

1 SILVANO B. MARCHESI (State Bar No. 42965)  
County Counsel  
2 KELLY M. FLANAGAN (State Bar No. 145018)  
Deputy County Counsel  
3 DANIELLE R. MERIDA (State Bar No. 217465)  
Deputy County Counsel  
4 COUNTY OF CONTRA COSTA  
651 Pine Street, 9th Floor  
5 Martinez, California 94553-1288  
Telephone: (925) 335-1800  
6 Facsimile: (925) 646-1078

7 Attorneys for Defendants  
Textscape, LLC v. Google, Inc.

Doc. 30

8  
9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12

13 FAITH CENTER CHURCH EVANGELISTIC )  
MINISTRIES, a California nonprofit religious )  
14 corporation, and HATTIE HOPKINS, an individual, )

15 Plaintiffs, )

16 v. )

17 )  
18 FEDERAL GLOVER, et al. )

19 Defendants. )  
20 )  
21 )

Civil Action No. C 04-3111 JSW

**DECLARATION OF ANNE CAIN  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

Hearing Date: January 28, 2005  
Hearing Time: 9:30 a.m.  
Dept.: Courtroom 2

22 I, Anne Cain, declare as follows:

23 1. I am the Contra Costa County Librarian and I have held that position for 5  
24 years.

25 2. I am responsible for overseeing the operation of all County libraries,  
26 implementing County Library policies and recommending any new policies to the County's  
27 Board of Supervisors.  
28

---

DECLARATION OF ANNE CAIN IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

C04-3111 JSW – PAGE 1

1           3.       Patrons of the County libraries, including the Antioch public library, reflect  
2 the population of the County which is diverse in, among other things, age, gender, ethnicity  
3 and religious faith.

4           4.       Many Contra Costa County libraries have a meeting room which community  
5 members may reserve for certain purposes. Non-profit organizations generally do not pay  
6 for use of the meeting room.

7           5.       The Antioch library meeting room is situated directly in the library itself  
8 and the entrance to the meeting room is located off of the main entrance. The meeting  
9 room shares a wall with the library staff break room. The meeting room is not sound-  
10 proofed.

11          6.       Members of the community may reserve a library meeting room by calling  
12 or coming into the branch where they would like to meet and asking that a reservation be  
13 placed on the library calendar. If a person comes into the branch to make a reservation they  
14 are handed an application and if a person calls in a reservation they are mailed an  
15 application. They are informed that they are required to submit a completed application to  
16 the branch prior to date they would like to use the meeting room. They are also informed  
17 that their reservation is contingent on the County's approval of a completed application.

18          7.       The County maintains a policy on the use of library meeting rooms which  
19 encourages the use of meeting rooms for "educational, cultural and community related  
20 meetings, programs, and activities."

21          8.       Over the years the County's library meeting room use policy has been  
22 refined to comport with the Library's mission and applicable laws.

23          9.       On December 14, 2004 the County Board of Supervisors rescinded  
24 Resolution 93/525. That policy included a provision prohibiting "religious services or  
25 activities." The new policy removes the prohibition against religious "activities" and  
26 maintains the prohibition of "religious services." A true and correct copy of the County's  
27 current library policy, Resolution No. 2004/655, is attached hereto as Exhibit A.



**EXHIBIT A**

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Resolution on December 14, 2004, by the following vote:

- AYES: SUPERVISORS GIOIA, UILKEMA, GREENBERG, DESAULNIER
- NOES: NONE
- ABSENT: SUPERVISOR GLOVER
- ABSTAIN: none

RESOLUTION NO. 2004/655

SUBJECT: IN THE MATTER OF ADOPTING A POLICY FOR THE USE OF MEETING ROOMS IN LIBRARIES

Upon recommendation of the County Librarian, this Board adopts the following policy and rescinds all previously adopted policies and rules and regulations (including Resolution No. 93/525 in its entirety) for the use of meeting rooms in libraries:

Contra Costa County Library  
POLICY FOR THE USE OF MEETING ROOMS IN LIBRARIES

It is the policy of the Contra Costa County Library to encourage the use of library meeting rooms for educational, cultural and community related meetings, programs, and activities.

NO-FEE USAGE

Non-profit and civic organizations, for-profit organizations, schools and governmental organizations offering meetings, programs, or activities of educational, cultural or community interest may use the meeting room free of charge for meetings that are open to the general public, for which no admission fee is charged, and at which no soliciting or selling is done.

FEE-BASED USAGE

Non-profit and civic organizations, for-profit organizations, schools and governmental organizations may use the meeting room for a fee for meetings that are closed to the general public, for which an admission fee is charged, or at which soliciting or selling takes place.

EDUCATIONAL USE

Library meeting rooms are available to schools only for special meetings, programs, or activities. They may not be used for instructional purposes as a regular part of the curriculum.

RELIGIOUS USE

Library meeting rooms shall not be used for religious services.

APPLICATIONS FOR USE

All groups request use of a library meeting room must fully complete an application form for each use.

RULES FOR USE

The County Librarian shall promulgate rules for the implementation of this policy. Such rules may contain branch specific rules. The County Librarian may deny any application or revoke any permission previously granted when such application or permission is for a use not permitted by this policy, when the applicant has violated the rules promulgated by the County Librarian, or when the meeting room is needed for library purposes.

- cc: County Librarian
- County Administrator
- County Counsel

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 14 2004  
JOHN SWEETEN, Clerk of the Board  
of Supervisors and County Administrator

By [Signature] Deputy