

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, AUTHORIZING THE
DEPARTMENT OF PUBLIC UTILITIES TO APPLY FOR AND
PARTICIPATE IN THE CALIFORNIA EXTENDED 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, Council previously adopted Resolutions 2021-303 and 2022-061 authorizing the Department of Public Utilities to apply for and participate in CWWAPP; and


WHEREAS, on July 10, 2023, Governor Newsom signed a budget trailer bill expanding the arrearages program; and

WHEREAS, this new Extended Water and Wastewater Arrearage Payment Program (Extended Arrearage Program) extends the COVID Relief Period to December 31, 2022, with the state legislature allocating the remaining \$600 million in American Rescue Plan Act of 2021 for this Program; and

WHEREAS, on October 3, 2023, the SWRCB adopted Extended Arrearage Program guidelines establishing the process and criteria for the allocation and

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Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: 

Resolution No.

administration of funds appropriated for the program, including customer notification and shut-off protection requirements; and

WHEREAS, the City operates a community water system and is a wastewater treatment provider with eligible customers that have past due bills during the modified COVID-19 pandemic bill relief period; and

WHEREAS, the City is eligible to apply to receive Extended Arrearage Program funding on behalf of eligible customers; and

WHEREAS, eligible customers are all residential and commercial customers (commercial excludes industrial, agricultural irrigation, and landscape irrigation), past due bills means any customer bills that are 60 days or more past due and includes active, inactive accounts, and closed accounts, as well as customer accounts that have payment plans or payment arrangements, and the modified COVID-19 pandemic bill relief period means the period beginning with the first billing period on or after June 16, 2021, that does not contain June 15, 2021, to December 31, 2022, inclusive, and include any customer billing period that includes these dates; and

WHEREAS, within 60 days of receiving funds the City must allocate payments as bill credits to customers to help address past-due bills incurred during the modified COVID-19 pandemic bill relief period and notify customers of the amounts credited to their accounts; and

WHEREAS, the City may expend up to 3 percent of the value reported in its application for customer arrears, or up to \$1,000,000, whichever is less, for administrative costs incurred applying for or complying with the Extended Arrearage Program requirements; and

WHEREAS, pending final determination of eligible customer accounts, the City has identified approximately 10,198 eligible residential and commercial accounts with \$5.3 million in water arrears and approximately 10,125 eligible residential and commercial accounts with \$3 million in wastewater arrears; and

WHEREAS, to receive Extended Arrearage Program funding on behalf of eligible customers the City must complete an application, including submitting all necessary data and information to support its request for Extended Arrearage Program funding.

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 Extended Water and Wastewater Arrearage Payment Program (Extended Arrearage Program).

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 Extended Arrearage Program.

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 the SWRCB for the Extended Arrearage Program.

4. The Director of Public Utilities, or designee, is authorized and directed to represent the City in carrying out its responsibilities for participation in Extended Arrearage Program, 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 the Extended Arrearage Program 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 _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

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