



County of Fresno

COUNTY ADMINISTRATIVE OFFICE
PAUL NERLAND
COUNTY ADMINISTRATIVE OFFICER

July 20, 2022

CalRecycle
Mark de Bie, Deputy Director, WPMCD
1001 I Street
Sacramento, CA 95814

RE: Illegal Dump located at 20516, 20526, 20536 S. Garfield Avenue, Riverdale, California 93656

Deputy Director de Bie:

The County of Fresno ("County") submits this engagement letter and requests CalRecycle's assistance with the cleanup of real property located at 20516, 20526, and 20536 South Garfield Avenue, Riverdale, California 93656, further identified by Assessor's Parcel Numbers 053-120-54 and 053-120-55s (the "Property"). The Property is a 20-acre, privately owned parcel, zoned for agriculture. The Property has been subject to illegal dumping of trash and debris for a number of years, which has resulted in a substantial accumulation of trash and debris. Although the County has a nuisance abatement civil action pending in the Superior Court of California, County of Fresno, case number 21CECG01116, the conditions on the Property require more immediate abatement action. The County is requesting CalRecycle's assistance because the County lacks the resources on its own to clean up the Property.

To demonstrate the County's engagement in this matter, the County intends to provide assistance as follows:

1. Waiver of Solid Waste Tipping Fees

The County has researched its ability to waive the solid waste tipping fees at the County operated American Avenue Disposal Site in Kerman, CA. The solid waste tipping fees are established by Ordinance, so the County cannot waive the fees. The County is actively researching the potential of utilizing an alternative funding source, and if this funding source is deemed eligible, the Fresno County Board of Supervisors will be required to publicly consider, and vote on approving the use of the funding source. The County intends to bring this matter to its Board in August and will continue to research other potential funding sources.

2. Remove All Occupants from the Property

The County will remove all occupants from the Property and will keep the Property clear of any occupants to enable CalRecycle's contractor to work freely. The property owners have certified that none of the owners have entered into any leases, granted permission for any individuals to

occupy the Property, or authorize anyone on their behalf to enter into any leases or grant permission to occupy the Property. The property owners have further certified that any and all occupants on the Property are trespassers.

The County is currently proceeding through its administrative abatement ordinance. On July 14, 2022 the County posted notice and orders to vacate the Property on all structures, vehicles and makeshift shelters on the Property and directed these notices to all occupants on the Property. These notices to vacate are based on immediate and significant health and safety concerns to the occupants of the Property, given the substantial trash and other conditions on site, and require the occupants to vacate the Property within 30 calendar days. After the expiration of the period to vacate, the County will remove any remaining occupants. During the period to vacate, the County will continue to offer housing, to the extent available, and other services through its homeless outreach partners. After all occupants have been removed, the County will secure the site.

3. Securing the Property and Preventing Further Illegal Dumping

The County will secure the site by installing a temporary chain link fence with posts along the dirt shoulder of the Property running the length of Garfield Avenue from the southern edge Property to the canal at the northern edge of the Property. The County will also install a camera on southern neighboring parcel with the owner's express permission, in addition to a camera internal within the property. These cameras are motion activated and will be monitored 24-hours a day as any alerted footage will be sent to the cell phones of select County staff, including Fresno County Sheriff's Office personnel. The Fresno County Sheriff's Office will also provide increased patrols in the area.

Based on the express authorization from the owners of the Property, County staff and Sheriff's Office deputies may enter the Property at any time to remove any new occupants and enforce any illegal activity.

4. Removal of the RVs, Mobilehomes and other Abandoned Vehicles

The County, through the Fresno County Sheriff's Office, and certain contractors will remove any remaining RVs, mobile homes and other vehicles from the Property after all occupants have been removed. This removal work will be completed at no cost to CalRecycle or CalRecycle's contractor.

5. Cost Recovery

The County's pending litigation provides for cost recovery and the County will preserve any means of cost recovery at the conclusion of this litigation. In addition, the County submitted to all defense counsel for the property owners a Declaration of Income, Assets and Debts to be completed by the property owners. Counsel for the County held a conference call with defense counsel on July 1, 2022, to discuss the asset declarations, the need for cost recovery and tentative plan of action for the Property. A conference call has been scheduled for July 25, 2022, between defense counsel, CalRecycle's legal counsel and the County's legal counsel to discuss CalRecycle's program and the property owners' obligations and expectations in furtherance of this program. The County continues to engage with defense counsel regarding the need for statements and

financial information necessary to determine the property owners' inability or unwillingness to perform the needed cleanup work.

The County will also attempt seek financial commitments upfront from the property owners through their legal counsel.

6. Community Meetings

This Property is of significant concern for the neighboring residents and community. To provide for community engagement and communication, the County will organize and lead a community meeting to provide the community and other interested groups status on the cleanup efforts of the Property. The County intends to coordinate the first such community meeting once the County receives a commitment from CalRecycle and there is a more defined plan and timeline. The County welcomes the participation by CalRecycle staff, CalEPA staff and any other State agencies in future community meeting(s).

7. Other Commitments by the County

The County will also endeavor to:

- Assist CalRecycle's contractor with contact information to local service providers
- Assist CalRecycle's contractor with the development of a designated hauling route

Based on the engagement outlined in this letter, the County formally requests CalRecycle's assistance in the cleanup of the trash and waste on the Property. The County further requests a written commitment by CalRecycle on providing this requested assistance.

If you have any questions regarding this correspondence, please contact John R. Thompson, Assistant CAO at (559) 600-1223 or via email at jothompson@fresnocountyca.gov.

Sincerely,



Paul Nerland
County Administrative Officer

cc: Fresno County Board of Supervisors
Steve Levine, Staff Counsel, CalRecycle
Steve Santa Croce, Senior Engineer, CalRecycle
Alan Zamboanga, Waste Management - Cleanup Program, CalRecycle
David Luchini, Director of the Department of Public Health
Steven White, Director of the Department of Public Works and Planning