time to time. As of January 1, 2026 that section provides that a store is a retail establishment that meets any of the following requirements:**
- (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more that sells a line of dry groceries, canned goods, or nonfood items, and some perishable items.**
- (2) Has at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax**

Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

(3) Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of a limited line of goods, generally including milk, bread, soda, and snack foods, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.

(4) Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of goods intended to be consumed off the premises, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.

(5) If not otherwise subject to paragraph (1), (2), (3), or (4), if the retail establishment voluntarily agrees to comply with the requirements imposed upon a store pursuant to this chapter, irrevocably notifies the department of its intent to comply with the requirements imposed upon a store pursuant to this chapter, and complies with the requirements established pursuant to Section 42284.

~~Within 2012 Covered Jurisdictions a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;~~

~~(2) Within 2012 Covered Jurisdictions a store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or~~

~~(3) Within 2012 Covered Jurisdictions a drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of goods that include milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.~~

(2) “Locally Regulated Stores” which are:

~~(4) (a) Within 2016 Covered Jurisdictions on and after May 1, 2017 the stores listed in sections 3(r)(1), (2) and (3) above and any other commercial establishment operating from a permanent enclosed structure that sells perishable or nonperishable goods including, but not limited to, clothing,~~

food and personal items directly to a customer **and that is not a State Regulated Store**; and

- ~~(5)~~ **(b)** Within 2016 Covered Jurisdictions ~~on and after November 1, 2017~~ any Public Eating Establishment.

SECTION 4 (Carryout Bag Restrictions)

The restrictions set forth in subsections (a)-(f) below apply only to Locally Regulated Stores. State Regulated Stores shall comply with the restrictions set forth in the Single-Use Carryout Bag law set forth in the Public Resources Code, Division 30, Part 3, Chapter 6.3. In subsections (a) through (f) below all references to “Store” are references to Locally Regulated Stores.

- (a) No Store shall provide a Single-Use Carryout Bag or Reusable Bag to a Customer at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of the Store except as provided in this Section.
- (b) A Store may make available for sale to a Customer a Recycled Content Paper Bag or a Reusable Bag for a minimum price of ten cents (\$0.10).
- (c) A Store that is a Public Eating Establishment may make available to a Customer a Recycled Content Paper Bag at no charge, or a Reusable Bag for a minimum price of ten cents (\$0.10).
- (d) No Store may make available for sale a Recycled Content Paper Bag or Reusable Bag unless the amount of the sale of the Recycled Content Paper Bag and Reusable Bag is separately itemized on the sales receipt.
- (e) A Store may provide a Reusable Bag at no charge if it is distributed as part of an infrequent and limited time promotion. An infrequent and limited time promotion shall not exceed a total of 90 days in any consecutive 12 month period.
- (f) A Store may provide free Reusable Bags or free Recycled Content Paper Bags at the point of sale to a Customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code; a Customer participating in Calfresh pursuant to Chapter 1 commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code; and a Customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California

Welfare and Institutions Code, as necessary to carry the items purchased at the Store by each such Customer.

SECTION 5 (Permitted Bags)

Nothing in this Ordinance prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag.

SECTION 6 (Exemptions)

This Ordinance does not apply to:

- (a) Produce/Product Bags.
- (b) Single-Use Carryout Bags or Reusable Bags used by Nonprofit Charitable Reuse Organizations.
- (c) Stores operating in a certified farmers' market registered in accordance with Section 47020 of the California Food and Agricultural Code.

SECTION 7 (Enforcement and Phasing)

- (a) Pre-enforcement Consultation. An enforcement action shall not be taken in any Covered Jurisdiction without written approval from the Primary Enforcement Representative of that Covered Jurisdiction. The Primary Enforcement Representative shall provide approval or disapproval of a proposed enforcement action in a timely manner.
- (b) Administrative Enforcement. Violation of any provision of this Ordinance shall constitute grounds for assessment of a notice of violation and fine by an Authority Representative in accordance with Government Code § 53069.4 or as the code shall subsequently be amended or reorganized. Where an enforcement action is necessary to enforce this Ordinance, the Enforcement Official will typically issue a notice of violation as authorized in this subsection prior to taking the actions authorized pursuant to sections 7(c) or 7(d) of this Ordinance. A separate notice of violation and fine may be imposed for each day on which a violation occurs. The fine shall not exceed the amounts detailed for misdemeanors in Section 7(d) of this Ordinance. The notice of violation shall list the specific violation and fine amount and describe how to pay the fine and how to request an administrative hearing to contest the notice of violation. The fine must be paid within 30 days of the notice of violation and must be deposited prior to any requested hearing. A hearing, by a hearing officer, will be held only if it is requested within 30 days of the notice of violation. Evidence may be presented at the hearing. If it is determined that no violation occurred, the amount of the fine shall be refunded within 30 days. The Authority shall serve the final order on the Person subject to the notice of violation by first class, overnight or certified mail.

- (c) Civil Action. Violation of any provision of this Ordinance may be enforced by a civil action including an action for injunctive relief. **Violations by State Regulated Stores may also be enforced in accordance with Public Resources Code section 42285.**
- (d) Infractions and Misdemeanors. Violation of any provision of this Ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$500 for the first violation, a fine not to exceed \$750 for the second violation within one year and a fine not to exceed \$1000 for each additional violation within one year. Violation of any provision of this Ordinance may also be enforced as an infraction punishable by a fine not to exceed \$100 for the first violation, a fine not to exceed \$200 for the second violation within one year and a fine not to exceed \$500 for each additional violation within one year. There shall be a separate offense for each day on which a violation occurs.
- (e) Authorized Representatives. Enforcement pursuant to this Ordinance may be undertaken by the Authority through its Executive Director, counsel, or any Authority Representative. In any enforcement action, the Authority shall be entitled to recover its attorneys' fees and costs from any Person who violates this Ordinance. Authority Representatives are authorized to conduct any inspections reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- ~~(f) Phasing. Notwithstanding the foregoing inspection and enforcement authorization of the amendments to this ordinance adopted by Ordinance 2016-02 shall be phased on the following schedule. Prior to the date that a type of establishment will be considered a Store, those establishments will be notified and public education and outreach activities will take place. Enforcement actions will be taken as needed beginning November 1, 2017 for Stores described in Section 3(r)(4) and beginning May 1, 2018 for Stores described in Section 3(r)(5).~~

SECTION 8 (Local Regulation and Opt-Out and Opt-In Provisions)

- (a) Local Regulation. Nothing in this Ordinance shall be construed to prohibit any Member Agency from enacting and enforcing ordinances and regulations regarding the distribution of Single-Use Carryout Bags and Reusable Bags, including more stringent requirements than those in this Ordinance.
- (b) Opt-Out Provision. Any Member Agency by a resolution of its governing body prior to December 9, 2016 may choose to exclude its service area from the amendments to Ordinance 2012-2 adopted by Ordinance 2016-2 on October 26, 2016.
- (c) Opt-In Provision. Any Member Agency that chooses to exclude its service area may request of the Authority by a resolution of its governing board to be re- included in coverage of the Ordinance at any subsequent time. Such coverage under the Ordinance, however, shall not occur unless it is accepted in writing by the Enforcement Official or the Authority Board, and shall become effective only on the date specified

in such written acceptance. Such acceptance shall not be unreasonably withheld or delayed.

- (d) **Dispute Resolution.** In the event of a dispute between the Authority and a Covered Jurisdiction regarding the implementation of this Ordinance, either party may request a meeting, in which case the Enforcement Official and the Primary Enforcement Representative for the Covered Jurisdiction (or other designee of the chief executive of the Covered Jurisdiction) shall meet to discuss implementation of the Ordinance. After such meeting, the parties may agree to enter into mediation to resolve any disputes between the parties related to implementation of the Ordinance. In addition, after meeting to seek to resolve any disputes between the parties and possible mediation, the Authority Board or the governing body of the Covered Jurisdiction, with at least 30 days public notice, may by resolution choose to exclude the service area of the Covered Jurisdiction from this Ordinance.

SECTION 9 (Severability)

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 10 (Notice and Verification)

~~This Ordinance shall be posted at the Authority Office after its second reading by the Board for at least thirty (30) days and shall become effective thirty (30) days after the second reading.~~

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DATE: May 28, 2025

TO: Waste Management Authority (WMA) Board
Energy Council (EC)

FROM: Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director

SUBJECT: Fiscal Year 2026 Budget Adoption

SUMMARY

At its May 28, 2025, meeting, staff recommends that the WMA and EC Boards adopt their respective FY 2026 budget.

DISCUSSION

The proposed budget for FY 2026 was presented at a joint meeting of the Waste Management Authority, Energy Council, and Recycling Board on April 23, 2025. The staff memo and PowerPoint presentation from the meeting are available here: [FY 2026 Budget Presentation Memo](#).

At the April 23 meeting, the Boards did not request any changes to budgeted amounts. The combined proposed FY 2026 budget totals approximately \$38 million, with the following breakdown:

- WMA: \$ 18,524,030
- Energy Council: \$ 9,978,425
- Recycling Board: \$ 9,488,387

As outlined in the budget document (see Expenditures by Funding Source, page IV-I), some projects are funded using both WMA and Recycling Board funds. That is because the AB 939 Facility Fee, which funds the programs overseen by the Waste Management Authority, and the Measure D Landfill Surcharge, which funds the programs overseen by the Recycling Board, are both designed to advance efforts that reduce solid waste.

The Agency’s discretionary budget is \$12.7 million, funded primarily by tonnage fee revenue and an allocation from fund balance (\$2 million). Based on fiscal forecasting models developed as part of a comprehensive analysis of the Agency’s fund balance and reserves, the Agency can draw on its fund balance in FY 2026 and still maintain an appropriate contingency moving forward. The Agency’s FY 2026 contingency, which includes both discretionary fund balances and reserves, is projected to total \$21.5 million at the end of FY 2026.

Staff is not recommending any changes to its fee/revenue structure at this time. However, staff is in the process of conducting an analysis to inform future revenue diversification recommendations, while also ensuring prudent expenditures and continuing to advance our mission. Staff plans to update the Board on revenue diversification options at its September meeting.

The linked budget document (Attachment C) includes a summary of FY 2024 budget to actual amounts, the current year budget (FY 2025) and the proposed FY 2026 budget (see Appendix E in the budget document).

The WMA budget resolution approving the FY 2026 budget also includes authorization of the Agency's salary schedule and authorized positions (no increase in authorization/staffing) and new or augmented contracts for the coming fiscal year.

The Recycling Board adopted its FY 2026 budget at its meeting held on May 8, 2025.

RECOMMENDATION

That both the Waste Management Authority and the Energy Council hold public hearings and adopt their respective budget resolutions (Attachments A and B).

Attachment A: WMA Budget Resolution

Attachment B: EC Budget Resolution

Attachment C: Link to [FY2026 Annual Budget](#)

Monthly Salary Ranges and Authorized Positions
FY26*
Authorized Positions 50.0 FTE**

Grade	Classification	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	
19	Executive Director	Per Contract: \$25,169 To Be Approved WMA 6/25/25								
18	Vacant Administrative Services Director	\$ 19,993	\$ 20,593	\$ 21,206	\$ 21,845	\$ 22,501	\$ 23,175	\$ 23,872	\$ 24,589	
17	Deputy Executive Director	\$ 18,596	\$ 19,155	\$ 19,728	\$ 20,320	\$ 20,932	\$ 21,558	\$ 22,206	\$ 22,872	
16	Vacant Operations Manager	\$ 17,301	\$ 17,818	\$ 18,351	\$ 18,902	\$ 19,470	\$ 20,055	\$ 20,657	\$ 21,275	
15	Principal Program Manager	\$ 16,094	\$ 16,574	\$ 17,073	\$ 17,586	\$ 18,111	\$ 18,654	\$ 19,215	\$ 19,791	
14	Senior Technology Officer Communications Manager	\$ 14,971	\$ 15,419	\$ 15,882	\$ 16,360	\$ 16,847	\$ 17,352	\$ 17,875	\$ 18,412	
13	Senior Management Analyst Senior Program Manager	\$ 13,925	\$ 14,343	\$ 14,773	\$ 15,217	\$ 15,672	\$ 16,144	\$ 16,629	\$ 17,128	
	Financial Services Manager*** Legislative and Regulatory Affairs Management Analyst IV									
12	Program Manager IV	\$ 12,954	\$ 13,341	\$ 13,743	\$ 14,153	\$ 14,581	\$ 15,015	\$ 15,468	\$ 15,932	
11	Management Analyst III Program Manager III	\$ 12,051	\$ 12,410	\$ 12,784	\$ 13,168	\$ 13,561	\$ 13,969	\$ 14,387	\$ 14,822	
10	Clerk of the Board Management Analyst II Program Manager II	\$ 11,209	\$ 11,546	\$ 11,892	\$ 12,249	\$ 12,616	\$ 12,994	\$ 13,384	\$ 13,788	
9	Web and Design Manager II Accountant II	\$ 10,426	\$ 10,741	\$ 11,062	\$ 11,395	\$ 11,736	\$ 12,087	\$ 12,451	\$ 12,824	
8	Web and Design Manager I Accountant I Management Analyst I	\$ 9,701	\$ 9,991	\$ 10,288	\$ 10,601	\$ 10,918	\$ 11,243	\$ 11,581	\$ 11,930	
7	Program Manager I Executive Assistant/Assistant Clerk of the Board	\$ 9,022	\$ 9,295	\$ 9,571	\$ 9,860	\$ 10,153	\$ 10,462	\$ 10,775	\$ 11,098	
6	Principal Program Services Specialist Senior Administrative Assistant	\$ 8,392	\$ 8,645	\$ 8,903	\$ 9,174	\$ 9,448	\$ 9,731	\$ 10,024	\$ 10,325	
5	Senior Program Services Specialist Administrative Assistant II	\$ 7,809	\$ 8,043	\$ 8,285	\$ 8,531	\$ 8,788	\$ 9,052	\$ 9,323	\$ 9,604	
4	Program Services Specialist II Administrative Assistant I	\$ 7,265	\$ 7,481	\$ 7,706	\$ 7,936	\$ 8,176	\$ 8,420	\$ 8,673	\$ 8,933	
3	Program Services Specialist I	\$ 6,757	\$ 6,958	\$ 7,166	\$ 7,382	\$ 7,605	\$ 7,833	\$ 8,069	\$ 8,309	
2	Vacant	\$ 6,286	\$ 6,474	\$ 6,670	\$ 6,868	\$ 7,074	\$ 7,286	\$ 7,506	\$ 7,730	
1	Inspector	\$ 5,848	\$ 6,021	\$ 6,201	\$ 6,391	\$ 6,579	\$ 6,779	\$ 6,981	\$ 7,191	
	Intermittent Hourly Rates	\$ 22.15							\$ 133.16	

* Salary increase effective June 22, 2025

** Includes regular, limited term, and intermittent positions, with 46 FTEs filled and no plans to recruit for the remaining 4 FTEs. at this time. Does not include any future positions that may be required due to grant/external funding. Those positions will be approved as part of the grants/external funding process.

*** Serves as Agency's Treasurer pursuant to the Agency's investment policy and applicable state law.

ATTACHMENT A

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2025-02**

**MOVED:
SECONDED:**

AT THE MEETING HELD MAY 28, 2025

**THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY AUTHORIZES ADOPTION OF
THE FISCAL YEAR 2026 BUDGET; PROJECT CONTRACTS; AND AUTHORIZED POSITIONS AND
SALARY SCHEDULE**

WHEREAS, a preliminary budget for Fiscal Year 2026 has been developed that incorporates programs and projects based on guidance provided by the Board and consistent with the Countywide Integrated Waste Management Plan and Recycling Plan; and,

WHEREAS, this budget was presented at the joint meeting of the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council held on April 23, 2025, for review and comment; and,

WHEREAS, legal notice of the public hearing on the budget has been provided, and the matter scheduled on the May 28, 2025, Alameda County Waste Management Authority Board agenda for adoption.

NOW THEREFORE, BE IT RESOLVED that the Alameda County Waste Management Authority (WMA) Board hereby:

1. Adopts the WMA’s portion of the Fiscal Year 2024 Budget with expenditures totaling \$18,524,030, and authorizes staff to proceed with its administration, programs and operations in accordance with the adopted budget, effective July 1, 2025.
2. Authorizes the attached salary schedule and authorized positions.
3. Authorizes the following new or augmented contracts and/or spending authority subject to approval as to form by Legal Counsel, and consistent with the WMA’s purchasing policy:

Food Waste Reduction

Gigantic Ideas Studio \$ 40,000
Various design, promotion, programmatic planning services

Used Oil Recycling (externally funded)

Zero Company Performance Marketing, Inc. \$ 25,000
Online digital advertising including targeted search, banners, social media and video

Household Hazardous Waste (HHW) Facilities

Zero Company Performance Marketing, Inc. \$ 49,800
Online media buy – including digital/mobile ads, and video on various platforms to promote HHW facilities and one day events

Administrative Overhead (OH) (includes general OH, accounting, human resources, information systems and board administration)

Shute, Mihaly and Weinberger, LLP \$ 188,000

Authority counsel, charged against multiple projects as appropriate	
<u>Alliance Insurance Services</u>	\$ 247,000
Agency insurance (note: partially funded from FY25 encumbrance)	
<u>Professional Services TBD</u>	\$ 300,000
Various consulting services related to fee implementation (includes FY 25 encumbrance)	

SB 1383 Implementation

<u>Cascadia Consulting Group</u>	\$ 185,000
Business and multifamily technical assistance. Includes additional technical assistance for and funded by the City of Oakland	
<u>Jesse Tieger Consulting</u>	\$ 105,000
Business and multifamily technical assistance. Includes additional technical assistance for and funded by the City of Oakland	
<u>Gigantic Ideas Studio</u>	\$ 8,000
Marketing and outreach assistance	

Packaging and Foodware

<u>Gigantic Idea Studio</u>	\$ 60,000
Reusable foodware promotion and outreach	
<u>Cascadia Consulting Group</u>	\$ 15,000
Reuse transport packaging technical assistance	

Agency Communications

<u>ThinkShout</u>	\$ 120,000
Website revamp including design and development services; funded partially in FY25	
<u>Zero Company Performance Marketing, Inc.</u>	\$ 30,000
Online digital advertising including targeted searches, banners, social media	
<u>Gigantic Idea Studio</u>	\$ 10,000
Reuse and Repair Network support	

Property Management

<u>Alameda County Resource Conservation District (RCD)</u>	\$ 25,000
Pond restoration permitting and biomonitoring	

Compost and Mulch

<u>Alameda County RCD</u>	\$ 110,000
Various services including monitoring carbon farming at the Altamont property, compost education and grants to Urban Funds	

Passed and adopted this 28th day of May 2025, by the following vote of the WMA Board:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

Arliss Dunn, Clerk of the Board

ATTACHMENT B

**ENERGY COUNCIL
RESOLUTION #EC 2025-01**

**MOVED:
SECONDED:**

**AT THE MEETING HELD MAY 28, 2025
THE ENERGY COUNCIL AUTHORIZES ADOPTION OF THE FISCAL YEAR 2026
BUDGET**

WHEREAS, a preliminary budget for Fiscal Year 2026 has been developed that incorporates Energy Council priorities and external funding agreements; and,

WHEREAS, this budget was presented at the joint meeting of the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board and the Energy Council held on April 23, 2025, for review and comment; and,

WHEREAS, legal notice of the budget hearing has been provided, and the matter scheduled on the May 28, 2025, Energy Council agenda for adoption.

- **NOW THEREFORE, BE IT RESOLVED**, that the Energy Council hereby adopts the Energy Council's portion of the Annual Budget for Fiscal Year 2026 with expenditures totaling \$9,978,425 and authorizes staff to proceed with Energy Council administration, programs and operations in accordance with the adopted budget, effective July 1, 2025.

Passed and adopted this 28th day of May 2025 by the following vote:

**AYES:
NOES:
ABSTAIN:
ABSENT:**

Arliss Dunn, Clerk of the Board



DATE: May 28, 2025

TO: Waste Management Authority and Energy Council

FROM: Jennifer West, Program Manager

SUBJECT: Update to Legislative Positions for 2025

SUMMARY:

This item provides an update to the [initial legislative positions](#) discussed with the Board at the March 26, 2025, meeting. The Legislature introduced around 2,350 bills in the 2025-2026 Legislative Session. Most bills have either made their way through their assigned legislative policy committee or have been held; bills that have been held at this stage can be considered next year as this is the first year in a two-year session. Legislative policy committee hearings have concluded, and fiscal committees are now reviewing bills. During the Suspense hearings on May 23, the Senate and Assembly Appropriations Committees will pass or reject hundreds of bills. Bills that survive this hearing must pass their respective house's floor vote by June 6. For information about key legislative and budget deadlines, please see the 2025 Legislative Calendar available [here](#).

DISCUSSION:

At its January 2025 meeting, the Waste Management Authority adopted three legislative priorities for 2025:

1. Build healthy food systems
2. Support a thriving circular economy
3. Accelerate innovation in the construction sector

Working with Jason Schmelzer and Dylan Hoffman of Shaw Yoder Antwih Schmelzer and Lange (our contract lobbyist in Sacramento), we are tracking and contributing input on priority bills throughout the legislative process. At the [March 2025 meeting](#), the board took positions on several bills, and staff are recommending changes to our position on three of those bills at this meeting. Staff positions on the other bills presented to the board remain the same. This memo represents the status of bills and positions as of May 20, 2025. Changes to the bills could happen after the board packet is published and before the board meeting on May 28, 2025, and staff will provide an update on any status changes at the meeting.

Released on May 14, 2025, the Governor's revised budget proposal included the reauthorization of the Cap-and-Invest program (formerly known as the Cap-and-Trade program) that was set to expire in 2030. The Cap-and-Invest program is a globally recognized tool used to reduce carbon pollution by encouraging investment in clean technology from carbon emitters, generating billions of dollars for climate-friendly projects. The proposed budget includes a shift of \$1.54 billion in operational costs from the General Fund to the Greenhouse Gas Reduction Fund (GGRF) to support CalFIRE's operations. Additionally, the Governor proposes allocating at least \$1 billion annually to the High-Speed Rail project. The Governor's administration plans to work closely with the Legislature to develop an expenditure plan that invests in these projects. The Legislature has until June 15 to adopt a budget, and the negotiations can continue until then and beyond.

StopWaste Bill Positions:

Sponsor	Actively working on a bill with an Author
Support	Support positions can range from signing joint support letters, submitting our own support letters, testifying in committees, and/or providing input on bill language
Watch, Support if Amended	Letters of support with recommended amendments; indicates that bill language and details are still evolving, and we will continue to watch and provide input and take a support/oppose position when appropriate
Oppose Unless Amended	Letters of opposition unless the measure includes recommended amendments to address concerns
Oppose	Opposition to bill

Build Healthy Food Systems

[*CHANGE POSITION SB 353 \(Alvarado-Gil\) Income tax: credits: food banks](#)

This bill extends the Personal Income Tax Law and the Corporation Tax Laws that allows a credit for a qualified taxpayer in an amount equal to 15% of the qualified value of fresh fruits or vegetables and certain agricultural foods donated to a food bank indefinitely.

Agency position: Recommend Support (from “Watch”)

Support: Californians Against Waste, Berkeley Food Network, Zero Waste Marin, Zero Waste Sonoma, Natural Resources Defense Council (NRDC)

Opposition: None listed

Cost to local government: Unknown at this time

Support a Thriving Circular Economy

[*DIED AB 473 \(Wilson\) Environmental advertising: recyclability](#)

This bill would make significant changes to current laws regulating the recyclability of products and packaging. Specifically, it would allow any product or packaging that is part of a Producer Responsibility Organization (PRO) to be considered recyclable and able to use the “chasing arrows” sign.

Agency position: Oppose

[*NEW AB 823 \(Boerner\) Solid waste: plastic microbeads: plastic glitter](#)

This bill prohibits a person from selling non-rinse off, personal care products and cleaning products containing plastic microbeads that are used as an abrasive to clean, exfoliate, or polish; and personal care products containing plastic glitter on or after January 1, 2029. –

Amended 4/24/25

Agency position: Recommend Support

Support: 350 Bay Area Action, Ban Single Use Plastic, California Environmental Voters, California Product Stewardship Council, Californians Against Waste, California Public Interest Research Group, Environmental Working Group, National Stewardship Action Council, Plastic Pollution Coalition, ReThink Waste, Save the Bay, Zero Waste Marin, Zero Waste San Diego, Zero Waste Sonoma

Opposition: American Chemistry Council, American Planning Association, California Chapter, CalChamber, California Grocers Association, California Retailers Association, Personal Care Products Council, Western Plant Health Association

Cost to Local Government: Unknown at this time

[*NEW AB 973 \(Hoover\) Recycling: plastic trash bags: plastic packaging and products](#)

This bill would repeal the existing Rigid Plastic Packaging Container recycling law and replace its provisions with a new, broader, plastic recycling statute. The bill would expand the types of products that must utilize postconsumer recycled plastics in their manufacturing and boost the percentage of recycled plastics that must be used in new products. The bill authorizes the Department of Resources Recycling and Recovery (CalRecycle) to monitor manufacturers' compliance with the law and impose civil penalties for noncompliance. – **Amended 4/22/25**

Agency position: Recommend Support

Support: National Stewardship Action Council, Republic Services – Western Region

Opposition: American Institute for Packaging and Environment (Ameripen), Consumer Brands Association (CBA), Flexible Packaging Association

Cost to Local Government: Unknown at this time

[*CHANGE POSITION AB 998 Household hazardous waste](#)

This bill helps schools dispose of vapes confiscated from students by allowing household hazardous collection facilities to accept and manage vapes as they are confiscated, opens the regulatory pathway for schools to manage and safely dispose of vapes confiscated from students, allows HHW facilities to disassemble these devices, and prohibits vapes from exchange/reuse programs. This bill also requires CalRecycle and the Department of Toxic Substances Control to develop a consolidated reporting document that HHW collection facilities can use to submit a single annual report to those agencies. – **Amended 4/10/25**

Agency Position: Recommend Support (from “Watch”)

Support: Association of California School Administrators, California Product Stewardship Council, California State Association of Counties, Californians Against Waste, County of Alameda, Los Angeles Unified School District, National Stewardship Council, Rethink Waste, Rural County Representatives of California (RCRC), Solid Waste Association of North America's Legislative Task Force, California Chapters

Opposition: None listed

Cost to Local Government: Unknown at this time

[*NEW SB 14 \(Blakespear\) State agencies: solid waste diversion: single-use plastic bottles](#)

This bill requires that state agencies only procure or sell single use plastic bottles that contain 90% or more postconsumer recycled content, and that state agencies update their integrated waste management plans to advance recycling and waste reduction goals. – **Amended 5/7/25**

Agency Position: Recommend Support

Support: A Voice For Choice Advocacy, California Product Stewardship Council, CleanEarth4Kids.org, Republic Services, WILD COAST

Opposition: None listed

Cost to Local Government: Unknown at this time

[*NEW SB 682 \(Allen\) Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances](#)

Prohibits the distribution, sale, or offering for sale of consumer products containing intentionally added per- and polyfluoroalkyl substances (PFAS) on a graduated timeline. Includes many products such as cleaning products, cookware, dental floss and ski wax by 2027. It also would include refrigerants, solvents, and fire suppressants by 2040. Requires the Department of Toxic Substances Control, upon a petition from a manufacturer, to review and

determine whether the use of PFAS in a product is currently an unavoidable use. – **Amended 5/6/25**

Agency position: Recommend Support

Sponsors: Breast Cancer Prevention Partners, California Association of Sanitation Agencies, Clean Water Action, Environmental Working Group, National Resources Defense Council

Support: Bay Area Clean Water Agencies, California Health Coalition Advocacy, East Bay Dischargers Authority, East Bay Municipal Utility District, League of California Cities

Opposition: Advanced Medical Technology Association, American Chemistry Council, American Coatings Association, American Forest & Paper Association, American Fuel & Petrochemical Manufacturers, American Petroleum Institute, Building Industry Association of Bay Area, California Chamber of Commerce, California Grocers Association, California Manufacturers & Technology Association, Specialty Equipment Market Association

Cost to Local Government: Unknown at this time

Accelerate Innovation in the Construction Sector

***CHANGE POSITION AB 306 (Schultz) Building regulations: state building standards**

AB 306 imposes a six-year moratorium on new updates to the state building code that would affect residential construction and temporarily prohibit local governments from making new modifications to those standards, except for emergency changes necessary to protect health and safety. – **Amended 3/12/25**

Agency position: Recommend Oppose Unless Amended (from “Watch”)

Suggested Amendments for the board to consider:

1. Clarify that the 2025 code will be allowed to go into effect, and that the 2031 code would also be considered and take effect.
2. Amend the bill to only apply to new construction and not existing residential buildings.
3. Provide flexibility to local governments to pass local reach codes to meet the state’s climate goals.
4. Exempt home hardening from this moratorium.

Support: American Planning Association, California Chapter, California Apartment Association, California Building Industry Association, California Housing Consortium, California Housing Partnership, Valley Industry and Commerce Association

Opposition: California Building Officials, California Solar & Storage Association (CALSSA), etc.

Cost to Local Government: Unknown at this time

***NEW AB 1167 (Berman) Public utilities: inspection of accounts: electrical corporations and gas corporations: rate recovery: political activities and promotional advertising**

Expands the types of activities an electrical or gas corporation (i.e., investor owned utilities, IOUs) is prohibited from recovering in rates by expanding the definitions of political activities and advertising, and requiring specified reporting of related activities. The bill would also require the California Public Utilities Commission (CPUC) to assess specified civil penalties for any violations of the proposed prohibitions. – **Amended 5/5/25**

Agency position: Recommended Support

Support: 350 Bay Area Action, Agricultural Energy Consumers Association, California League of Conservation Voters, California Solar & Storage Association (CALSSA), Physicians for Social Responsibility – San Francisco Bay, San Francisco Baykeeper, Sierra Club, The Climate Center, The Utility Reform Network (TURN) – co-sponsor, Vote Solar

Opposition: California Chamber of Commerce, Edison International, Pacific Gas & Electric Company (PG&E), San Diego Gas and Electric, Southern California Gas Company

Cost to Local Government: Unknown at this time

[*NEW SB 24 Electrical and gas corporations: rates: political influence activities and promotional advertising](#)

This bill would prohibit certain political influence activities and advertising expenses by electrical or gas corporations from being recovered from ratepayers, as specified. – **Amended 4/22/25**

Agency position: Recommend Support

Support: California Solar & Storage Association (CALSSA), Environmental Working Group, Housing Action Coalition, South San Joaquin Irrigation District (SSJID), The Utility Reform Network (TURN), Union of Concerned Scientists

Opposition: Pacific Gas & Electric Company (PG&E), San Diego Gas and Electric, Southern California Edison, Southern California Gas Company

Cost to Local Government: None

[*UPDATE SB 332 \(Wahab\) Investor-Owned Utilities Accountability Act](#)

This bill would require the following to improve Investor-Owned Utilities (IOU) accountability: 1) a feasibility study on transitioning operations of the large gas and electric IOUs to a successor entity, (2) that utilities post specified information concerning termination of service due to nonpayment on their websites, and (3) that each electrical corporation submit a proposed executive compensation structure to the CPUC that is structured to promote safety, as provided. – **Amended 4/23/25**

Agency position: Support

Support: California Alliance for Community Energy, California Climate Action Voters, California Environmental Justice Alliance, Consumer Watchdog, Local Clean Energy Alliance

Opposition: California State Association of Electrical Workers, Pacific Gas & Electric Company (PG&E), San Diego Gas and Electric

Cost to Local Government: None

[*NEW SB 500 \(Stern\) Electrical corporations: performance metrics and incentives](#)

This bill requires the California Public Utilities Commission (CPUC) to evaluate performance metrics and financial performance-based incentives to identify mechanisms that may serve to better align an electrical corporation's expenditures with achieving public policy goals, among other objectives. – **Amended 5/6/25**

Agency position: Recommend Support

Support: 350 Humboldt, California League of Conservation Voters – Environmental Voters, California Solar & Storage Association (CALSSA), Center for Sustainable Energy, California Climate Action Voters, The Climate Reality Project, California State Coalition, Climate Reality Project, Los Angeles Chapter

Opposition: Pacific Gas & Electric Company (PG&E), San Diego Gas and Electric, Southern California Edison

Cost to Local Government: Unknown at this time

Next Steps/Key Dates

- May: Board receives status update on bills and provides direction as appropriate/last day for policy committees to hear and report to fiscal committees' fiscal bills introduced in their house
- June 15, 2025: The state budget for 2024-25 must be passed
- September 12, 2025: Deadline for bills to pass the Legislature
- October 12, 2025: Deadline for Governor to sign or veto bills

RECOMMENDATION:

Staff recommend that the Board adopts the stated positions on the bills listed above.

**June 2025
Meetings Schedule**

**Alameda County Waste Management Authority, the Energy Council, Source Reduction &
Recycling Board, and Programs and Administration Committee**

(Hybrid meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	<p align="center">9:00 A.M. Programs & Administration Committee Key Items:</p> <ol style="list-style-type: none"> 1. Election of P&A Chair and Vice Chair 2. RE:Source update <hr/> <p align="center">4:00 P.M. Planning Committee & Recycling Board Key Items</p> <ol style="list-style-type: none"> 1. 2025 StopWaste Environmental Leadership Awards 	13	14
15	16	17	18	19	20	21
22	23	24	<p align="center">3:00 P.M. Waste Management Authority & Energy Council Key Items:</p> <ol style="list-style-type: none"> 1. Election of officers WMA 2. Election of Officers EC 3. Reappoint Wang to RB (exp 06/27) 4. Annual ED evaluation 5. HHW outreach update and annual HHW Fee approval 	26	27	28
29	30					