

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, AUTHORIZING THE
DEPARTMENT OF PUBLIC UTILITIES TO APPLY FOR AND
ACCEPT WASTEWATER ARREARAGES FUNDING
THROUGH THE CALIFORNIA WATER AND WASTEWATER
ARREARAGE PAYMENT PROGRAM

WHEREAS, Section 19.55 (17) of the State Budget Act of 2021, as established by Assembly Bill No. 128 (Chapter 21, Statutes of 2021) and as amended by Senate Bill No. 129 (Chapter 69, Statutes of 2021), provided nearly \$1 billion to the State Water Resources Control Board (SWRCB) to administer the California Water and Wastewater Arrearage Payment Program (CWWAPP) to provide relief to community water and wastewater systems for unpaid bills related to the pandemic; and

WHEREAS, the funding source for CWWAPP is a portion of the State's share of the Coronavirus State Fiscal Recovery Fund established under the American Rescue Plan Act of 2021; and

WHEREAS, Assembly Bill 148 (Chapter 115, Statutes of 2021), formally established the CWWAPP within the SWRCB, enumerating the program's requirements for water and wastewater system participation; and


WHEREAS, on September 21, 2021, the SWRCB adopted Guidelines for CWWAPP (Guidelines), establishing the Water Arrearages Program and on December 7, 2021 amended the Guidelines; and

WHEREAS, the SWRCB determined that following implementation of the Water Arrearages Program, there were sufficient funds to implement the Wastewater Arrearages Program; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No. _____

WHEREAS, on January 19, 2022, the SWRCB amended the Guidelines to add the Wastewater Arrearages Program in Appendix A of the Guidelines; and

WHEREAS, the Wastewater Arrearages Program covers wastewater bill arrearages accrued by residential and commercial customers (commercial does not include industrial, agricultural irrigation, or landscape irrigation) during the COVID-19 pandemic bill relief period (the COVID-19 pandemic bill relief period means the period starting March 4, 2020 and ending June 15, 2021, inclusive); and

WHEREAS, the City is a wastewater treatment provider, pursuant to the definition provided in Health & Safety Code § 116773.2(g), that has accrued residential and commercial customer arrearages during the COVID-19 pandemic bill relief period; and

WHEREAS, the City is eligible to apply to receive wastewater arrearages funding under CWWAPP; and

WHEREAS, within 60 days of receiving funds the City must allocate payments as bill credits to customers and must notify customers of the amounts credited to their accounts; and

WHEREAS, a wastewater treatment provider receiving assistance under CWWAPP may expend up to 3 percent, or up to \$1,000,000, whichever amount is less, of that assistance for costs incurred in applying for assistance or complying with Program requirements; and

WHEREAS, the State has a remaining budget of \$600 million available for the Wastewater Arrearages Program and the SWRCB estimates the total statewide wastewater need (arrears plus administrative costs) to be less than the amount of need requested under the Water Arrearages Program; and

WHEREAS, the City has identified approximately 10,220 eligible residential and commercial accounts with \$2,088,204.45 in wastewater arrears; and

WHEREAS, to receive CWWAPP funding for wastewater arrearages, the City must complete both an application package consisting of an application/disbursement form and a conditions of payment form.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City approves and supports the Department of Public Utilities application for and participation in the California Water and Wastewater Arrearage Payment Program (CWWAPP).

2. The Director of Public Utilities, or designee, is authorized to sign and file any and all documents necessary to apply for and receive moneys from the State Water Resources Control Board (SWRCB) for the CWWAPP.

3. The Director of Public Utilities, or designee, is authorized to provide any and all assurances, certifications, and commitments required to apply for and receive moneys from CWWAPP.

4. The Director of Public Utilities, or designee, is authorized and directed to represent the City in carrying out its responsibilities for participation in CWWAPP, including certifying disbursement requests on behalf of the City and compliance with applicable state laws.

5. The Director of Public Utilities, or designee, is authorized to accept and expend funds from CWWAPP in accordance with the guidelines adopted by the SWRCB.

6. This resolution shall be effective upon final approval.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Jennifer M. Quintanilla Date
Senior Deputy City Attorney