

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO.4676

**Amending Division 2 of Title 5 of the Ordinance Code of San Joaquin County by
Amending Chapter 13 Section 5-2921 – AB 939 Compliance Fee**

The Board of Supervisors of the County of San Joaquin (County) ordains as follows:

WHEREAS, Ordinance Code Title 5, Division 2, Chapter 13, Section 5-2924 – AB 939 Special Revenue Fund, (b) prescribes fees collected to exclusively support the costs of implementing the County's county-wide Integrated Waste Management Plan (IWMP) and programs; including the plans and programs indicated in the County's Source Reduction and Recycling Element (SRRE), and for expenses incurred in the County's administration of the Assembly Bill (AB) 939 Compliance Fee and the AB 939 Special Revenue Fund (SRF); and,

WHEREAS, Compliance Fees collected are based on the volume of waste deposited into the landfill. When program costs increase faster than landfill deposited volumes, the fund balance will decrease, and the programs become unsustainable; and,

WHEREAS, costs have increased faster than landfill disposal volumes, generating a significant decrease in the AB 939 SRF balance; and,

WHEREAS, the current AB 939 Compliance Fee no longer provides sufficient revenue to the AB 939 SRF to support the County's IWMP and SRRE programs.

NOW THEREFORE, the Board of Supervisors of the County of San Joaquin ordains as follows:

Subsection (a) of the Ordinance Code of San Joaquin County (Ordinance Code) Title 5, Division 2, Chapter 13, Section 5-2921 – AB 939 Compliance Fee, is amended to read in its entirety as follows:

~~(a) Every operator of a solid waste landfill shall pay a monthly fee to the County in the amount of one dollar (\$1.00) per ton of solid waste received that is subject to the payment of Board of Equalization disposal fees.~~

(a) Every operator of a solid waste landfill shall pay a monthly fee to the County in the amount of two dollars (\$2.00) per ton of solid waste received that is subject to the payment of Board of Equalization disposal fees. Annual adjustments to the AB 939 Compliance Fee shall take effect on the dates specified in the fee schedule, as outlined below:

- i. January 1, 2026: Increase of \$1.00 (AB 939 Compliance Fee: \$3.00)

- ii. January 1, 2027: Increase of \$1.00 (AB 939 Compliance Fee: \$4.00)
- iii. January 1, 2028: Increase of \$1.00 (AB 939 Compliance Fee: \$5.00)
- iv. January 1, 2029: The AB 939 Compliance Fee per ton for the prior year (2028) will be increased by a percent equal to the average annual percent increase (averaged to one decimal point) in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward, California area (CBSA)(CUURA422SA0), over the prior three year period ending June 30, 2028; provided, however, that such increase shall not exceed five percent of the prior year's AB 939 Compliance Fee.
- v. January 1, 2030: The AB 939 Compliance Fee per ton for the prior year (2029) will be increased by a percent equal to the average annual percent increase (averaged to one decimal point) in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward, California area (CBSA)(CUURA422SA0), averaged over the prior three year period ending June 30, 2029; provided, however, that such increase shall not exceed five percent of the prior year's AB 939 Compliance Fee.
- vi. January 1, 2031: The AB 939 Compliance Fee per ton for the prior year (2030) will be increased by a percent equal to the average annual percent increase (averaged to one decimal point) in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward, California area (CBSA)(CUURA422SA0), averaged over the prior three year period ending June 30, 2030; provided, however, that such increase shall not exceed five percent of the prior year's AB 939 Compliance Fee.

Subsection (b) of the Ordinance Code Title 5, Division 2, Chapter 13, Section 5-2921 – AB 939 Compliance Fee, is amended to read in its entirety as follows:

- ~~(b) The fee shall be due and payable each month, on or before the last day of the month immediately following the month in which the landfill received the solid waste. For example, if ten (10) tons of solid waste were received by a solid waste landfill in January, the operator shall pay ten dollars (\$10.00) to the County on or before the last day of February.~~
- (b) The fee shall be due and payable each month, on or before the last day of the month immediately following the month in which the landfill received the solid waste.

The Board of Supervisors of the County of San Joaquin ordains as follows:

[Insert text]

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 3rd of June 2025 to wit:

AYES: **Gardea, Canepa, Dhaliwal, Ding, Rickman**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Paul Canepa

PAUL CANEPA
Chair, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California

By: **Rachél DeBord**
Deputy Clerk

