

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda

Friday, January 23, 2026
9:30 AM

Board of Supervisors Chambers, 1195 Third Street, Third Floor

Climate Action Committee

AMERICAN CANYON Melissa Lamattina, Mark Joseph, Pierre Washington (Alternate)

CALISTOGA Kevin Eisenberg (Vice-Chair), Lisa Gift, Irais Lopez-Ortega (Alternate)

NAPA Beth Painter, Bernie Narvaez, Christopher DeNatale (Alternate)

NAPA COUNTY Liz Alessio, Joelle Gallagher (Chair), Amber Manfree (Alternate)

ST. HELENA Billy Summers, Michelle Deasy, Vacant (Alternate)

YOUNTVILLE Hillery Bolt Trippe, Pamela Reeves, Eric Knight (Alternate)

Brian D. Bordona, Director, McKayla McMahon, County Counsel, Jamison Crosby, Natural Resources Conservation Manager, Jesse Gutierrez, Principal Planner, Ryan Melendez, Planner II, Alexandria Quackenbush Meeting Clerk, Angie Ramirez, Meeting Clerk, Aime Ramos, Meeting Clerk

How to Watch or Listen to the Napa County Climate Action Committee Meetings

The Climate Action Committee will continue to meet at 9:30 AM on the 4th Friday of each month. December 5, 2025 CAC meeting adopted in place of the Regular November and December meetings.

The Climate Action Committee meets as specified in its adopted annual calendar at 1195 Third Street, Suite 310, Napa California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the clerk of the Climate Action Committee. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Climate Action Committee's office no less than 72 hours prior to the meeting date by contacting (707) 253-4417 or meetingclerk@countyofnapa.org.

The Climate Action Committee realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Climate Action Committee reserves the right to conduct the meeting without remote access.

Please watch or listen to the Climate Action Committee meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa Suite 305.
2. Watch on Zoom using the attendee link: <https://countyofnapa.zoom.us/j/82901122471>. Make sure the browser is up-to-date.
3. Listen on Zoom by calling 1-669-900-6833 (Meeting ID: 829-0112-2471).

If you are unable to attend the meeting in person and wish to submit a general public comment or a comment on a specific agenda item, please do the following:

1. Email your comment to meetingclerk@countyofnapa.org. Emails received will not be read aloud but will still become part of the public record and shared with the Committee Members.
2. Use the Zoom attendee link: <https://countyofnapa.zoom.us/j/82901122471>. Make sure the browser is up-to-date. When the Chair calls for the item on which you wish to speak, click "raise hand." Please limit your remarks to three minutes.
3. Call the Zoom phone number 1-669-900-6833 Enter Meeting ID 829-0112-2471 When the Chair calls for the item on which you wish to speak, press *9 to raise hand. Please limit your remarks to three minutes.

Please note that phone numbers in their entirety will be visible online while speakers are speaking

For more information, please contact us via telephone at (707) 253-4417 or send an email to meetingclerk@countyofnapa.org.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE COMMITTEE:

ON A MATTER ON THE AGENDA

Please proceed to the podium when the matter is called and, after receiving recognition from the Chair, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Committee, but is generally limited to three minutes.

ON A MATTER NOT ON THE AGENDA

Public comment is an opportunity for members of the public to speak on items that are not on the agenda but are within the subject matter jurisdiction of the Committee. Public comment is limited to three minutes per speaker, subject to the discretion of the Chair. Comments should be brief and focused, and speakers should be respectful of one another who may have different opinions. Please remember this meeting is being recorded and broadcasted live via ZOOM. The County will not tolerate profanity, hate speech, abusive language, or threats. Also, while public input is appreciated, the Brown Act prohibits the Committee from taking any action on matters raised during public comment that are not on the agenda.

1. CALL TO ORDER; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

In this time period, anyone may address the Climate Action Committee regarding any subject over which the Committee has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the Chair. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

4. CONSENT ITEMS

A. Approval of minutes from the Special Meeting on November 21, 2025. [26-142](#)

Attachments: [11-21-25 Draft Minutes](#)

5. ADMINISTRATIVE ITEMS

A. Accept nominations and elect a Chair and Vice-Chair for the 2026 Climate Action Committee. [26-157](#)

Attachments: [NapaCounty CAC Bylaws Amended 5-23-23 Final](#)

B. Discuss and adopt the proposed 2026 Climate Action Committee regular meeting calendar. [26-158](#)

Attachments: [2026 Draft CAC REGULAR MEETING SCHEDULE](#)

C. Receive a presentation on SB 1383 by Amanda Griffis, Supervising Environmental Resource Specialist for Napa County Public Works and staff to the Upper Valley Waste Management Agency. [26-167](#)

Attachments: [SB 1383 Napa Countywide Edible Food Recovery Presentation](#)

D. Receive a presentation on the CAC's 2026 Workplan and related roles and responsibilities of CAC members and staff. Staff will describe the budget process for Fiscal Year 2026/2027 and requests the CAC's direction on priorities for FY 26/27.

[26-166](#)

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The CAC has historically served as a forum for sharing information and coordinating region-wide efforts to address climate change and adapt to its effects. For example, the CAC has discussed the need for increasing the amount of electric vehicle charging infrastructure and has hosted presenters from outside agencies including the Bay Area Air Quality Management District, the San Francisco Bay Conservation and Development Commission, the Bay Area Regional Energy Network (BayREN), and others. These presentations have helped inform CAC members and the public about regional, state, and federal efforts, programs, and grants for climate action, transportation, building electrification, solid waste management, and other climate action, community resilience, and sustainability topic areas.

The CAC historically discussed short-term immediate discrete actions that could be taken by each jurisdiction to mitigate the root causes of climate change. The development of the Regional Climate Action and Adaptation Plan (RCAAP) will offer an official mechanism for coordinated efforts related to the CAC's purpose of reducing GHG emissions and adapting communities to climate change. The development and completion of the RCAAP was the CAC's primary goal for FY 25/26 and a final plan is expected in the current fiscal year.

Based on the Napa region-specific 2019 Regional Greenhouse Gas Inventory, the RCAAP framework is designed for countywide application, and many measures will be applied and implemented consistently across all Napa County jurisdictions, addressing broad issues and emissions sources that are shared across multiple jurisdictions. However, some GHG reduction measures do not apply uniformly across all jurisdictions and only apply to specific local contexts and needs. By recognizing these distinctions, the RCAAP ensures that each jurisdiction can effectively contribute to the overall GHG reduction goals while addressing their unique challenges and opportunities.

ROLES, RESPONSIBILITIES and EXPECTATIONS OF COUNTY

STAFF AND CAC APPOINTEES**Roles and Responsibilities of County staff:**

As the lead agency staffing the CAC and overseeing the development of the RCAAAP, Napa County Planning, Building and Environmental Services (PBES) staff will provide administrative and staffing support to the CAC, including the following:

- Develop and present a draft budget for FY 26/27 to CAC members in February.
- Revise the budget based on CAC feedback and present a final budget in March.
- Invoice CAC members quarterly and report all receipts and disbursements upon request.
- Develop scopes of work for CAC activities performed on a countywide level.
- Develop and manage contracts for activities performed at the countywide level by outside contractors and consultants.
- Oversee contractors; facilitate review of deliverables by consultants; approve final deliverables; and review and approve invoices.
- Facilitate CAC meetings (work groups, sub-committees), work with the Chair and Co-Chair to develop agendas, prepare agendas and minutes, and broadcast meetings.
- Disseminate information (e.g., training and/or workshop announcements), schedule presenters, and develop materials (e.g., brochures and/or electronic media) countywide to the CAC members and public.
- Coordinate with city, county, regional, and state agencies to stay informed of changes in climate action policies and regulations, and recent court decisions, and provide regular updates to the CAC.
- Facilitate RCAAAP completion and adoption by the County Board of Supervisors.
- Coordinate continued development of RCAAAP implementation strategy.
- Continue to organize and facilitate the All-Jurisdiction Staff-Level Working Group, including development of agendas and materials.

Roles and Responsibilities of Appointees to the Climate Action Committee:

- Provide feedback to staff on draft budget presented in February
- Vote to adopt a Final Budget at the March CAC meeting
- Facilitate municipal approval of the adopted budget by their respective city/town manager and/or governing body and any

potential budget amendments.

- Facilitate the timely adoption of the final RCAAP by their respective governing body
- Assist in guiding jurisdictional staff in implementation of the RCAAP strategies, measures, and actions at the local level.
- Provide and facilitate timely review and approval of County invoices relating to CAC activities.
- Share information received at the CAC with their respective jurisdictions including other elected officials, city/town managers, department heads, and department staff.
- Share information received at the CAC when appropriate with residents of their respective municipalities via city newsletters, council meetings, and events (e.g. Earth Day, Harvest Festival, Yountville Days, etc.).

CAC PRIORITIES FOR FY 2026/2027

Staff recommends the following priorities for the CAC for FY26/27:

- Adoption of the RCAAP by each municipality
- Continue developing an RCAAP implementation strategy
- Begin RCAAP implementation
- Discuss potential Joint Powers Agreement amendments to organizational approach regarding how CAC will function in RCAAP implementation phase

Implementation of the RCAAP will require close coordination between all jurisdictions. The local priorities set by each jurisdiction will dictate how staff and financial resources are leveraged during implementation.

Attachments: [2026 CAC Goals Priorities Roles_final](#)

E. Accept public comment received via email.

[26-168](#)

Attachments: [Christopher Warner Public Comment with Attachement.pdf](#)

6. REPORTS AND ANNOUNCEMENTS

7. FUTURE AGENDA ITEMS

8. ADJOURNMENT

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON JANUARY 20, 2026 BY 9:00 AM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE COMMITTEE CLERK AND AVAILABLE FOR PUBLIC INSPECTION

AIME RAMOS (by e-signature)

Aime Ramos, Clerk of the Commission



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Climate Action Committee

Agenda Date: 1/23/2026

File ID #: 26-142

TO: Napa County Climate Action Committee

FROM: Brian D. Bordona, Director, Napa County Planning, Building, & Environmental Services

REPORT BY: Jesse Gutiérrez, Principal Planner - Sustainability

SUBJECT: Approval of Minutes

RECOMMENDATION

Approval of minutes from the Special Meeting on November 21, 2025.

EXECUTIVE SUMMARY

The Clerk requests approval of minutes from the Special Meeting on November 21, 2025.

BACKGROUND

Only committee members who attended the November 21, 2025, Special Meeting of the Climate Action Committee (CAC) may vote on the minutes. All other CAC members should abstain from the vote.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.



Special Meeting Minutes

Climate Action Committee

Committee Members

American Canyon	Melissa Lamattina
Calistoga	Lisa Gift
Napa	Bernie Narvaez
Napa County	Liz Alessio
St. Helena	Michelle Deasy
Yountville	Hillery Bolt Trippe

Alternates

American Canyon	Pierre Washington
Calistoga	Irais Lopez Ortega
Napa	Christopher DeNatale
Napa County	Amber Manfree
St. Helena	Vacant
Yountville	Eric Knight

Mark Joseph
Kevin Eisenberg (<i>Vice-Chair</i>)
Beth Painter
Joelle Gallagher (<i>Chair</i>)
Billy Summers
Pamela Reeves

County Staff

Brian D. Bordona, Director
McKayla McMahon, Committee Counsel
Jamison Crosby, Natural Resources Cons. Mgr
Jesse Gutierrez, Principal Planner
Ryan Melendez, Planner II
Alexandria Quackenbush, Meeting Clerk
Angie Ramirez Vega, Meeting Clerk
Aime Ramos, Meeting Clerk

Friday, November 21, 2025

9:30 AM

**Board of Supervisors Chambers
1195 Third Street, Third Floor**

1. CALL TO ORDER; ROLL CALL

Committee Members Present: Mark Joseph, Melissa Lamattina, Pamela Reeves, Kevin Eisenberg, Joelle Gallagher, Michelle Deasy, Beth Painter, Hillery Trippe, Lisa Gift, Liz Alessio
Committee Members Absent: Billy Summers, Bernie Narvaez

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

One (1) public comment was heard

4. CONSENT ITEMS

**A. The Clerk of the Committee requests approval of minutes from the following meeting held on:
September 26, 2025**

Motion by Member Joseph to approve Consent Item, seconded by Member Painter

Vote: Carried 10-0

Yes: Lamattina, Joseph, Eisenberg, Gift, Painter, Alessio, Gallagher, Deasy, Trippe, Reeves

No: None

5. ADMINISTRATIVE ITEMS

A. RECEIVE A PRESENTATION BY JENNA TENNEY ON MCE ENERGY EFFICIENCY AND SUSTAINABILITY PROGRAMS.

STAFF REQUEST: Receive a presentation by Jenna Tenney. CAC members will be invited to ask questions and share comments and feedback on the MCE public programs.

Jenny Tenney from MCE presented

Chair Gallagher opened public comment; no public comments were heard

A discussion was initiated by Chair Gallagher with the members and staff

No action was taken

B. RECEIVE A PRESENTATION FROM STAFF REGARDING THE STATUS OF EV CHARGING INFRASTRUCTURE IN COUNTY AND A JOINT APPLICATION TO THE MCE EV CHARGING TECHNICAL ASSISTANCE AND REBATE PROGRAM.

STAFF REQUEST: Receive a presentation from Staff. CAC members will be invited to share comments and feedback on the status of EV Charging the Napa County jurisdictions.

Jesse Gutierrez presented the item

Chair Gallagher opened public comment; one public comment was heard

A discussion was initiated by Chair Gallagher with the members

No action was taken

C. RECEIVE AN UPDATE FROM STAFF ON THE NAPA REGIONAL CLIMATE ACTION AND ADAPTATION PLAN.

STAFF REQUEST: Receive an update from Staff. CAC members will be invited to share their feedback on the status of the RCAAP public comment period and on the development process of the RCAAP.

Jesse Gutierrez presented the item

Chair Gallagher opened public comment; one public comment was heard

A discussion was initiated by Chair Gallagher with the members

No action was taken

6. REPORTS AND ANNOUNCEMENTS

Member Painter reported that the fourth Napa Climate Summit will be held at the Napa Valley College on March 26, 2026, from 3:00pm – 5:00pm

7. FUTURE AGENDA ITEMS

Jesse Gutierrez announced that the next regular meeting will be held in January 2026. At that time, the Chair and Vice-Chair will be elected, and the yearly calendar will be adopted

8. ADJOURNMENT

Meeting adjourned at 11:10 a.m.

AIME RAMOS, Meeting Clerk



Napa County

Board Agenda Letter

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Climate Action Committee

Agenda Date: 1/23/2026

File ID #: 26-157

TO: Napa County Climate Action Committee

FROM: Brian D. Bordona, Director of Napa County Planning, Building & Environmental Services

REPORT BY: Jesse Gutiérrez, Principal Planner, Sustainability

SUBJECT: Accept nominations and elect a Chair and Vice-Chair for the 2026 Climate Action Committee.

RECOMMENDATION

Accept nominations and elect a Chair and Vice-Chair for the 2026 Climate Action Committee.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

As stated in the Bylaws, the Climate Action Committee shall elect a Chair and Vice-Chair annually. Officers elected will serve in their roles immediately.

BYLAWS OF THE NAPA COUNTY CLIMATE ACTION COMMITTEE

(as amended May 23, 2023)

Preamble

Effective May 26, 2023, the Napa County Climate Action Committee bylaws were amended by sections I through VIII to provide for one alternate representative for each acting committee member.

Bylaws

I. THE NAPA COUNTY CLIMATE ACTION COMMITTEE

- A. Name.** The official name of the Committee shall be the Napa County Climate Action Committee, hereinafter referred to as the “CAC.”
- B. Purpose.** The CAC shall act as a community round table or forum for the sharing of information, providing public education, promoting events and grants relevant to climate change, developing a regional greenhouse gas inventory, and identifying mutually agreed upon climate goals and action items for consideration by the individual Member Agencies which are party to the Climate Action Program Joint Powers Agreement (Agreement).
- C. Composition.** Pursuant to the Agreement, the CAC shall be a standing body consisting of 12 elected officials, with two (2) representatives from each of the Member Agencies, Napa County, American Canyon, Napa, St. Helena, Calistoga, and Yountville, which are appointed by the respective Agencies on an annual basis. Each jurisdiction’s Council or Board shall also appoint one alternate to serve in a members’ place in the event they will be absent during a committee meeting.

II. OFFICERS. The officers of the CAC shall be the Chair, Vice-Chair and Secretary, chosen as follows:

- A. Time of Election of the Chair and Vice-Chair.** At the first organizational meeting and thereafter at the CAC’s annual organizational meeting, the

membership of the CAC shall elect the Chair and Vice-Chair from among themselves.

- B. Term of the Chair and Vice-Chair.** The Chair and Vice-Chair shall serve one calendar year or until their successors are elected and assume office. If the office of Chair becomes vacant during the term, the Vice-Chair shall become Chair. Vacancy in the office of Vice-Chair during the term shall be filled by election to serve the remainder of the term.
- C. Duties of the Chair and Vice-Chair.** The Chair, or the Vice Chair in the absence of the Chair, shall act as the presiding officer of the CAC and in that capacity shall preserve order and decorum, decide questions of order subject to being overruled by a two-thirds vote and perform such other duties as are required by the CAC. The Chair shall have all the rights and duties enjoyed by any other member of the CAC, including the right to make and second motions. If both the Chair and Vice-Chair are absent, but the Alternate for the Chair is present, the Alternate shall serve as Chair. If the Alternate for the Chair is also absent, but the Alternate for the Vice-Chair is present, that Alternate shall serve as Chair. If both Officers and their respective Alternates are absent, the Secretary shall call for the election of a temporary Chair by the Members, or their Alternates, who are serving and present.
- D. Secretary.** The Director of the Planning, Building and Environmental Services Department, shall serve ex officio as the Secretary of the CAC.
- E. Authority to Bind the CAC.** No Member, or Alternate, of the CAC shall have any power or authority to bind the CAC by any contract, to pledge its credit, or to render it liable for any purpose in any amount.

III. MEETINGS

- A. Date of Regular Meetings.** All regular meetings of the CAC shall be held on a monthly basis on the fourth Friday of every month, as shown on a calendar, which the CAC shall adopt at the first meeting of the CAC, of each calendar year. Notwithstanding the foregoing, any regularly scheduled meeting of the CAC may be canceled by majority vote or, if there is not a quorum, be adjourned by the Chair or Secretary in the manner set

forth in Section III(G) of these by-laws.

- B. **Time of Regular Meetings.** Regular meetings shall commence at 9:30 am and continue until all agendized business is concluded unless adjourned earlier on motion of the CAC for any reason or by the Secretary for lack of a quorum.
- C. **Location of Regular Meetings.** Unless specially noticed otherwise, regular meetings shall be held at the Napa County Administration Building, Board Chambers, 1195 Third Street, Third Floor, Napa, California.
- D. **Emergency Meetings.** Emergency meetings shall be called in conformance with Section 54956.5 of the California Government Code
- E. **Special Meetings.** A special meeting may be called at any time by the Chair or upon the request of a majority of the members of the CAC by delivering written notice to each member and to each person or entity entitled by law to receive such notices in the manner required by Government Code Section 54956 at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed and shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. No other business shall be considered at such meetings by the CAC. Such written notice may be dispensed with as to any CAC member who at or prior to the time the meeting convenes files with the Secretary of the CAC a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the time the meeting convenes.
- F. **Agendas Involving Regular Meetings.** At least 72 hours before a regular meeting, an agenda containing a brief general description of each item of business to be transacted or discussed shall be posted at a location freely accessible to members of the public. All agendas shall include a time period for public comment and shall specify the time and location of the regular meeting. No discussion shall occur, or action be taken, on any item not appearing on the posted agenda except as permitted by law. Questions or comments regarding items not included on the agenda shall be limited to

the scope permitted for “public comment”. Supplemental agendas involved in a regular meeting will be prepared and considered by the CAC only under the following conditions:

1. **Emergencies.** Upon a determination by the CAC that an emergency situation exists, as defined in Section 54956.5 of the Government Code.
2. **Need Arising after Posting.** Upon a determination by a two-thirds vote of the CAC or, if less than two-thirds of the potential votes are present, a unanimous vote of the CAC members present, that there is a need to take immediate action and the need to take action came to the attention of CAC or staff subsequent to the regular agenda being posted.
3. **Recently Continued Item.** The item was properly posted for a prior meeting of the CAC occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

G. Adjourning Meetings. The CAC may adjourn any meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all CAC Members and Alternates are absent from any regular meeting or adjourned regular meeting the Secretary or Acting Secretary of the CAC may declare the meeting adjourned to the next regular meeting of the CAC. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

H. Meetings to be Open and Public. All meetings of the CAC to take action or to deliberate concerning CAC business and its conduct shall be open and public. All persons shall be permitted to attend any such meetings except as otherwise provided or permitted by law.

IV. CONDUCT OF MEETINGS

A. Order of Business. The regular order of business of the CAC shall be:

1. Call to order.
2. Approval of the minutes of the previous meeting.
3. Public comment on unagendized items. In the event total public comment exceeds ten minutes, the Chair may, in the Chair's discretion, continue public comment on the unagendized items to the end of the meeting.
4. Consideration and Action on Agenda Items.
5. Future Agenda Items
6. Adjournment.

B. Parliamentary Procedure. Unless otherwise provided by these Bylaws, all proceedings before the CAC shall be conducted in accordance with and pursuant to the parliamentary procedure prescribed in the most current version of the "American Institute of Parliamentarians Standard Code of Parliamentary Procedure."

C. Recording of Meetings. Any meeting of the CAC, other than a closed session permitted under the Brown Act, may be recorded by any person, unless the CAC determines that such recording could constitute a disruption of the proceedings.

D. Presentations to the CAC. Any person desiring to address the CAC shall, when recognized by the Chair, give their name and/or address. The Chair may, in the interest of facilitating the business of the CAC, set in advance of the presentation of testimony reasonable time limits for oral presentations. Persons may be required to submit written testimony in lieu of oral testimony if the Chair determines that a reasonable opportunity for oral presentations has been provided, and in such a case, the matter may be

continued to a later date to allow a reasonable time for such submittals to occur.

- E. **Recordation of CAC Actions.** All official actions or decisions by the CAC shall be documented and kept by the Secretary. The vote or votes of each member of the CAC on every question shall be recorded. Action minutes will be prepared for each meeting, as well as a brief summary of the meeting highlights. In addition, electronic recordings will be made of each meeting of the CAC whenever possible and shall be available to the public at the CAC offices.
- F. Future Agenda Items.
 - 1. Any Member or Alternate may request that an item be placed on a future agenda, subject to support by a majority of the Committee. Alternatively, the Chair, or Vice Chair acting in their place, may place an item on a future agenda, unless overruled at the next regular meeting by a majority of the committee.
 - 2. When an item has been placed on a future agenda, there will be a presentation at the next regular meeting to identify the estimated staff time and/or resources required to satisfy the request.

V. VOTING AND QUORUM

- A. **Roll Call Vote.** A roll call vote may be required in voting upon any motion of the CAC at the discretion of the Chair.
- B. **Inaudible Votes.** Any Member, or Alternate, present who does not vote in an audible voice or abstains for a legally insufficient reason shall be recorded as voting "aye".
- C. **Quorum.** A quorum for the transaction of business shall exist only as long as a majority (7) of the 12 Members, or their respective Alternates, are present.
- D. **Number of Votes Required for Action.** No action or recommendation of the CAC shall be valid and binding unless at least seven (7) affirmative votes concur therein.

E. Continuance Where Insufficient Votes Present. In any case where, due to the absence of one or more members, the number of affirmative votes required by V.

(D.) cannot be obtained on a question before the Committee, the Secretary shall automatically cause the matter to be placed on the next agenda for further consideration and vote. No motion shall be required to take such action.

F. Voting Affected by Conflict of Interest. As a general rule, no member shall participate as a member in any discussion or voting if to do so would constitute a conflict of interest. However, if a quorum cannot be achieved or the required number of affirmative votes for action obtained because conflicts of interest exist that prevent members having such conflicts from discussing or voting on the matter, and the conflicts are such that the members with conflicts will be unable to vote at a later date even if the matter is continued, the matter shall not be continued and a sufficient number of members having conflicts of interest, selected by lot, shall be allowed to participate to provide enough votes for the CAC to form a quorum and take affirmative action.

1. A final vote on any matter before the CAC may be reconsidered during the meeting at which the vote was taken provided all persons concerned with the matter are still present, and further provided the motion to reconsider shall be made by a member voting with the majority on the final vote.
2. If all persons concerned with a matter are not present, or if a Member so chooses, a motion to reconsider a final vote on any matter may be given not later than the next regular meeting by a member voting with the majority on the final vote, provided notice of intention to move such reconsideration shall have been given at the meeting on which the final vote was taken.
3. A motion for reconsideration shall have precedence over every motion except a motion to adjourn.

G. ONE VOTE PER MEMBER. Each Member shall have one vote on all matters presented to the Committee for a vote.

VI. ALTERNATE MEMBERS

A. Member Alternates. Each jurisdiction's Council or Board may appoint one (1) alternate who is a current member of their respective city or town council of American Canyon, Calistoga, Napa, St. Helena, or Yountville, or a member of the Napa County Board of Supervisors. Alternate Members of the CAC may sit, vote, and otherwise fully participate as an alternate Member in the absence of the appointed CAC Member they are replacing. Each jurisdiction shall present their alternate at the first meeting of the calendar year. If an Alternate Member ceases to represent their jurisdiction during the calendar year, a new Alternate Member shall be appointed at the earliest meeting, thereafter.

VII. CHANGES TO BYLAWS

The provisions of these Bylaws may be altered, amended, or repealed at any time, within limitations imposed by the Brown Act.

VIII. SUBCOMMITTEES

A. The CAC may authorize the establishment of one or more Ad Hoc or Standing committees to meet the needs of the CAC.

1. Ad hoc subcommittees may be appointed by the CAC as the need arises to accomplish specific tasks. The work of the Ad Hoc Committee shall be advisory to the CAC. When creating an Ad Hoc Committee, the CAC shall specify its purpose and term, and shall appoint the number of committee members to serve on the Ad Hoc Committee. The number of members appointed to an Ad Hoc Committee shall be less than the number of members required to constitute a quorum of the full CAC. Upon presentation of its report to the CAC on its findings, each ad hoc subcommittee shall cease to exist. Ad Hoc Committees created pursuant to this rule shall not be subject to the Brown Act.

2. Standing Committees may be appointed by the CAC as the need arises. The work of a Standing Committee shall be advisory to the

CAC. When creating a Standing Committee, the CAC shall amend its bylaws to specify the purpose and the number of committee members who will serve on the Standing Committee. The number of members appointed to a Standing Committee shall be less than the number of members required to constitute a quorum of the full CAC. Standing Committee shall provide regular updates and reports to the CAC on the work they perform. Standing Committees shall conduct their business in a manner consistent with the adopted CAC bylaws. Standing Committees created pursuant to this rule shall be subject to the Brown Act.

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Napa County

Board Agenda Letter

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Climate Action Committee

Agenda Date: 1/23/2026

File ID #: 26-158

TO: Napa County Climate Action Committee

FROM: Brian D. Bordona, Director of Napa County Planning, Building & Environmental Services

REPORT BY: Jesse Gutiérrez, Principal Planner, Sustainability

SUBJECT: Adoption of the 2026 Climate Action Committee Meeting Calendar

RECOMMENDATION

Discuss and adopt the proposed 2026 Climate Action Committee regular meeting calendar.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Staff requests the Committee review and adopt the regular meeting calendar for 2026. The CAC shall provide direction for staff if changes are needed. Proposed regular meeting dates are the fourth Friday of each month, except for November and December, which are proposed as a combined regular meeting on the second Friday of December. The draft calendar is attached.

2026 Meeting Schedule

Climate Action Committee

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Regular Climate Action Committee meetings are held at 9:30 AM on the 4th Friday of each month.

December 11, 2026 CAC meeting adopted in place of the Regular November and December meetings

Regular CAC Meeting
Holiday

2026 Meeting Schedule

Climate Action Committee

January 23, 2026
February 27, 2026
March 27, 2026
April 24, 2026
May 22, 2026
June 26, 2026
July 24, 2026
August 28, 2026
September 25, 2026
October 23, 2026
December 11, 2026

Regular Climate Action Committee Meetings are held at 9:30 AM on the 4th Friday of each month.

December 11, 2026 CAC meeting adopted in place of the Regular
November and December meetings



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Climate Action Committee

Agenda Date: 1/23/2026

File ID #: 26-167

TO: Napa County Climate Action Committee

FROM: Brian D. Bordona, Director of Napa County Planning, Building & Environmental Services

REPORT BY: Jesse Gutiérrez, Principal Planner, Sustainability

SUBJECT: Overview of California SB 1383: Short-Lived Climate Pollutant Reduction Strategy

RECOMMENDATION

Receive a presentation on SB 1383 by Amanda Griffis, Supervising Environmental Resource Specialist for Napa County Public Works and staff to the Upper Valley Waste Management Agency.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Landfills are the third largest source of methane in California. Organic waste in landfills emits:

- 20% of the state's methane, a climate super pollutant that heats 84 times more than carbon dioxide.
- Air pollutants like PM 2.5, which contributes to health conditions like asthma.

Landfilled food and other organic waste rotting in landfills emits methane climate pollution contributing to California's hotter summers, more frequent droughts, and more wildfires. To reduce methane pollution and other short-lived climate pollutants, California passed SB 1383 (Lara, 2016). The law set targets for 2025:

- 75% less organic waste sent to landfills.
- 20% of unsold, still-edible food sent to food recovery organizations.

Organics like food scraps, yard trimmings, paper, and cardboard make up half of what Californians dump in landfills. Cutting short-lived climate pollutants can have the fastest impact on the climate. (CalRecycle.ca.gov 2026)

Californians send 2.5 billion meals worth of still-fresh, unsold food to landfills each year as 1 in 5 Californians does not have enough to eat. SB 1383 requires jurisdictions to: establish or strengthen existing food recovery

networks, require mandated food donors to donate the maximum amount of edible food that would otherwise be disposed and establishes record keeping requirements for food recovery organizations and services.

Amanda Griffis is a Supervising Environmental Resource Specialist with Napa County Public Works and staff to the Upper Valley Waste Management Agency. Amanda and her team are responsible for overseeing three franchise waste services agreements providing services to residents and businesses in Napa County, Town of Yountville, City of St Helena and City of Calistoga. The Recycling and Waste Division is also responsible for ensuring compliance with AB 939 and SB 1383. These waste reduction laws require design and implementation, outreach and monitoring and state reporting. Amanda also acts as the lead for Countywide communications regarding programs designed and implemented for compliance with the food recovery portion of SB 1383.

SB 1383

Edible Food Recovery

Amanda Griffis

Supervising Environmental Resource Specialist, Napa County Public Works
Staff, Upper Valley Waste Management Agency

What is SB 1383?

- ▶ Most significant waste reduction mandate to be adopted in California in the last 35 years
- ▶ Landfilling organic waste leads to the anaerobic breakdown of that material, which creates methane, a climate super pollutant
- ▶ Methane gas is a super pollutant that heavily contributes to climate change
- ▶ SB 1383 statewide targets:
 - ▶ 75% less organic waste sent to landfills
 - ▶ 20% of unsold, still-edible food sent to food recovery organizations

What is SB 1383?

- ▶ Jurisdiction responsibilities:
 - ▶ Provide Organics Collection Services for All Generators (residential, commercial, industrial, schools, etc.)
 - ▶ Establish Edible Food Recovery Program
 - ▶ Conduct Education and Outreach
 - ▶ Procure Recycled-Content Paper Products and Recovered Organic-derived Products
 - ▶ Secure Access to Recycling and Edible Food Recovery Capacity
 - ▶ Monitor Compliance
 - ▶ Conduct Enforcement

Food Recovery

- ▶ Food recovery means collecting edible food that would otherwise go to waste and redistributing it to feed people in need.
- ▶ SB 1383 sets a statewide target that 20% of currently disposed edible food is recovered for human consumption
- ▶ Californians send 2.5 billion meals worth of still-fresh, unsold food to landfills each year as 1 in 5 Californians does not have enough to eat.
- ▶ For every 2 ½ tons of food rescued, that's the equivalent of taking 1 car off the road for a year.
- ▶ Recovering one ton of edible food could provide more than 1600 meals to hungry people.

Jurisdiction Requirements

- ▶ Identify Existing Food Recovery Capacity
- ▶ Expand Existing Food Recovery Capacity (if needed)
- ▶ Ensure Commercial Edible Food Generators Have Access to Food Recovery Services
- ▶ Monitor Commercial Edible Food Generators for Compliance

Food Recovery Capacity Assessments

- ▶ Counties are required to collect capacity information from jurisdictions and submit to CalRecycle
 - ▶ Estimate how much unsold edible food is going to landfills/compost
 - ▶ Current capacity at food recovery organizations and services
 - ▶ If additional capacity is needed
 - ▶ If additional capacity is needed, create and implement plans to expand capacity
- ▶ Must identify any jurisdiction that does not have enough verified existing, planned or new capacity

Food Recovery Capacity Assessments

- ▶ First planning period January 1, 2022 - December 31, 2024
- ▶ Napa County lead RFQ process and hired consultant Abound Food Care. All cities in Napa County contributed to costs.
- ▶ Determination:
 - ▶ Estimated edible food going to landfill: 1,192.02 tons
 - ▶ Edible food recovery capacity verifiably available: 154.35 tons
 - ▶ Needed edible food recovery capacity: 1,037.67 tons
- ▶ Implementation schedules submitted to CalRecycle

Food Recovery Capacity Assessments

- ▶ Currently in second planning period
- ▶ Second planning period January 1, 2025 - December 31, 2034
- ▶ No consultant, completed by jurisdiction staff
- ▶ Determination:
 - ▶ Estimated edible food going to landfill: 2,578.67 tons
 - ▶ Edible food recovery capacity verifiably available: 725.79 tons
 - ▶ Needed edible food recovery capacity: 1,852.88 tons
- ▶ Implementation schedules submitted to CalRecycle

Food Recovery Capacity Assessments

- ▶ Food recovery capacity available:
 - ▶ 2024: 154.35 tons
 - ▶ 2034: 725.79 tons
- ▶ Additional food recovery capacity needed:
 - ▶ 2024: 1,037.67 tons
 - ▶ 2034: 1,852.88 tons
- ▶ Implementation schedules must include:
 - ▶ Obtaining funding for edible food recovery infrastructure expansion
 - ▶ Identifying facilities with the ability to expand capacity
- ▶ Reasons for lack of capacity

Food Donors

- ▶ SB 1383 defines two groups of businesses that are required to donate the maximum amount of edible food they would otherwise dispose
- ▶ Tier One - often have produce, groceries and shelf stable foods.
Compliance began January 1, 2022
 - ▶ Supermarkets with revenue \geq \$2million.
 - ▶ Grocery Stores with Facilities \geq 10,000 sq. ft.
 - ▶ Food Service Providers
 - ▶ Food Distributors
 - ▶ Wholesale Food Vendors

Food Donors

- ▶ Tier Two - often have more prepared foods to donate. Compliance began January 1, 2024
 - ▶ Restaurants with Facilities \geq 5,000sq. ft. or 250+ seats
 - ▶ Hotels with an On-Site Food Facility and 200+ Rooms
 - ▶ Health Facilities with an On-Site Food Facility and 100+ Beds
 - ▶ Large Venues and Events (\geq 2,000 people per day of operation)
 - ▶ State Agency Cafeterias with Facilities \geq 5,000 sq. ft. or 250+ seats
 - ▶ Local Education Agency with an On-Site Food Facility
 - ▶ Non-Local Entities

	Business Type	City of Napa	Napa County Unincorp.	City of St Helena	City of American Canyon	Town of Yountville	City of Calistoga	Total
T1	Supermarkets and Grocery Stores	13	1	2	2		1	19
	Food Service Providers							
	Food Distributors & Wholesale Food Vendors	12	12	2	1			29
T2	Restaurants	9	9	2		1		21
	Hotels	3	1					4
	Health Facilities	3	2			1		6
	Large Venues and Events	3	2					5
	State Agency Cafeterias							
	Local Education Agency	1	3	1			1	6
	Total	44	30	7	3	2	2	90

T1 and T2 Donor Requirements

- ▶ Donate max amount that would otherwise be disposed
- ▶ Sign and maintain written agreement with food recovery service or organization
- ▶ Keep records:
 - ▶ Copies of agreements with food recovery services or organizations
 - ▶ Types of food being donated
 - ▶ Pounds donated per month and frequency of donations
- ▶ Do not intentionally spoil food that is suitable for donation
- ▶ For large venues or large event operators that do not provide food services, but allow for food to be provided, require food facilities operating on site to comply with these requirements
- ▶ Accommodate site inspections

Food Recovery Organization and Service Requirements

- ▶ Food Recovery Organization (FRO): an entity that engages in the collection or receipt of edible food from T1 or T2 donors and distributes that edible food to the public either directly or through other entities
- ▶ Food Recovery Service (FRS): a person or entity that collects and transports edible food from T1 or T2 donors to a food recovery organization or other entities
- ▶ If a FRO or FRS chooses to establish written agreements with T1 or T2 donors, they must keep records of the total pounds collected from donors and report to jurisdictions annually
- ▶ Nothing in SB 1383's regulations requires a FRO or FRS to establish a contract or written agreement with a T1 or T1 donor

Inspections

- ▶ Jurisdictions are required to monitor T1 and T2 donor compliance
- ▶ Inspections must verify
 - ▶ Contracts or written agreements
 - ▶ Recordkeeping
 - ▶ Donating maximum amount
- ▶ Must conduct sufficient number of inspections annually to adequately determine overall compliance

SB1383 EDIBLE FOOD RECOVERY INSPECTION REPORT			
Date		Inspector Initials	
Business Name			
Address			
City, Zip			
Phone Number			
Onsite staff person & Title			
Donor Category			
Facility Size*			
Number of Seats*		Number of Beds or Rooms*	
<small>*Add Total Facility Size for Grocery Stores, Restaurants. Add Number of Seats for Restaurants. Add Number of Beds for Health Facilities. Add Number of Rooms for Hotels</small>			
Verifications	In Compliance	Not Accessible or Could Not Assess	Out of Compliance
Generator is maximizing edible food recovery			
Using at least one food recovery organization or service and has written agreements with all services being used			
No intentional edible food spoilage			
Keeping required food donation records			
No evidence of edible food in trash, compost or recycling			
Observations:			

Outreach Materials

- ▶ Jurisdictions are required to educate T1 and T2 donors about these requirements

A current list of food recovery services and organizations serving Napa County's SB 1383 mandated donors is below.

Local Food Recovery Services and Organizations in Napa County		
Vendor	Contact	Notes
Abode Services	Pete Duenas, Kitchen Coordinator; pduenas@abode.org OR Wendi Moore, Community Engagement Coordinator; wmoore@abode.org	South Napa Shelter can accept donations of prepared foods if they have been prepared in a commercial kitchen, stored and transported at food-safe temperatures. Larger quantities are preferred (full restaurant pans). We accept non-expired canned foods, preferring fruits, vegetables and proteins. We accept fresh and frozen meat and other proteins that have been stored at food-safe temperatures, uncooked grains and pasta, and fresh uncut fruit. Boxed cereal, but no breads or pastries please.
Calistoga Cares Food Bank	Reggie Wilford, 214-425-7294, calistogacaresfoodbankinc@mail.com	We accept food items that are NOT expired!!! Common items needed include Rice, Beans, Peanut Butter, Canned Veggies and Fruit
Community Action of Napa Valley	Donate Now! Phone: 707-253-6128 canv@can-v.org	Acceptable donations: bread/bakery, deli, dairy, meat produce, dry good (canned, packed shelf stable)

California Law Requires Donation of Edible Food

CA State Law SB 1383 went into effect January 1, 2022 and requires certain Commercial Edible Food Generators to donate edible food to people in need and reduce organic waste they send to landfills.



Why Recover Food?

Food recovery means collecting edible food that would otherwise go to waste and redistributing it to feed people in need. This is the highest and best use for food that would otherwise go to waste. Californians send 11.2 billion pounds of food to landfills each year, some of which was still fresh enough to have been recovered. While billions of meals go to waste, millions of Californians don't have enough to eat. When you participate in food recovery, you are helping serve a vulnerable part of our community while playing a part in protecting our environment.

What Tier Are You In?

SB 1383 places Commercial Edible Food Generators into two tiers, with different deadlines to comply

Tier 1

January 1, 2022

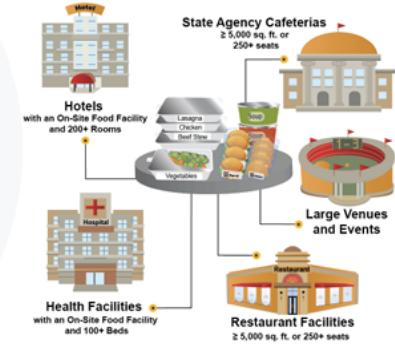
Tier one businesses typically have more produce, fresh grocery, and shelf-stable foods to donate.



Tier 2

January 1, 2024

Tier two businesses typically have more prepared foods to donate, which often require more careful handling to meet food safety requirements (e.g. time and temperature controls).



Food Recovery Capacity Expansion

- ▶ Napa County Food Recovery Capacity Building Notice of Funding Availability released in response to first capacity assessment from August 2022
- ▶ \$90,000 allotted for projects that expand the capacity for edible food recovery in Napa County
 - ▶ Funding provided by Napa County, Upper Valley Waste Management Agency and City of Napa
- ▶ Notice released April 2024 and proposals due May 2024
- ▶ Received two applications and awarded both:
 - ▶ \$40,000 Community Action Napa Valley (Napa Food Bank)
 - ▶ \$50,000 Feeding it Forward
- ▶ Original goal was for projects to be completed in October 2025, but both have been extended through June 2026 and project scopes amended

Feeding it Forward

- ▶ \$50,000 awarded for:
 - ▶ Installation of solar refrigeration unit in van (van was already purchased and not included)
 - ▶ Data tracking program subscription for one year
 - ▶ Update of outreach materials and website
 - ▶ Tables, compostable bags, gloves, pop up tents, carts, etc.

Photos provided by Feeding it Forward



Community Action Napa Valley Napa Food Bank

- ▶ \$40,000 awarded for:
 - ▶ Purchase of sprinter van and portion of van warranty

Photo provided by CANV



Food Recovery Countywide Collaboration

- ▶ Napa County, City of Napa, City of American Canyon and Upper Valley Waste Management Agency meet and communicate to best implement Countywide compliance
- ▶ Last Countywide meeting was December 2, 2025. Collaborative projects discussed:
 - ▶ Potential collaboration or combination with Napa County Master Tobacco Settlement grants
 - ▶ Contract for baseline study to assess how much capacity has expanded, the current status of capacity and how to best help FROs and FRSs accept and expand capacity to accept T1 and T2 donor food.

Challenges and Next Steps

- ▶ Challenges experienced by jurisdiction staff
- ▶ Estimate on current compliance
- ▶ Next Steps
 - ▶ Final reports from food recovery capacity expansion grants from 2024
 - ▶ Updated baseline study for food recovery capacity
 - ▶ Continue outreach, education and onboarding of T1 and T2 donors

Amanda Griffis

Amanda.Griffis@countyofnapa.org

707-259-8330

www.napacounty.gov/foodrecovery



A Tradition of Stewardship
A Commitment to Service





Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Climate Action Committee

Agenda Date: 1/23/2026

File ID #: 26-166

TO: Napa County Climate Action Committee

FROM: Brian D. Bordona, Director of Napa County Planning, Building & Environmental Services

REPORT BY: Jesse Gutiérrez, Principal Planner, Sustainability

SUBJECT: 2026 Climate Action Committee's (CAC) and Supporting Staff Workplan

RECOMMENDATION

Receive a presentation on the CAC's 2026 Workplan and related roles and responsibilities of CAC members and staff. Staff will describe the budget process for Fiscal Year 2026/2027 and requests the CAC's direction on priorities for FY 26/27.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The CAC has historically served as a forum for sharing information and coordinating region-wide efforts to address climate change and adapt to its effects. For example, the CAC has discussed the need for increasing the amount of electric vehicle charging infrastructure and has hosted presenters from outside agencies including the Bay Area Air Quality Management District, the San Francisco Bay Conservation and Development Commission, the Bay Area Regional Energy Network (BayREN), and others. These presentations have helped inform CAC members and the public about regional, state, and federal efforts, programs, and grants for climate action, transportation, building electrification, solid waste management, and other climate action, community resilience, and sustainability topic areas.

The CAC historically discussed short-term immediate discrete actions that could be taken by each jurisdiction to mitigate the root causes of climate change. The development of the Regional Climate Action and Adaptation Plan (RCAAP) will offer an official mechanism for coordinated efforts related to the CAC's purpose of reducing GHG emissions and adapting communities to climate change. The development and completion of the RCAAP was the CAC's primary goal for FY 25/26 and a final plan is expected in the current fiscal year.

Based on the Napa region-specific 2019 Regional Greenhouse Gas Inventory, the RCAAP framework is

designed for countywide application, and many measures will be applied and implemented consistently across all Napa County jurisdictions, addressing broad issues and emissions sources that are shared across multiple jurisdictions. However, some GHG reduction measures do not apply uniformly across all jurisdictions and only apply to specific local contexts and needs. By recognizing these distinctions, the RCAAP ensures that each jurisdiction can effectively contribute to the overall GHG reduction goals while addressing their unique challenges and opportunities.

ROLES, RESPONSIBILITIES and EXPECTATIONS OF COUNTY STAFF AND CAC APPOINTEES

Roles and Responsibilities of County staff:

As the lead agency staffing the CAC and overseeing the development of the RCAAP, Napa County Planning, Building and Environmental Services (PBES) staff will provide administrative and staffing support to the CAC, including the following:

- Develop and present a draft budget for FY 26/27 to CAC members in February.
- Revise the budget based on CAC feedback and present a final budget in March.
- Invoice CAC members quarterly and report all receipts and disbursements upon request.
- Develop scopes of work for CAC activities performed on a countywide level.
- Develop and manage contracts for activities performed at the countywide level by outside contractors and consultants.
- Oversee contractors; facilitate review of deliverables by consultants; approve final deliverables; and review and approve invoices.
- Facilitate CAC meetings (work groups, sub-committees), work with the Chair and Co-Chair to develop agendas, prepare agendas and minutes, and broadcast meetings.
- Disseminate information (e.g., training and/or workshop announcements), schedule presenters, and develop materials (e.g., brochures and/or electronic media) countywide to the CAC members and public.
- Coordinate with city, county, regional, and state agencies to stay informed of changes in climate action policies and regulations, and recent court decisions, and provide regular updates to the CAC.
- Facilitate RCAAP completion and adoption by the County Board of Supervisors.
- Coordinate continued development of RCAAP implementation strategy.
- Continue to organize and facilitate the All-Jurisdiction Staff-Level Working Group, including development of agendas and materials.

Roles and Responsibilities of Appointees to the Climate Action Committee:

- Provide feedback to staff on draft budget presented in February
- Vote to adopt a Final Budget at the March CAC meeting
- Facilitate municipal approval of the adopted budget by their respective city/town manager and/or governing body and any potential budget amendments.
- Facilitate the timely adoption of the final RCAAP by their respective governing body
- Assist in guiding jurisdictional staff in implementation of the RCAAP strategies, measures, and actions at the local level.
- Provide and facilitate timely review and approval of County invoices relating to CAC activities.
- Share information received at the CAC with their respective jurisdictions including other elected

officials, city/town managers, department heads, and department staff.

- Share information received at the CAC when appropriate with residents of their respective municipalities via city newsletters, council meetings, and events (e.g. Earth Day, Harvest Festival, Yountville Days, etc.).

CAC PRIORITIES FOR FY 2026/2027

Staff recommends the following priorities for the CAC for FY26/27:

- Adoption of the RCAAP by each municipality
- Continue developing an RCAAP implementation strategy
- Begin RCAAP implementation
- Discuss potential Joint Powers Agreement amendments to organizational approach regarding how CAC will function in RCAAP implementation phase

Implementation of the RCAAP will require close coordination between all jurisdictions. The local priorities set by each jurisdiction will dictate how staff and financial resources are leveraged during implementation.

Planning, Building & Environmental Services

Climate Action Committee (CAC)

Jesse Gutierrez & Ryan Melendez

January 2026



Agenda

- RCAAP Update
- Proposed FY 2026/27 CAC Workplan and Priorities
- Budget process overview
- Refresher of CAC and County staff roles and responsibilities





Role of the CAC

The CAC is a forum for information sharing, coordination, and action planning to meet the region's commitment to address the impacts of climate change.

The CAC members are the champions of the RCAAP, its adoption and implementation.

RCAAAP Update

- Draft RCAAAP was released to the public in August with a 60-day public review period
- Hosted 4 public open house meetings and presented RCAAAP to all 6 CAC member municipalities
- Initial Study CEQA document in process
- May/June target date to take the RCAAAP to Napa County Board of Supervisors for approval

Proposed Workplan and Priorities Fiscal Year 2026/2027

1. Adoption of the Regional Climate Action & Adaptation Plan (RCAAP) by each municipality
2. Continue developing an RCAAP implementation strategy
3. Discuss potential Joint Powers Agreement amendments and/or CAC organizational updates
4. Coordinate the regional implementation of the RCAAP

Budget Process Overview



- Staff will present a draft Fiscal Year 2026/2027 budget request in February.
- A revised budget based on CAC feedback will be brought to the CAC for approval in March.
- CAC members should facilitate municipal approval of adopted CAC budget.
- The County will invoice CAC members quarterly.
- CAC members will facilitate review and approval of invoices related to CAC activities.



County Staff Roles & Responsibilities

- Manage contracts for activities performed at the countywide level by outside contractors and consultants.
- Facilitate completion of the RCAAP and CEQA doc
- Facilitate bi-monthly RCAAP Working Group meetings
- Coordinate development of an RCAAP implementation strategy
- Keep CAC informed on climate action policy, regulatory changes, court decisions, etc.
- Share information on trainings, workshops, grants, etc.
- Facilitate CAC meetings supporting the Chair and Vice Chair in developing agendas, preparing minutes, staffing and broadcasting meetings.



CAC Appointees Roles & Responsibilities

- Facilitate the adoption of the final RCAAP by their respective governing body.
- Assist and provide guidance to jurisdictional staff in implementation of the RCAAP.
- Gather sentiment from municipal leadership on how the CAC can best support RCAAP implementation and discuss potential changes to the JPA organizational structure
- Share the information received at the CAC with their respective jurisdictional leadership, department heads, and staff.
- Circulate information received at the CAC to residents of their respective municipalities via existing channels such as city newsletters, events, meetings, etc. (e.g. Earth Day, Harvest Festival, Yountville Days).

Thank you

Jesse Gutierrez - Principal Planner

Jesse.Gutierrez@countyofnapa.org

707-299-1362

Ryan Melendez - Planner II

Ryan.Melendez@countyofnapa.org

707-259-5969



@countyofnapa





Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Climate Action Committee

Agenda Date: 1/23/2026

File ID #: 26-168

TO: Napa County Climate Action Committee

FROM: Brian D. Bordona, Director of Napa County Planning, Building & Environmental Services

REPORT BY: Jesse Gutiérrez, Principal Planner, Sustainability

SUBJECT: Public Comment for January 23, 2026, Climate Action Committee

RECOMMENDATION

Accept public comment received via email.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Public comments sent to meetingclerk@countyofnapa.org <<mailto:meetingclerk@countyofnapa.org>> will not be read aloud during the meeting but will become part of the public record and shared with the Committee Members.

From: [Christopher J Warner](#)
To: [RCAAP](#)
Cc: [Michelle Deasy](#); [Maya DeRosa](#); [MeetingClerk](#)
Subject: united-states-v-city-of-morgan-hill_55d210d778116e7f6a06a45033acdac0
Date: Wednesday, January 7, 2026 9:17:02 AM
Attachments: [united-states-v-city-of-morgan-hill_55d210d778116e7f6a06a45033acdac0.pdf](#)

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Please include this recent lawsuit in the RCAAP public record and share with members and staff of the Napa Climate Action Committee.

Thank you!

Christopher Warner
St Helena

BRETT A. SHUMATE
Assistant Attorney General

YAAKOV M. ROTH
Principal Deputy Assistant Attorney
General

CHARLES E.T. ROBERTS
(PA Bar No. 326539)
Counsel to the Assistant Attorney
General
U.S. Department of Justice
Civil Division
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 305-1141
Charles.Roberts2@usdoj.gov

STANLEY E. WOODWARD, JR.
Associate Attorney General

ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General

JOHN K. ADAMS
Senior Counsel

DAVIS FORSYTHE
Senior Counsel
U.S. Department of Justice
Environment and Natural Resources Division

CRAIG H. MISSAKIAN
United States Attorney

Counsel for the United States

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

THE UNITED STATES OF AMERICA,

Plaintiff,
v.

CITY OF MORGAN HILL, CITY OF
PETALUMA,

Defendants.

No. _____

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Plaintiff, the United States of America, by and through its undersigned counsel, brings this civil action for declaratory and injunctive relief, and alleges as follows:

PRELIMINARY STATEMENT

1. From the day President Trump took office, his Administration has prioritized cutting energy costs for all Americans, restoring consumer freedom, and unleashing American energy dominance. *Unleashing American Energy*, 90 Fed. Reg. 8,353 (Jan. 20, 2025) (Executive Order 14154). Ensuring that all Americans have reliable access to affordable energy not only makes good economic sense, it also strengthens national security.
2. Sadly standing in the way of that progress, many states and localities have enacted “energy policies that threaten American energy dominance and our economic and national security.” *Protecting American Energy from State Overreach*, 90 Fed. Reg. 15,513 (Apr. 8, 2025) (Executive Order 14260). Recognizing that these radical measures, “weaken our national security and devastate Americans by driving up energy costs for families coast-to-coast,” and that “Americans must be permitted to heat their homes, fuel their cars, and have peace of mind—free from policies that make energy more expensive and inevitably degrade quality of life,” the President directed the Attorney General “to take all appropriate action to stop” measures she “determines to be illegal.” *Id.*
3. The City of Morgan Hill (“Morgan Hill”) and the City of Petaluma (“Petaluma”) have just such measures on their books. In 2019, Morgan Hill banned natural gas infrastructure in newly constructed buildings. In 2021, Petaluma followed suit. In pursuit of “electrification,” these bans deny consumers reliable, resilient, and affordable energy, as well as the use of commonplace gas appliances for cooking, heating, and other household needs. But natural gas is often the lowest cost *and* most efficient energy source for uses like these—outperforming electric on both expense and lifecycle emissions. *See Dep’t of Energy, Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy*, 89 Fed. Reg. 83,672, 83,673 (Oct. 17, 2024).

4. The natural gas bans not only impose crushing costs on California residents but are also unlawful. As the Ninth Circuit held just last year, “completely prohibiting the installation of natural gas piping within newly constructed buildings” is “preempted by Congress” in the Energy Policy and Conservation Act. *California Rest. Ass’n v. City of Berkeley*, 89 F.4th 1094, 1098 (9th Cir. 2024), *amended on denial of reh’g en banc* (citing 42 U.S.C. § 6297(c)). Under that controlling precedent, Morgan Hill’s and Petaluma’s natural gas bans are invalid—as numerous other California cities have recognized when recently repealing or suspending their equivalent bans.
5. The United States brings this declaratory and injunctive action to stop these Cities from enforcing the preempted measures that drive up costs and reduce consumer freedom.

PARTIES

6. Plaintiff, the United States of America, enforces federal laws such as the Energy Policy and Conservation Act through its Executive agencies, including the Department of Energy.
7. Defendant City of Morgan Hill is a municipal corporation organized and existing under and by virtue of the laws of the State of California.
8. Defendant City of Petaluma is a municipal corporation organized and existing under and by virtue of the laws of the State of California.

JURISDICTION, VENUE, AND DIVISIONAL ASSIGNMENT

9. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1334.
10. Morgan Hill’s and Petaluma’s natural gas bans conflict with and are preempted by federal law, and do not satisfy the requirements of any exception to preemption.
11. There is no set of circumstances under which Morgan Hill’s and Petaluma’s natural gas ban would be valid under federal law. The bans’ limited exceptions do not save them from preemption.
12. Morgan Hill’s and Petaluma’s natural gas bans threaten and harm the United States’

sovereign interest in the supremacy and enforcement of federal law, specifically the Energy Policy and Conservation Act.

13. Morgan Hill's and Petaluma's natural gas bans also undermine and conflict with federal energy policy. For example, the measures (i) prohibit the use of products that the United States Department of Energy regulates and that may be distributed in commerce if in compliance with those federal regulations, thereby disrupting the agency's implementation of the federal statutory scheme, (ii) create a patchwork of inconsistent regulation in an area where Congress imposed a uniform, national energy conservation standards with exceptions permitted only in narrow circumstances, and (iii) harm the United States' interest in protecting Americans' access to reliable, resilient, and affordable energy. To the extent the natural gas bans apply to new construction undertaken by the Federal Government or its contractors within the cities, they also impose financial harm on the United States and taxpayers by increasing costs.
14. A favorable ruling would redress the United States' harms.
15. The Court has the authority to provide the relief requested under the Supremacy Clause, U.S. Const. art. VI, cl. 2, as well as 28 U.S.C. §§ 1651, 2201, and 2202, and its inherent equitable powers.
16. Venue is proper in this District under 28 U.S.C. § 1391 because Morgan Hill and Petaluma are located within this District and the acts and events giving rise to the claims occurred at least in part in this District.
17. Assignment to either the San Francisco/Oakland or San Jose Division is proper under Civil Local Rule 3-2(c) because a substantial part of the events or omissions that give rise to the claims are located in these Divisions, as Petaluma is in Marin County and Morgan Hill is in Santa Clara County.

MORGAN HILL'S GAS BAN

18. In November 2019, the City Council of Morgan Hill “adopted Ordinance 2306 establishing Chapter 15.63 (Prohibition of Natural Gas Infrastructure in New Buildings) requiring all new buildings (residential, commercial, and industrial), after March 1, 2020, to be all-electric.” City of Morgan Hill Housing Element 2023-2031, App’x H3, Opportunities for Energy Conservation at H-3-4 (adopted Jan. 25, 2023).¹
19. A true and correct copy of Ordinance 2306, which took effect March 1, 2020, is attached as Exhibit A. *See City of Morgan Hill, Ordinance 2306.*²
20. Ordinance 2306’s intent and effect are to ban gas appliances in new buildings.
21. Ordinance 2306 added a new Chapter to Title 15 of the Morgan Hill Code of Ordinances, which states:
 - a. Natural gas infrastructure shall be prohibited in newly constructed buildings.
 1. Exception: Natural gas infrastructure may be permitted in a newly constructed building if the applicant establishes that it is not physically feasible to construct the building without natural gas infrastructure. For purposes of this exception, “physically feasible” to construct the building means either an all-electric prescriptive compliance approach is available for the building under the Energy Code or the building is able to achieve the performance compliance standards under the Energy Code using commercially available technology and an approved calculation method.
 - b. To the extent that natural gas infrastructure is permitted, it shall be permitted to extend to any system, device, or appliance within a building for which an equivalent all-electric system or design is not available.

¹ https://www.morganhill.ca.gov/DocumentCenter/View/43250/H3_MH-HE_Opportunities_for_Energy_Conversation

² <https://publicrecords.morganhill.ca.gov/WebLink/DocView.aspx?id=439086&dbid=0&repo=CityofMorganHill>

- c. Newly constructed buildings shall nonetheless be required at a minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.
- d. The requirements of this section shall be deemed objective planning standards under Government Code section 65913.4 and objective development standards under Government Code section 65589.5.

Morgan Hill Code of Ordinances Ch. 15.63.040.

- 22. Under Ordinance 2306, “‘Natural gas infrastructure’ shall be defined as fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter as specified in the California Mechanical Code and Plumbing Code.” Morgan Hill Code of Ordinances Ch. 15.63.030.E.
- 23. Under Ordinance 2306, “‘Newly constructed building’ shall be defined as a building that has never before been used or occupied for any purpose.” Morgan Hill Code of Ordinances Ch. 15.63.030.F.
- 24. Ordinance 2306 also includes a “Public interest exemption,” which states:
 - a. Notwithstanding the requirements of this chapter and the greenhouse gas emissions and other public health and safety hazards associated with natural gas infrastructure, minimally necessary and specifically tailored natural gas infrastructure may be allowed in a newly constructed building provided that the entitling body establishes that the use serves the public interest. In determining whether the construction of natural gas infrastructure is in the public interest, the city may consider:
 1. The availability of alternative technologies or systems that do not use natural gas;
 2. Any other impacts that the decision to allow natural gas infrastructure may have on the health, safety, or welfare of the public.
 - b. If the installation of natural gas infrastructure is granted under a public interest exemption, the newly constructed buildings shall nonetheless be required at the

minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.

Morgan Hill Code of Ordinances Ch. 15.63.050.

25. In December 2023, the City Council voted to reaffirm and keep in place Ordinance 2306. Moore, Michael, *City Council affirms ban on gas in new homes, commercial buildings*, The Morgan Hill Times (Dec. 12, 2023).³
26. As a practical matter, Ordinance 2306 functions to ban all use of gas appliances in new buildings not subject to one of the limited exceptions.
27. Ordinance 2306 is and may be enforced by the City, its departments, and employees. See Morgan Hill Code of Ordinances Chs. 15.08.090, 15.63.040.

PETALUMA'S GAS BAN

28. In May 2021, the City Council of Petaluma “adopted an all-electric ordinance … for all Newly Constructed Buildings and Substantial Building Alterations.” City of Petaluma *All-Electric Code*.⁴
29. A true and correct copy of that Ordinance 2775, which took effect June 16, 2021, is attached as Exhibit B. See City of Petaluma, Ordinance 2775.⁵
30. Ordinance 2775’s intent and effect are to ban gas appliances in new buildings and substantial building alterations.
31. Ordinance 2775 added a new Chapter to Title 17 of the Petaluma municipal code, which states:
 - a. Newly constructed buildings and substantial building alterations must satisfy the definition of an all-electric building and/or have an all-electric design, except as otherwise provided in this chapter.

³ <https://morganhilltimes.com/city-council-affirms-ban-on-gas-in-new-homes-commercial-buildings/>

⁴ <https://cityofpetaluma.org/allelectric/>

⁵ <https://petalumadocs.cityofpetaluma.net/WebLink/DocView.aspx?id=431492&dbid=0&repo=Petaluma&cr=1>

- b. As of the effective date of this chapter, applicants are ineligible to apply for and the building official may not grant permits that would convert an all-electric building to a mixed-fuel building where the application was submitted on or after the effective date of this chapter.
- c. The requirements of this section are and shall be deemed objective planning standards for purposes of Government Code Section 65913.4 and objective development standards for purposes of Government Code Section 65589.5, as those sections may be amended from time to time.

Petaluma Mun. Code Ch. 17.09.030.

- 32. Under Ordinance 2775, an “‘All-electric building’ is a building that uses a permanent supply of electricity as the source of energy for all space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed in the building.” Petaluma Mun. Code Ch. 17.09.020.B.
- 33. Under Ordinance 2775, “‘All-electric design’ means a plan or plans for a building or portion thereof that uses a permanent supply of electricity as the source of energy for all space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances, and has no natural gas or propane plumbing installed in the building.” Petaluma Mun. Code Ch. 17.09.020.C.
- 34. Under Ordinance 2775, “‘Newly constructed building’ shall mean any building that: (1) is proposed to be located in whole or in part within the city; (2) is not an alteration or addition to or repair of an existing building; (3) is subject to the city’s regulatory authority pursuant to the city’s general plan, Implementing Zoning Ordinance, SmartCode and/or any adopted specific plan or other city land use regulation, regardless of whether a discretionary permit is required or not; and (4) has not been granted and/or is not subject to a valid building permit that remains in effect.” Petaluma Mun. Code Ch. 17.09.020.J.
- 35. Under Ordinance 2775, “‘Substantial building alteration’ shall mean an alteration or addition to an existing building involving removal of more than fifty percent of the

perimeter of the exterior walls of the existing building or the addition of more than fifty percent of the gross floor area to the existing building.” Petaluma Mun. Code Ch. 17.09.020.K.

36. Ordinance 2775 also includes a series of “Exceptions,” including:
 - a. Additions and alterations to existing buildings, except for substantial building alterations; and
 - b. The use of portable propane appliances outside of the building envelope, such as for outdoor cooking and outdoor heating appliances; and
 - c. Essential services buildings that are electric ready; and
 - d. Back-up power facilities for essential services buildings; and
 - e. Development projects that have obtained vested rights prior to the effective date of this chapter pursuant to a preliminary affordable housing project application in accordance with Government Code Section 65589.5(o), a development agreement in accordance with Government Code Section 65866, a vesting tentative map in accordance with Government Code 66998.1, or pursuant to the ruling in *Avco Community Developers Inc. v. South Coast Regional Communication* (1976) 17 Cal. 3d 785, or pursuant to other applicable statutory or case law.

Petaluma Mun. Code Ch. 17.09.040.

37. Ordinance 2775 also includes a discretionary “Infeasibility waiver.” Petaluma Mun. Code Ch. 17.09.050.
38. And Ordinance 2775 includes a section entitled “No appliance or appliance system requirement,” which states:

Nothing in this chapter is intended to amend or conflict with and nothing in this chapter shall be construed so as to amend or conflict with any provisions of the National Appliance Energy Conservation Act, and nothing in this chapter is intended to impose and nothing in this chapter shall be construed so as to impose a requirement to use or install any particular appliance or appliance system.

Petaluma Mun. Code Ch. 17.09.090.

39. As a practical matter, Ordinance 2775 functions to ban all use of gas appliances in new buildings and substantial building alterations not subject to one of the limited exceptions.
40. Ordinance 2775 is and may be enforced by the City, its departments, and employees. *See* Petaluma Mun. Code Ch. 17.09.060.

FEDERAL ENERGY POLICY AND CONSERVATION ACT

41. The Supremacy Clause of the United States Constitution mandates that “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. Const. art. VI, cl. 2.
42. One such law of the United States, which must be given preemptive effect under the Supremacy Clause, is the Energy Policy and Conservation Act (EPCA).
43. Congress passed EPCA to establish a “comprehensive energy policy” addressing “the serious economic and national security problems associated with our nation’s continued reliance on foreign energy resources” laid bare by the early 1970s oil crisis. *Air Conditioning & Refrigeration Inst. v. Energy Res. Conservation & Dev. Comm’n*, 410 F.3d 492, 498 (9th Cir. 2005).
44. In service of its goals to promote both domestic energy supply and energy conservation, Congress began regulating many appliances’ energy efficiency and energy use. *See id.*
45. Originally, EPCA permitted more substantial state and local involvement in appliance regulation. *Id.* at 499. But Congress narrowed that authority as it directed increasingly greater federal involvement. Amendments in the 1970s and 1980s eventually mandated federal standards for many appliances and authorized the Department of Energy to issue new or revised standards. *See id.* at 499–500.⁶

⁶ EPCA addresses consumer products and industrial equipment separately. *See* 42 U.S.C. §§ 6291–6309 (consumer); *id.* §§ 6311–6317 (industrial). The provisions are substantially similar, and nothing at issue turns on the specific type of product involved. For convenience, this

46. Products covered by EPCA now may only be “distribute[d] in commerce” if they conform with the applicable federal standard, which requires testing in accordance with standardized, detailed test procedures. 42 U.S.C. § 6302(a)(5); *see id.* §§ 6292, 6293, 6295, 6314; 10 C.F.R. Parts 429–31.
47. Pursuant to EPCA, there are several covered products fueled by natural gas for which energy conservation standards are in place. *See, e.g.*, 10 C.F.R. §§ 430.32(d) (residential water heaters), (e) (residential furnaces), (h) (residential clothes dryers), (i) (direct heating equipment), (j) (cooking tops and ovens), (k) (pool heaters), 431.77(a) (gas-fired commercial warm air furnaces), 431.87 (commercial packaged boilers), 431.110 (commercial storage water heaters, instantaneous water heaters, and hot water supply boilers).
48. To give effect to federal standards, ensure that manufacturers are able to market and sell products that conform with them, preserve product utility, improve energy efficiency and grid resilience, and conserve consumer choice, Congress also broadened EPCA’s preemption clause.
49. As amended, EPCA preempts not only state and local regulations that are stricter than (and therefore would effectively supersede) a federal standard, but more broadly any regulation “concerning the energy efficiency, energy use, or water use of” products subject to a federal standard. *Id.* § 6297(c).
50. EPCA defines “energy use” as “the quantity of energy directly consumed by a consumer product at point of use.” *Id.* § 6291(4).
51. EPCA provides limited exceptions to this general rule of preemption. One option is that states and localities may ask the Department of Energy to waive this preemption, but Congress strictly cabined this waiver authority both procedurally and substantively, in service of the goals described *supra* ¶ 48. *See id.* § 6297(c)(2), (d). For example, EPCA

Complaint cites the consumer product provisions. *Cf. Air Conditioning & Refrigeration Inst.*, 410 F.3d at 496 n.2 (taking a similar approach).

prohibits waiving preemption of state and local measures that are “likely to result in the unavailability . . . of performance characteristics [or] features” in covered products available within a state or locality. *Id.* § 6297(d)(4). So too if the “regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of the covered product on a national basis.” *Id.* § 6297(d)(3).

52. Congress also specified that “regulation[s] or other requirement[s] contained in a State or local building code for new construction concerning the energy efficiency or energy use of [a] covered product” are preempted *unless* they satisfy all of seven enumerated conditions. *Id.* § 6297(f)(3); *see id.* § 6297(c)(3). One of those conditions is that the “code does not require that the covered product have an energy efficiency exceeding the applicable energy conservation standard established in or prescribed under section 6295 of this title.” *Id.* § 6297(f)(3)(B).
53. Morgan Hill’s and Petaluma’s Ordinances “concern the . . . energy use” of products subject to a federal standard. *Id.* § 6297(c). As the Ninth Circuit explained, “a building code that prohibits consumers from using natural gas-powered appliances in newly constructed buildings necessarily regulates the ‘quantity of energy directly consumed by [the appliances] at point of use’” and is therefore preempted by EPCA. *California Rest. Ass’n*, 89 F. 4th at 1102 (alteration in original); *see id.* (“EPCA preempts [the municipality’s] regulation here because it prohibits the installation of necessary natural gas infrastructure on premises where covered appliances are used.”), *id.* at 1103 (“[A] building code that bans the installation of piping that transports natural gas from a utility’s meter on the premises to products that operate on such gas ‘concerns’ the energy use of those products as much as a direct ban on the products themselves.”).
54. Numerous other California cities have repealed or suspended their equivalent or similar gas bans in light of the *California Restaurant Association* decision. *E.g.*, City of Los Angeles, Ordinance No. 188,716 (June 24, 2025) (repealing Ordinance No. 187,714);⁷

⁷ https://cityclerk.lacity.org/onlinedocs/2022/22-0151_Ord_188716_dated_9-3-25.pdf

City of San Luis Obispo, *City of SLO Pauses All-Electric Rule for New Builds* (July 18, 2023);⁸ City of Encinitas, Ordinance No. 2023-75 (June 14, 2023) (suspending electrification mandate);⁹ City of Santa Cruz, Resolution NS-30,156 (June 13, 2023) (suspending enforcement of Natural Gas Prohibition Ordinance).¹⁰

55. The City of Morgan Hill has not sought a preemption waiver from the Department of Energy for Ordinance 2306.
56. The City of Petaluma has not sought a preemption waiver from the Department of Energy for Ordinance 2775.
57. Nor do the Ordinances qualify for any other exception to preemption by EPCA, including that for certain qualifying building codes under 42 U.S.C. § 6297(f)(3).
58. EPCA's broad preemption provision therefore bars Morgan Hill's and Petaluma's Ordinances because they prohibit products that are subject to a federal energy conservation standard from using energy.
59. The Ordinances therefore are invalid under the Supremacy Clause.

CLAIM FOR RELIEF

COUNT ONE – VIOLATION OF THE SUPREMACY CLAUSE

(PREEMPTION BY THE ENERGY POLICY AND CONSERVATION ACT)

60. Plaintiff hereby re-alleges the preceding paragraphs of the Complaint as if fully stated herein.
61. Morgan Hill's Ordinance imposing a natural gas ban is preempted in its entirety by EPCA.
62. Petaluma's Ordinance imposing a natural gas ban is preempted in its entirety by EPCA.
63. There is no set of circumstances under which the Ordinances would be valid.
64. The Ordinances concern the energy efficiency and energy use of all gas appliances in newly constructed buildings, including appliances covered by EPCA.

⁸ <https://www.slocity.org/Home/Components/News/News/9883/>

⁹ https://encinitas.granicus.com/MetaViewer.php?view_id=2&clip_id=3217&meta_id=168521

¹⁰ <https://ecm.cityofsantacruz.com/OnBaseAgendaOnline/Meetings/ViewMeeting?id=2123&doctype=2>

65. The Ordinances do not fall within EPCA's or any other exceptions to preemption.
66. The Federal Government is harmed and will be harmed by continued enforcement of the Ordinances.
67. Accordingly, Morgan Hill's Ordinance imposing a natural gas ban is and should be declared invalid under the Supremacy Clause and its enforcement should be permanently enjoined.
68. And Petaluma's Ordinance imposing a natural gas ban is and should be declared invalid under the Supremacy Clause and its enforcement should be permanently enjoined.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests the following relief:

- a. That this Court enter a judgment declaring that Morgan Hill's and Petaluma's natural gas ban Ordinances are preempted by federal law and do not satisfy any exception to such preemption, and are accordingly void and unenforceable;
- b. That this Court enter a judgment permanently enjoining Defendants from enforcing or attempting to enforce Morgan Hill's and Petaluma's natural gas ban Ordinances because they are preempted by federal law and do not satisfy any exception to such preemption, and are accordingly void and unenforceable;
- c. That this Court award the United States its costs and fees in this action; and
- d. That this Court award any other relief it deems just and proper.

DATED: January 5, 2026

Respectfully submitted,

/s/ Charles E.T. Roberts

CHARLES E.T. ROBERTS
Counsel to the Assistant Attorney General
U.S. Department of Justice
Civil Division

Counsel for the United States