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10 CONTROL DISTRICT

EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAY 07 2019

C. Martinez

GB
MAY 08 2019

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF RIVERSIDE—PALM SPRINGS BRANCH

13 In re:

14 COACHELLA VALLEY MOSQUITO AND
15 VECTOR CONTROL DISTRICT,

16 Petitioner.

Case No.:

PSC1902232

WARRANT TO INSPECT AND ABATE

17 INSPECTION AND ABATEMENT

18 TO THE GENERAL MANAGER OF THE COACHELLA VALLEY MOSQUITO AND
19 VECTOR CONTROL DISTRICT ("DISTRICT"), ANY REPRESENTATIVE OR DESIGNEE
20 THEREOF, AND ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE COUNTY
21 OF RIVERSIDE:

22 Proof by Declaration of J. Wakoli Wekesa, Ph.D., of the District ("Wekesa Declaration"),
23 having been made before the above-entitled Court, that there is probable cause to believe that all
24 neglected swimming pools or other stagnant water sources on the properties within the District's
25 Jurisdiction, as defined below, are potential breeding sources of mosquitoes that can transmit West
26 Nile and other arthropod-borne viruses and must be inspected and treated. By this reference, the
27
28

1 Wekesa Declaration, which accompanies this warrant, is incorporated herein as if fully set forth.

2 The District's jurisdiction includes the following the Coachella Valley cities: Palm Springs,
3 Cathedral City, Desert Hot Springs, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio
4 and Coachella; and also the unincorporated portions of Riverside County (collectively, "District's
5 Jurisdiction").

6 This area warrant authorizes the District to enter all properties within the District's
7 Jurisdiction for purposes of inspecting and abating health and safety conditions described more fully
8 in the Wekesa Declaration. Justification for this expanded authority lies in a discovery of *Aedes*
9 *aegypti* made by the District in the District's Jurisdiction, as more specifically discussed in attached
10 and incorporated Wekesa Declaration. Area warrants of this type were upheld in the case of
11 *Camara v. Municipal Court of San Francisco* (1967) 387 U.S. 523. As the United States Supreme
12 Court recognized in that case, when health and safety issues arise, an agency's need "to conduct an
13 area inspection is unavoidably based on its appraisal of conditions in the area as a whole, not on its
14 knowledge of conditions in each particular building." (*Id.* at 536.) For this reason, the Court further
15 noted that area warrants have historically been used to prevent epidemics and are therefore of
16 "indispensable importance to the maintenance of community health." (*Id.* at 537.). Likewise,
17 California law recognizes the need for area warrants within established geographic areas under these
18 types of circumstances. Specifically, under Code of Civil Procedure section 1822.59 (covering
19 inspection and abatement warrants), State law recognizes area warrants "for the purposes of an
20 animal or plant pest or disease eradication" (Cal. Code of Civ. Proc. § 1822.59 [authorizing entry
21 for the Department of Food and Agriculture].)

22
23 YOU ARE THEREFORE COMMANDED:

24 Commencing on the date this warrant is issued, or as soon thereafter as practicable, and for a
25 period extended through and including December 31, 2019, to enter the exterior of any property in
26 the District's Jurisdiction when the District believes that said property contains a pool or other body
27 of water. You may enter the exterior area of these properties for the purpose of inspecting for the
28 presence of mosquito larvae that are potentially capable of transmitting West Nile virus and other

1 arboviruses once they become adults. Once it is determined by you that mosquito breeding is
2 occurring, you may examine water quality and identify the various mosquito stages that are present
3 and utilize larvicides or mosquitofish as control measures. Treatment may also be made as a
4 preventive measure if conditions to mosquito breeding do exist. Adulticides may also be used if
5 large numbers of adult mosquitoes are present to reduce risk of disease transmission.

6 Prior to entering each said property, you shall knock on the front door of the property and
7 request voluntary consent to enter such property. If you do not receive consent for any reason, you
8 may immediately enter exterior of the property to conduct the inspection, testing, and treatment.
9 You may use minimal reasonable force to enter an area (e.g., opening, unlocking, or otherwise
10 entering into areas behind locked fences and gates) of any property within the District's Jurisdiction
11 if the District believes said area contains a pool or other body of water.

12 Upon identifying a neglected pool or body of water on the property that either is currently
13 breeding mosquitoes or has conditions conducive to breeding mosquitoes that are potentially
14 capable of transmitting West Nile and other arthropod-borne viruses once they become adults, the
15 District may take any and all necessary actions to test, treat, remediate, and abate such conditions
16 consistent with applicable Federal, State, and local regulations.

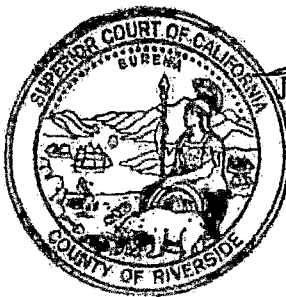
17 If *Aedes aegypti* is confirmed on any given property in an area without its prior finding, the
18 District will place a written notice on all properties found within the 450-foot radius of said location
19 where the *Aedes aegypti* has been identified. In addition, if this mosquito is confirmed in an area
20 with existing and current populations, the District shall place notices on the index property and eight
21 other properties around it in what we call the "Rule of Nine." The notice will inform the property
22 owner that within 48 hours, the District will be performing an inspection on said property in an
23 effort to determine whether any water sources on said property is infested with *Aedes aegypti*.
24 Notifications will consist of information about *Aedes aegypti*, public health significance, and what
25 the District will do while performing the inspection and treatments. A phone number for the
26 District will be included with the posting asking residents to contact the District to schedule an
27 inspection appointment. The resident will be informed that if he/she does not contact the District
28 within 24 hours to schedule an appointment, District staff will return to the residence to request

1 entry to the yard for inspection and, if resident is not present or refuses to allow an inspection, the
2 District will move forward with execution of the warrant and, in furtherance of obtaining entry
3 thereon, the District shall use reasonable force to secure access, including specifically be so
4 authorized to enter through side gates (including undoing any latches) and/or climb over such gates
5 and/or any perimeter walls. District staff will then perform an inspection of the front and backyard
6 for stagnant water (such as, but not limited to, include buckets, pots with or without plants, pot
7 bases, ornamental ponds, decorative fountains, birdbaths, animal water dishes, bowls, toys, broken
8 appliances, discarded tires, portable pools, cisterns, leaking water supplies, evaporative coolers,
9 gutters, yard drains, drain pipes) and take the necessary action to abate mosquito breeding, all
10 consistent with the attached and incorporated in the Wekesa Declaration.

11 This warrant may only be executed between the hours of 7:00 a.m. and 6:00 p.m. each day
12 that it is in effect.

13 The District shall file periodic returns with the court on or before the last business day of
14 each month commencing April 30, 2019, and continuing through December 31, 2019. Each return
15 shall identify the address of each property being inspected, how the District determined the property
16 had a neglected pool or stagnant water sources; the method of notice used; the date and time of
17 inspection; and a description of the steps of abatement taken.

18
19 Dated: April 9, 2019



[Signature]
JUDGE OF SUPERIOR COURT