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 19 Capistrano, and City of San Clemente

20 **UNITED STATES DISTRICT COURT**
 21 **CENTRAL DISTRICT OF CALIFORNIA**

22 HOUSING IS A HUMAN RIGHT
 23 ORANGE COUNTY, et al.,
 24
 25 Plaintiffs,
 26
 27 v.
 28 THE COUNTY OF ORANGE, et al.,
 Defendants.

Case No. 8:19-cv-00388-PA
 Honorable Percy Anderson

**DECLARATION OF ERIK SUND
 IN OPPOSITION TO *EX PARTE*
 MOTION FOR TEMPORARY
 RESTRAINING ORDER**

DECLARATION OF ERIK SUND

I, Erik Sund, declare and state:

1. My name is Erik Sund. I am the Deputy City Manager of the City of San Clemente. I make this Declaration in opposition to Plaintiffs' *Ex Parte* Motion for a Temporary Restraining Order. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, I would competently testify regarding such matters.

2. I have been personally involved in the preparation and oversight of the designated camping zone at issue in Plaintiffs' motion. The City spent approximately \$60,000 doing site improvements to prepare the site for campers. Surface was graded and decomposed granite was installed. Fencing was installed around the perimeter. The City installed lighting and closed circuit cameras.

3. On May 24, 2019, the City, in conjunction with the Orange County Sheriff's Department, relocated campers from the City's North Beach parking lot to the City's newly designated camp site. The process was smooth. A few individuals asked for assistance in moving their property to the new campsite, which the City provided, but most campers chose to relocate themselves.

4. At the camping site, the City provides canine crates for campers who have pets. Each camper also receives a secured storage container for their valuables. Each campsite has been chalked out to create a designated overnight campsite.

5. The City has provided 2 portable bathrooms and one wash station at the site; one restroom is ADA accessible. The units are serviced every 2 days by United Site Services. There have been no reports from United Site Services or the onsite security contractor indicating there has been any overflow and/or a need to increase frequency for the cleaning of the restrooms. According to City building officials, 1 bathroom for every 25 people is sufficient. Because there are fewer than 50 people at the campsite, an additional bathroom is not needed at this time.

1 6. Onsite security is provided 24/7 at the site. The security guard ensures
2 that the campers follow the rules of the site and maintains a list of active campers. If
3 a new camper arrives, the security guard checks them in and assigns them to a camp
4 site.

5 7. Currently we have an estimated 36 campers at the site. The City does
6 not keep a waiting list for the site. We did learn of a security guard who had been
7 keeping a waiting list, unbeknownst to the City. Upon learning of this several weeks
8 ago, the City immediately ensured that the security guard was removed from duty
9 and that nobody would be turned away from the site. There remains plenty of
10 availability for campers at the site.

11 8. I understand that Plaintiffs have claimed that the camping site is unsafe.
12 While there may be seismic issues that threaten the safety of structures, there is no
13 public safety issue for a tent to be erected onsite.

14 9. Food and water are regularly donated to campers at the site. Just last
15 Wednesday, June 26, 2019, a group dropped off upwards of 10 cases of water. As of
16 today, July 1, staff were onsite and there was still a significant amount of the donated
17 water available for the campers. A photo of the remaining donated water is attached
18 to this Declaration as Exhibit 1.

19 10. Since August 2018, Mercy House has provided mobile outreach services
20 to the City of San Clemente. They seek out homeless people and engage them in an
21 effort to find them some type of housing. Their services include, but are not limited
22 to, relocation services, referring clients to mental and physical health professionals,
23 accompanying clients to appointments, offering bus passes to established
24 appointments, seeking appropriate housing options, and collaborating with other
25 agencies.

26 11. Since the opening of the camp site, Mercy House has visited the site
27 regularly to engage the campers in an effort to continue their outreach services. They
28 visit the site 2-4 times per week.

1 12. I am the primary liaison to Mercy House. In that capacity, I learned that
2 on June 20, 2019, Mercy House Outreach Coordinators accompanied Duane Nichols
3 to the VA Cabrillo facility at Long Beach. VA Homeless Outreach workers told
4 Mercy House that Duane Nichols, based on his service and discharge status, would
5 be eligible for shared housing at that facility. When Mr. Nichols arrived and was
6 offered the bed, he refused it and chose to return to the camping site. This is the
7 second time Mr. Nichols has been offered a bed by the VA Cabrillo facility.

8 13. If the Orange County Sheriff’s Department locates a camper in the City,
9 the camper is referred to the City’s designated camp site before any arrest or citation
10 is made. If the individual needs assistance to access the site, the Sheriff notifies the
11 City and the City provides transportation to assist in moving the camper and their
12 belongings.

13 14. Across the street from the campground, the City has a public park, Pico
14 Park, that has a parking lot where visitors can park and walk across the street to access
15 the campground.

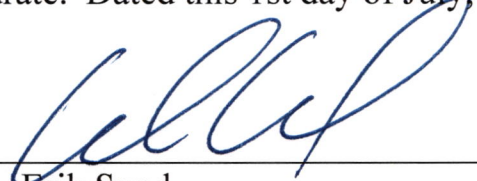
16 15. William Brown Jr. has been at the site since May 24, 2019, and accessed
17 the bathroom and entrance without any assistance. I have witnessed Mr. Brown
18 assisting other campers with organizing their campground as well as assisting in
19 setting up other tents for campers.

20 16. Steven Gustafson has been at the site since May 24, 2019, and had no
21 issues setting up his camp site as well as collecting items and bringing them to his
22 campsite. Mr. Gustafson was extremely grateful to the City for creating a designated
23 campground, and has voiced this to City representatives.

24 17. Duane Nichols has been at the site since May 24, 2019. Mr. Nichols has
25 a 3-wheel bicycle he uses on regular basis to get around the site and vicinity.
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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 accurate. Dated this 1st day of July, 2019, in San Clemente, California.



Erik Sund

EXHIBIT 1

