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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.

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

28 Defendants.

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

**SUPPLEMENTAL DECLARATION OF
 KEVIN MCGOWAN IN SUPPORT OF
 DEFENDANTS' (1) OPPOSITION TO
 PLAINTIFFS' EX PARTE MOTION; AND (2)
 EX PARTE MOTION TO MODIFY
 PRELIMINARY INJUNCTION**

Date: December 9, 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

DECLARATION OF KEVIN MCGOWAN

I, Kevin McGowan, declare as follows:

1. I am the Director of Public Works for the City of Sausalito and have held that position since August 2019. If called as a witness, I could and would competently testify to all facts stated herein based upon my personal knowledge except where stated upon information and belief. This Declaration is submitted in support of Defendants’ *Ex Parte* Motion for Temporary Restraining Order.

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

City’s Preparation of Tennis Courts for Encampment

3. The Department of Public Works (DPW) has been preparing the tennis courts for the relocation of the encampment, as described in the City’s *Ex Parte* Motion to Modify the Preliminary Injunction. As part of this effort, the City constructed tent platforms for the residents at its own expense, to enable the residents to raise their tents off the ground and have better protection against the elements.

4. On November 24, 2021, at about 10:00 am, DPW began delivering and installing tent platforms on the tennis courts. Each 12’x12’ tent platform is formed from two 6’x12’ panels.

5. Encampment resident Daniel Eggink approached the DPW work crews and obstructed their work. He yelled at and threatened DPW personnel. He stated that it was illegal for the City to place the tent platforms on the tennis courts. He then sat on a stack of six panels and refused to move, preventing the DPW work crew from moving the panels to the tennis courts and constructing them into tent platforms.

1 6. DPW called the Police Department who responded to the scene. To avoid conflict,
2 the Police Department chose not to remove Mr. Eggink from the stack of panels. The DPW work
3 crew completed setting up the panels that it had already moved to the tennis courts.

4 7. On information and belief, after DPW left the site, the encampment residents stole
5 the six panels that Mr. Eggink had been sitting on and converted them into unpermitted residential
6 structures. This is detailed further in the accompanying Supplemental Declaration of John
7 Rohrbacher.

8 **Sewer Overflows at Marinship Park Restrooms**

9 8. On November 26, 2021, at about 1:00 pm, I received a report of a new sanitary
10 sewer overflow near the Marinship Park restrooms used by the encampment.

11 9. Loren Umbertis, the City's Maintenance Manager, sent Pat Guasco, the City's
12 sewer coordinator, and Kevin Berry, a contractor with Roy's Sewer Service, to investigate and
13 respond to the report.

14 10. City personnel discovered that the restroom's lateral sewer line was clogged with
15 rice, rice bags, rags/towels, and a large volume of paper towels. These items should not be flushed
16 in the toilets.

17 11. City personnel cleared the system of obstructions and restored proper service.

18 12. City personnel also discovered that someone may have opened the nearby sewer
19 manhole and attempted to block the sewer main. The City is investigating and considering taking
20 steps to secure the manhole in place.

21 13. As noted in my previous declaration, the November 12, 2021 sanitary sewer
22 overflow was caused by towels and plastic bags inserted into the sewer system. These items
23 should not be flushed in the toilets. Photographs of the overflow are attached as **Exhibit 10**.

24 14. Prior to the encampment there has never been a problem with the sewer lines at
25 Marinship Park.

26 15. Since the encampment's reports of overflows, DPW has examined the sewer
27 system on an almost daily basis. Aside from the instances described above, where people inserted
28 inappropriate material and clogged the sewer lines, there is no evidence of a problem with the

1 City's sewer system that is causing overflows. Public Works dye tested the sewer system twice,
2 with the latest test occurring on November 19, 2021, which showed that there is no other blockage
3 in the system. Public Works has also reviewed a video of the sewer system taken in June 2021,
4 which does not show any problems such as roots or divergent systems that would be causing
5 overflows.

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

8 Executed on this 29th day of November, 2021 in Sausalito, California.

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DocuSigned by:
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Kevin McGowan