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12 ROHRBACHER, MARCIA RAINES, KENT BASSO

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 SAUSALITO/MARIN COUNTY CHAPTER
16 OF THE CALIFORNIA HOMELESS UNION,
on behalf of itself and those it represents;
17 ROBBIE POWELSON; SHERI I. RILEY;
ARTHUR BRUCE; MELANIE MUASOU;
18 SUNNY JEAN YOW; NAOMI
MONTEMAYOR; MARK JEFF; MIKE
19 NORTH; JACKIE CUTLER and MICHAEL
20 ARNOLD on behalf of themselves and
similarly situated homeless persons,

21 Plaintiffs,

22 v.

24 CITY OF SAUSALITO; MAYOR JILL
JAMES HOFFMAN; POLICE CHIEF JOHN
25 ROHRBACHER; CITY MANAGER
MARCIA RAINES; DEPT. OF PUBLIC
26 WORKS SUPERVISOR KENT BASSO,
27 individually and in their respective official
capacities,

28 Defendants.

CASE NO. 3:21-cv-01143-LB

**DECLARATION OF KEVIN McGOWAN IN
SUPPORT OF DEFENDANTS' MOTION FOR
MODIFICATION OF THE PRELIMINARY
INJUNCTION**

Date: April 29, 2021
Time: 1:30 p.m.
Courtroom: 5 – 17th Floor

Action Filed: February 16, 2021
Trial Date: T.B.D.
Judge: Hon. Judge Edward M. Chen

1 **DECLARATION OF KEVIN McGOWAN**

2 I, Kevin McGowan, declare as follows:

3 1. I am the Director of Public Works for the City of Sausalito and have held that
4 position since August 2019. If called as a witness, I could and would competently testify to all
5 facts stated herein based upon my personal knowledge except where stated upon information and
6 belief. This Declaration is submitted in support of Defendants’ Motion for Modification of the
7 Preliminary Injunction.

8 2. Prior to serving as Director of Public Works for the City of Sausalito, I served as an
9 Assistant Public Works Director and City Engineer for the City of San Rafael between 2010 and
10 2019. Prior to that, I served under various positions for the County of Marin’s Public Works
11 Department including but not limited to managing several divisions within the department. I
12 received a Bachelor of Science (1987) and Master of Science (1991) in Civil Engineering from
13 California State University, Sacramento. I thereafter received my California Civil Engineering
14 License (No. 45967) in August 1990, which remains active as of the date of the filing of this
15 Declaration (exp. December 31, 2022).

16 3. On or about the week of March 15, 2021, the City of Sausalito has provided the
17 Dunphy Park encampment with portable toilets, a separate handwashing station, and a dumpster.

18 4. On April 5, 2021, the restroom facilities at Marinship Park were deep-cleaned by
19 Sausalito Department of Public Works employees using a machine that combines steam cleaning
20 with detergent pressure called a “Hotsy”.

21 5. The Sausalito Department of Parks and Recreations conducts routine cleaning and
22 re-stocking of the bathroom facilities at Marinship Park every weekday (Monday-Friday) except
23 major holidays. Additionally, laminated signs have will be posted in the restroom facilities (prior
24 to relocation of the encampment to Marinship Park) providing a phone number to call if users of
25 the restroom facilities find that supplies are running low or additional cleaning is needed. A true
26 and correct copy of the laminated sign to be posted is attached to Defendants’ Index of Exhibits as
27 **Exhibit 2.**

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1 6. A true and correct copy of the Operations and Maintenance Plan for Marinship
2 Park (to be utilized throughout the duration of the relocation of the Dunphy Park encampment) is
3 attached to Defendants' Index of Exhibits as **Exhibit 3**. The Operations and Maintenance Plan is
4 consistent with the Standard Operating Procedures outlined in Resolution No. 6009 adopted by the
5 City of Sausalito City Council on February 5, 2021. As provided therein, the City shall make
6 arrangements with vendors to supply portable toilets, handwashing stations, and a dumpster to
7 Marinship Park prior to relocation of the encampment to Marinship Park.

8 7. As also provided in the Operations and Maintenance Plan for Marinship Park, a
9 number of upgrades and/or maintenance items have been or will be completed prior to the
10 encampment's relocation to Dunphy Park including (but not limited to) re-painting the restroom
11 facilities (completed on April 8, 2021); and replacement of plumbing fixtures. A true and correct
12 copy of a photograph depicting the re-painting of the restroom facilities on April 7, 2021 is
13 attached to Defendants' Index of Exhibits as **Exhibit 4**.

14 8. On information and belief, the current Dunphy Park encampment is encroaching on
15 private property owned by Bridgeway Marina Corp. On or around February 11, 2021, the City of
16 Sausalito received a letter from Bridgeway Marina Corp. confirming that tents belonging to the
17 Dunphy Park encampment are currently encroaching on its private property and authorizing the
18 City to remove the tents on its behalf. On information and belief, approximately 35 tents are
19 currently situated on private property (as of the date of my signature hereto). A true and correct
20 copy of a diagram showing the delineation of the between land owned by the City versus private
21 property at the Dunphy park encampment area is attached to Defendants' Index of Exhibits as
22 **Exhibit 5**.

23 9. Based on calculations done by members of my department and reviewed by me,
24 there is approximately 5,500 square feet of space available for tents at the current Dunphy Park
25 encampment area adjacent to Humboldt Street. There is approximately 25,000 square feet
26 adjacent to that which is private property, as referenced in Paragraph 7 above. These square
27 footage calculations are depicted in Exhibit 5 (referenced above) to Defendants' Index of Exhibits.

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1 10. Based on calculations done by members of my department and reviewed by me,
2 there is approximately 60,000 square feet of space available for tents at Marinship Park. A true
3 and correct copy of a diagram of Marinship Park depicting this square footage calculation is
4 attached to Defendants' Index of Exhibits as **Exhibit 6**.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8th day of April, 2021 in Sausalito, California.


Kevin McGowan