- 1				
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12	ROTRIDACTIER, MARCIA RAINES, RENT B	ASSO		
13	UNITED STATES DISTRICT COURT			
14	NORTHERN DISTRICT OF CALIFORNIA			
15				
16	SAUSALITO/MARIN COUNTY CHAPTER OF THE CALIFORNIA HOMELESS UNION,	CASE NO. 3:21	-cv-01143-LB	
17	on behalf of itself and those it represents;		ON OF CHRIS TUBBS IN DEFENDANTS' (1)	
18	ROBBIE POWELSON; SHERI L. RILEY; ARTHUR BRUCE; MELANIE MUASOU;	OPPOSITION	TO PLAINTIFFS' <i>EX PARTE</i> D (2) <i>EX PARTE</i> MOTION TO	
19	SUNNY JEAN YOW; NAOMI MONTEMAYOR; MARK JEFF; MIKE		LÌMINARY INJUNCTION	
20	NORTH; JACKIE CUTLER and MICHAEL ARNOLD on behalf of themselves and	Date:	December 9, 2021	
21	similarly situated homeless persons,	Time: Courtroom:	1:30 p.m. 5 – 17 th Floor	
22	Plaintiffs,			
23	v.	Action Filed: Trial Date:	February 16, 2021 T.B.D.	
24	CITY OF SAUSALITO; MAYOR JILL	Judge:	Hon. Judge Edward M. Chen	
25	JAMES HOFFMAN; POLICE CHIEF JOHN			
26	ROHRBACHER; CITY MANAGER MARCIA RAINES; DEPT. OF PUBLIC			
27	WORKS SUPERVISOR KENT BASSO, individually and in their respective official			
28	capacities, Defendants.			
		ı		

SMRH:4864-2096-8453.1 TUBBS DECLARATION

DECLARATION OF CHRIS TUBBS

I, Chris Tubbs, declare as follows:

1. I am the Chief of Fire for the Southern Marin Fire Protection District ("SMFD") and have held that position since 2014. 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' (1) Opposition to Plaintiffs' *Ex Parte* Motion and (2) *Ex Parte* Motion to Modify Preliminary Injunction.

Inspection and Safety of Tennis Court Proposal

- 2. SMFD has inspected and approved the site plan for the City's tennis court proposal, which provides for additional entrances and exits and removes two barrier fences from the middle of the tennis courts, as recommended by the City's Building Official. The site plan for the City's tennis court proposal is attached as Exhibit 3.
- 3. The tennis courts have been inspected and confirmed to be safe and in compliance with applicable regulations.
- 4. Prior to the move to the tennis courts, SMFD will inspect the tennis courts to ensure safe access for emergency personnel. Final occupancy approval shall remain with the City of Sausalito's Building Official.
- 5. Approval of the City's tennis court proposal, including the designated kitchen described on the site plan, is conditioned on compliance with Sausalito Municipal Code and 2019 California Fire Code restrictions regarding open burning and recreational fires. SMFD's Conditions of Approval for the tennis court proposal is attached as Exhibit 4.
- 6. Fire access to the area and other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.
- 7. Any revisions that include additions or reductions of the area, or modifications to existing or new walls, floors, ceilings, or roofs, shall be submitted as revised drawings to the Fire Department for further review.

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- 1			
1	8.	All on-site improvements must be submitted and reviewed prior to additional fire	
2	clearance(s).		
3			
4			
5	I decla	are under penalty of perjury under the laws of the United States of America that the	
6	foregoing is true and correct.		
7	Executed on this 8th day of December, 2021 in Sausalito, California.		
8		DocuSigned by:	
9		Chris Tulls —ED0FC3C8564541E Chris Tubbs	
10		Chris Tubbs	
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SMRH:4864-2096-8453.1 TUBBS DECLARATION

1 PROOF OF SERVICE 2 Sausalito/Marin County Chapter Of The California Homeless Union et al. v. City Of Sausalito et al. CASE NO. 3:21-cv-01143-LB 3 STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO 4 5 At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is 650 Town Center 6 Drive, Tenth Floor, Costa Mesa, CA 92626. 7 On December 8, 2021, I served true copies of the following document(s) described as: DECLARATION OF CHRIS TUBBS IN SUPPORT OF DEFENDANTS' (1) OPPOSITION TO PLAINTIFFS' EX PARTE MOTION; AND (2) EX PARTE MOTION TO MODIFY 8 **PRELIMINARY INJUNCTION** on the interested parties in this action as follows: 9 **Anthony David Prince** Attorney for Plaintiff: Law Offices of Anthony D. Prince 10 2425 Prince Street, #100 California Homeless Union/Sausalito Chapter 11 Berkeley, CA 94705 510-845-5475 princelawoffices@yahoo.com 12 Assigned: 02/16/2021 13 14 BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case 15 who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case 16 who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules. 17 I declare under penalty of perjury under the laws of the United States of America that the 18 foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. 19 Executed on December 8, 2021, at Costa Mesa, California. 20 Mida Samson 21 22 23 24 25 26 27 28

SMRH:4843-9237-6549.1 PROOF OF SERVICE