

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
ARTHUR J. FRIEDMAN, Cal. Bar No. 160867
3 ALEXANDER L. MERRITT, Cal. Bar No. 277864
Four Embarcadero Center, 17th Floor
4 San Francisco, California 94111-4109
Telephone: 415.434.9100
5 Facsimile: 415.434.3947
E mail: afriedman@sheppardmullin.com
6 amerritt@sheppardmullin.com

7 MARY WAGNER, Cal. Bar No. 167214
8 CITY ATTORNEY FOR CITY OF SAUSALITO
Sausalito City Hall
9 420 Litho Street
Sausalito, CA 94965
10 E-mail: mwagner@sausalito.gov

11 Attorneys for Defendants
CITY OF SAUSALITO, JILL JAMES HOFFMAN, JOHN
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.

23 CITY OF SAUSALITO; MAYOR JILL
24 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

**SECOND 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’ (1) Opposition to Plaintiffs’ *Ex Parte* Motion and (2) *Ex Parte* Motion to Modify Preliminary Injunction.

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 Marinship Park 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. As of December 8, 2021, at 10:00 AM, 39 tent platforms have been constructed and installed on the tennis courts, with one remaining to be delivered later the same day. Photographs of the tent platforms are attached as Exhibit 1.

6. The City has purchased at total of 53 tents, 46 of which are available at the Department of Public Works Corporation Yard. The City will install 40 tents on the platforms in

1 place at Marinship Park tennis courts, which will be securely affixed to the platforms.

2 Photographs of tents affixed to the platforms are attached as Exhibit 2.

3 7. The Public Works Department has coordinated with the City's Chief Building
4 Official, Thomas Aherns, and the Southern Marin Fire Protection District to review the tennis
5 court site for life and safety concerns.

6 8. The Public Works Department will implement all recommendations from the
7 Building Department and the Fire Department, including providing compliant fence openings as
8 ingress and egress to the tennis court platform area, and removing two internal fences from the
9 middle of the tennis courts to improve access.

10 9. The Marinship Park tennis court platforms are installed and ready to accept the
11 tents purchased by the city.

12 10. The City will install and secure all tents on the platforms, pending direction to do
13 so by the City Manager. Installation should not take more than one business day.

14 11. The City is ready to remove the existing tennis court gates and create an additional
15 opening following the installation of the tents, which shall be performed following the installation
16 of the tents.

17 12. The City is fully prepared and ready for the encampment relocation immediately
18 upon court authorization.

19

20

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

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

24

25

26

27

28

DocuSigned by:
Kevin McGowan
272E03B5BA4D4EA...
Kevin McGowan

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

Sausalito/Marin County Chapter Of The California Homeless Union et al. v. City Of Sausalito et al.
CASE NO. 3:21-cv-01143-LB

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

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 Drive, Tenth Floor, Costa Mesa, CA 92626.

On December 8, 2021, I served true copies of the following document(s) described as: **SECOND 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** on the interested parties in this action as follows:

Anthony David Prince
Law Offices of Anthony D. Prince
2425 Prince Street, #100
Berkeley, CA 94705
510-845-5475
princelawoffices@yahoo.com
Assigned: 02/16/2021

Attorney for Plaintiff:
California Homeless Union/Sausalito Chapter

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 who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the 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.

Executed on December 8, 2021, at Costa Mesa, California.



Linda Samson