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9 COACHELLA VALLEY MOSQUITO AND VECTOR
10 CONTROL DISTRICT

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

13
14 In re:
15 COACHELLA VALLEY MOSQUITO
16 AND VECTOR CONTROL DISTRICT,
17
18 Petitioner.

19 Case No. **PSC2000631**
20
21 **WARRANT TO INSPECT AND ABATE**

22
23 **INSPECTION AND ABATEMENT**

24 TO THE GENERAL MANAGER OF THE COACHELLA VALLEY MOSQUITO AND
25 VECTOR CONTROL DISTRICT (“DISTRICT”), ANY REPRESENTATIVE OR DESIGNEE
26 THEREOF, AND ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE COUNTY
27 OF RIVERSIDE:

28 Proof by Declaration of Roberta Dieckmann of the District (“Dieckmann Declaration”),
having been made before the above-entitled Court, that there is probable cause to believe that

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1 neglected swimming pools or other stagnant water sources on the properties within the District's
2 Jurisdiction, as defined below, are potential breeding sources of mosquitoes that can transmit West
3 Nile and other arthropod-borne viruses and must be inspected and treated. By this reference, the
4 Dieckmann Declaration, which accompanies this warrant, is incorporated herein as if fully set forth.
5 The District's jurisdiction includes the following Coachella Valley cities: Palm Springs, Cathedral
6 City, Desert Hot Springs, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio and
7 Coachella, and also the unincorporated portions of Riverside County as further depicted on the
8 service area map attached hereto as Exhibit A and incorporated herein (collectively, "District's
9 Jurisdiction").

10 I. IDENTIFYING PROPERTIES WITH NEGLECTED SWIMMING POOLS OR OTHER
11 STAGNANT WATER SOURCES

12 This area warrant authorizes the District to enter properties within the District's Jurisdiction
13 for purposes of inspecting and abating health and safety conditions described more fully in the
14 Dieckmann Declaration. When identifying properties to inspect and abate, the District places
15 emphasis on neglected water including, specifically, neglected pools. The District conducts regular
16 aerial reconnaissance over the District's Jurisdiction to locate neglected pools. At times, the District
17 also receives calls from concerned citizens, homeowners associations and/or neighbors regarding
18 neglected sources of water and potential breeding grounds for mosquitoes and other vectors. During
19 aerial surveillance and/or permissible visual observation, District personnel often confirm the
20 suspected presence of neglected sources of water and potential breeding grounds for mosquitoes and
21 other vectors. Potential breeding grounds may be any container that can hold water which is a
22 potential breeding source. These may include buckets, pots (with or without plants), pot bases,
23 ornamental ponds, decorative fountains, birdbaths, animal water dishes, bowls, toys, broken
24 appliances, discarded tires, portable pools, cisterns, leaking water supplies, evaporative coolers,
25 gutters, yard drains, drain pipes, among others.

26 II. AREA WARRANT

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

14 YOU ARE THEREFORE COMMANDED:

15 Commencing on the date this warrant is issued, or as soon thereafter as practicable, and for a
16 period extended through and including December 31, 2020, to enter the exterior of any property in
17 the District’s Jurisdiction when the District has reasonable cause to believe that said property
18 contains a pool or other ^{neglected swimming} body of water. You may enter the exterior area of these properties for the
19 purpose of inspecting for the presence of mosquito larvae that are potentially capable of transmitting
20 West Nile virus and other arboviruses once they become adults. ^{if} ~~Once~~ it is determined by you that
21 mosquito breeding is occurring, you may examine water quality and identify the various mosquito
22 stages that are present and utilize larvicides or mosquitofish as control measures. Treatment may also
23 be made as a preventive measure if conditions of mosquito breeding do exist. Adulticides may also
24 be used if large numbers of adult mosquitoes are present to reduce risk of disease transmission.

25 III. PRIOR TO ENTERING PROPERTY

26 Prior to entering each said property, you shall knock on the front door of the property and
27 request voluntary consent to enter such property. IF YOU DO NOT RECEIVE CONSENT FOR
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1 ANY REASON, YOU SHALL POST A NOTICE FROM THE DISTRICT ON THE PROPERTY
2 stating that there is reasonable cause to believe there is a source of water and/or potential breeding
3 grounds for mosquitoes and/or other vectors on the property. The Notice shall also state that pursuant
4 to a warrant issued by the Riverside County Superior Court, District personnel will enter the exterior
5 of the property on a succeeding day, to conduct the inspection, testing, and treatment. Following
6 notice as set forth above, you may use minimal reasonable force to enter an area (e.g., opening,
7 unlocking, or otherwise entering into areas behind locked fences and gates) of any property within
8 the District's Jurisdiction if the District believes said area contains a pool or other body of water.

9 IV. INSPECTION, TESTING, AND TREATMENT

10 Upon identifying a neglected pool or body of water on the property that either is currently
11 breeding mosquitoes or has conditions conducive to breeding mosquitoes that are potentially capable
12 of transmitting West Nile and other arthropod-borne viruses once they become adults, the District
13 may take any and all necessary actions to test, treat, remediate, and abate such conditions consistent
14 with applicable Federal, State, and local regulations. INSPECTION CONSISTS OF sampling for
15 mosquito larvae, adults and/or collecting *prima facie* evidence of stagnant water (such as, but not
16 limited to, include buckets, pots with or without plants, pot bases, ornamental ponds, decorative
17 fountains, birdbaths, animal water dishes, bowls, toys, broken appliances, discarded tires, portable
18 pools, cisterns, leaking water supplies, evaporative coolers, gutters, yard drains, drain pipes).
19 Samples of water containing larvae or adult mosquitoes collected will be returned to the district lab
20 for species identification and/or virus testing.

21 THE CONTROL MEASURES TO BE UTILIZED BY THE DISTRICT ON THE
22 NEGLECTED POOLS AND OTHER STANDING WATER SOURCES INCLUDE application of
23 one of the following public health control products that is categorized as biochemical (such as insect
24 growth regulators), microbial (such as mosquito specific bacterial toxins), mosquitofish, or mineral
25 oils. These products are registered by the environmental public agency (EPA) for use in California
26 and have a low level of toxicity against non-target organisms. The products are target-specific
27 affecting mosquito larvae when applied as recommended on the label. In backyards where large
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1 populations of adult mosquitoes may be detected, small amounts of EPA approved mosquito
2 adulticides may also be used to reduce the risk of virus transmission and adult mosquito biting
3 nuisance. Possible stagnant water sources will physically be drained in an effort to eliminate future
4 breeding potential.

5 It is necessary to perform door to door inspections within "neighborhoods" where *Aedes*
6 *aegypti* ~~or other known mosquitoes or vectors~~ are found in order to find, treat, or eliminate all
7 potential breeding containers to prevent this invasive species from spreading further in the District's
8 Jurisdiction. For purposes of the warrant, THE TERM "NEIGHBORHOOD" IS DEFINED AS 450
9 FOOT RADIUS OF ADULT, LARVA, AND/OR EGG DISCOVERY OF *AEDES AEGYPTI* ~~OR~~
10 ~~OTHER KNOWN MOSQUITOES OR VECTORS~~ ARE FOUND. The District's inspections will be
11 limited to backyard/exterior areas of properties. If *Aedes aegypti* is confirmed on any given property
12 in an area without its prior finding, the District will place a written notice on all properties found
13 within the 450-foot radius of said location where the *Aedes aegypti* has been identified. In addition,
14 if this mosquito is confirmed in an area with existing and current populations, the District shall place
15 notices on the index property and eight other properties around it in what the District calls the "Rule
16 of Nine." The notice will inform the property owner that within 48 hours, the District will be
17 performing an inspection on said property in an effort to determine whether any water sources on said
18 property is infested with *Aedes aegypti*. Notifications will consist of information about *Aedes aegypti*,
19 public health significance, and what the District will do while performing the inspection and
20 treatments. A phone number for the District will be included with the posting asking residents to
21 contact the District to schedule an inspection appointment. The resident will be informed that if
22 he/she does not contact the District within 24 hours to schedule an appointment, District staff will
23 return to the residence to request entry to the yard for inspection and, if resident is not present or
24 refuses to allow an inspection, the District will move forward with execution of the warrant and, in
25 furtherance of obtaining entry thereon, the District shall use reasonable force to secure access,
26 including specifically be so authorized to enter through side gates (including undoing any latches)
27 and/or climb over such gates and/or any perimeter walls. District staff will then perform an
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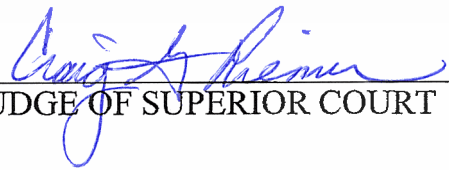
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inspection of the front and backyard for stagnant water (such as, but not limited to, include buckets, pots with or without plants, pot bases, ornamental ponds, decorative fountains, birdbaths, animal water dishes, bowls, toys, broken appliances, discarded tires, portable pools, cisterns, leaking water supplies, evaporative coolers, gutters, yard drains, drain pipes) and take the necessary action to abate mosquito breeding, all consistent with the attached and incorporated in the Dieckmann Declaration.

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

The District shall file periodic returns with the court on or before the last business day of each month commencing March 31, 2020 and continuing through December 31, 2020. Each return shall identify the address of each property being inspected, how the District determined the property had a neglected pool or stagnant water sources; the method of notice used; the date and time of inspection; and a description of the steps of abatement taken.

Dated: February 25, 2020



JUDGE OF SUPERIOR COURT

Craig G. Riemer
Judge of the Superior Court

1 COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT

2
3 EXHIBIT A

4 TO

5 WARRANT TO INSPECT AND ABATE

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7 SERVICE AREA MAP

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Exhibit A

The Coachella Valley Mosquito and Vector Control District (the District) is a special district government agency formed March 12, 1928, under Section 2000 et. seq. of the California Health and Safety Code. The District is governed by a Board of Trustees comprised of 11 members. Each of the nine cities of the Coachella Valley appoints a member and the County of Riverside appoints two members. The District is one of the largest mosquito abatement/vector control districts in California servicing the Coachella Valley, with a population of approximately 410,000 with the District boundary encompassing 2,400 sq. miles.

