

RESOLUTION OF THE BOARD OF TRUSTEES
OF THE
SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT

RESOLUTION 99/00-4

WHEREAS, the San Joaquin County Mosquito and Vector Control District ("District") is charged with the responsibility of protecting the health of residents and visitors of San Joaquin County by abating mosquito and vector breeding sites; and

WHEREAS, the duties of the District require its employees to enter onto private property for inspection and abatement purposes; and

WHEREAS, the District wishes to conduct its inspections and abatement in such a manner as to both respect the property rights of the landowner as protected by the 4th Amendment of the Constitution of the United States, and provide for prompt inspection and abatement to protect the health of the surrounding community.

NOW THEREFORE IT IS RESOLVED, that the District's Board does hereby adopt the following right of entry policy:

- If the District obtains information which suggests that the breeding of mosquitoes or other vectors may be occurring at a residential location, a District employee will attempt to contact the owner and gain permission prior to an inspection of the property.
- If the employee is unable to contact the owner, the employee may inspect that area which is commonly open to the public such as a front yard.
- Unless there is an emergency that immediately threatens the health of the surrounding community, no District employee shall enter a private area of a residential home without permission of the owner or resident or without an inspection warrant. A fenced backyard shall be considered a private area.
- If the District employee is unable to obtain permission and there is a need to inspect or abate at the premises, the District shall apply for an inspection warrant pursuant to Code of Civil Procedures §1825.50 et seq. District management shall develop procedures for contacting property owners or residents and for obtaining inspection warrants.
- In a situation where the District is unable to contact the owner or resident and there is a condition which presents an immediate and serious threat to the health of a member of the surrounding community, District employees may enter private residential areas, not including the residence itself, and perform necessary abatement procedures.

BOARD OF TRUSTEES

San Joaquin County Mosquito and Vector Control District

AYES	<u>8</u>
NOES	<u>0</u>
ABSENT	<u>4</u>
ABSTAIN	<u>0</u>

SIGNED: _____

Michael Manna
PRESIDENT

ATTEST: _____

William Beezley
SECRETARY

DATE: 5/16/00