

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 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 program guidelines establishing the process and criteria for the allocation and administration of funds appropriated for the program, including customer notification and protection requirements; and

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

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Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No. _____

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

WHEREAS, eligible customers are all residential and commercial customers (commercial excludes industrial, agricultural irrigation, or landscape irrigation) past due bills mean any customer bills that are 60 days or more past due and includes both active and inactive accounts, as well as customer accounts that have payment plans or payment arrangements, and the COVID-19 pandemic bill relief period means the period starting March 4, 2020 and ending June 15, 2021; and

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

WHEREAS, a community water system 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 the assistance or complying with use and reporting conditions of the assistance; and

WHEREAS, the SWRCB has funding sufficient to cover the full statewide need plus requested administrative costs and will provide community water systems with 100 percent of their requested amounts; and

WHEREAS, because the amount appropriate by the State exceeds the statewide need for water system arrearages and the total amount requested by water systems, the SWRCB will establish a wastewater arrearage program no later than February 1, 2022; and

WHEREAS, the City has identified approximately 12,650 eligible residential and commercial accounts with \$4.1 million in water arrears; and

WHEREAS, the total amount of water arrearages will be determined after all eligible customer account balances have been identified; and

WHEREAS, to receive CWWAPP funding on behalf of eligible customers City must complete both a survey and application including submitting all necessary data and information to support its request for CWWAPP funding.

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

1. The City approves and support the Department of Public Utilities application for and participation in the California Water and Wastewater Arrearage Payment 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 California Water and Wastewater Arrearages Payment Program (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 _____ 2021.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2021
Mayor Approval/No Return: _____, 2021
Mayor Veto: _____, 2021
Council Override Vote: _____, 2021

TODD STERMER, CMC, MMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

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