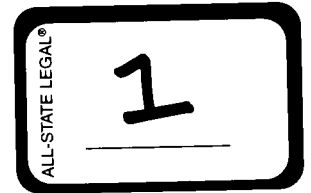


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION



CITIZENS FOR COMMUNITY VALUES,  
INC.,

Plaintiff,

v.

UPPER ARLINGTON PUBLIC LIBRARY  
BOARD OF TRUSTEES,

Defendant.

STATE OF OHIO            )  
  )  
COUNTY OF FRANKLIN    ) ss.

:  
:  
: Case No. 2:08-cv-00223  
:  
: Judge George C. Smith  
:  
: Magistrate Judge King

**AFFIDAVIT OF ANN R. MOORE**

I, Ann R. Moore, having business address at the Upper Arlington Public Library, 2800 Tremont Road, Upper Arlington, Ohio 43221, having been duly sworn and cautioned, do voluntarily state as follows:

1. I am over eighteen (18) years of age, have personal knowledge, and am competent to testify to all matters attested to herein.

2. I am the Director of the Upper Arlington Public Library System ("the Library"), including the Main Library located on Tremont Road, the Lane Road Branch Library and the Miller Park Branch Library. I have held this position since 1998. The community served by the Library is diverse in many respects including age, race, ethnicity, and religious faith.

3. The Library maintains meeting room space at its three branches, which is available for use by the public. I am familiar with the Library's Meeting Room Policy, a written policy governing use of these meeting rooms, which is available on the Library's website, as well

as the *Upper Arlington Public Library Organizational Profile for Meeting Room Reservation* form ("Profile Form") that must be completed and submitted to the Library by any person, group or entity wishing to reserve a meeting room. I verify that a true and accurate copy of the Library's Meeting Room Policy is attached hereto under Tab A.

4. The general purpose of the Library's Meeting Room Policy is to make the Library's meeting rooms available as a free community resource for non-profit endeavors. Given the fact that the Library serves some 58,000 cardholders and only has five meeting rooms available for public use, the Library's Board of Trustees reasonably concluded that it had to impose some limits on the types of meetings that could be held in these rooms in order to maximize their availability for non-profit community groups without resources or funds to meet elsewhere. Accordingly, the Library's Board of Trustees concluded that the meeting rooms could not be used for commercial, political or religious meetings; for religious services; or for workshops or seminars on financial, estate or retirement planning, and related topics because those wanting to engage in these types of activities likely had other venues open to them and the resources to pay for those venues. If the Library were forced to open its meeting rooms up for religious services, this would sharply curtail their availability for use by other non-profit community groups without resources or funds to meet elsewhere, ultimately impeding the Library's ability to serve "[a]s an institution of education for democratic living."

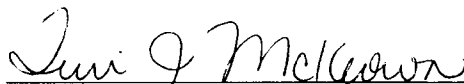
5. While the Library's Meeting Room Policy states that religious meetings are not permitted in the Library's meeting rooms, the Library does not enforce this policy. Rather, it permits a wide array of religious meetings in its meeting rooms. However, the Library has consistently enforced its other use restriction including the policy prohibiting religious services from being held in its meeting rooms. For instance, two to three years ago, Vickie Smith a

minister at St. Mark's Episcopal Church in Upper Arlington asked my permission to hold religious worship services in the Library's meeting rooms while St. Mark's was undergoing renovations, but I denied her request pursuant to the Library's Meeting Room Policy.



Ann R. Moore

Sworn to and subscribed before me, a Notary Public, on this \_\_\_\_ day of May, 2008.

  
Notary Public

**TERRI J. McKEOWN  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 06-10-08**

## Meeting Room Overview

As an institution of education for democratic living, the library welcomes the use of its meeting rooms for cultural activities and discussion of public questions and social issues. Our meeting rooms are available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members, provided that the meeting is open to the public and no fee is charged for attending the meeting.

When they are not scheduled for library functions, the meeting rooms at Tremont, Lane Road and Miller Park are available for use without charge by any group associated with the City of Upper Arlington or any not-for-profit, tax exempt group. The rooms may also be used by other groups and businesses meeting for a **non-profit reason** with the following charges:

**Room A** — \$25 for three hours; \$5 each addt'l hour

**Room B** — \$25 for three hours; \$5 each addt'l hour

**Theater** — \$50 for three hours; \$10 each addt'l hour

**Lane Road** — \$25 for three hours; \$5 each addt'l hour

**Miller Park** — \$25 for three hours; \$5 each addt'l hour

Photos of the meeting rooms can be seen on the library website at [www.ualibrary.org](http://www.ualibrary.org) under "About the Library." The use of the meeting rooms for commercial, religious or political campaign meetings is not permitted. However, committees affiliated with a church (such as a church board of trustees) will be allowed to use the meeting rooms provided no religious services are involved.

**The UAPL Board of Trustees has determined that all workshops or seminars on financial, estate or retirement planning, and related topics will be considered "for profit" ventures and, therefore, sponsoring groups or individuals will not be permitted to use the library meeting rooms.**

Meeting rooms at the Main Library can be reserved by calling the library's community relations department at 486-9621. Meeting space at the Lane Road Branch can be reserved by calling 459-0273. Meeting space at the Miller Park Branch can be reserved by calling 488-5710.

If there is doubt as to the eligibility of a group, the problem will be referred to the Library Director.

Organizations using library facilities should abide by the rules and regulations established by the library. A representative of each group is expected to read these policies in advance and will be required to sign an "acceptance of responsibility" form before using the room. The form assigns responsibility for loss or damages (to the room, furniture or audiovisual equipment) to the group or person sponsoring the meeting. Any room rental and equipment fees should be paid at the circulation desk just before using the room. The patron will be given a receipt for the amount paid.

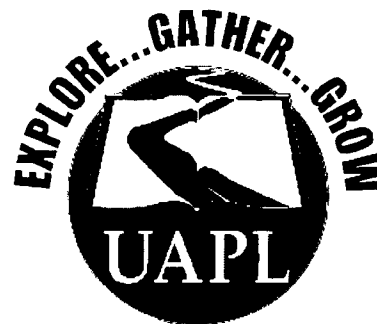
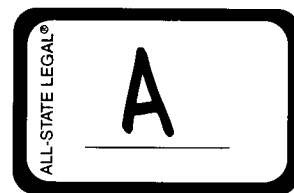
## Occupancy Limits

Strict adherence to these limits is necessary due to Fire Codes.

Main Library: Meeting Room A — 14 people  
Meeting Room B — 40 people  
Friends Theater — 100 people

Lane Road Library: Meeting Room — 65 people

Miller Park Library: Meeting Room — 8 people



**Upper Arlington  
Public Library System**

## Meeting Room Rules

- 1) The meeting rooms are available on a first-come, first-served basis. Library meetings take precedence over all other use. The library reserves the right to change meeting rooms or cancel use of meeting rooms by an outside organization if the Director or Board of Trustees determines the space is needed for library purposes.
- 2) No part of a meeting may be soliciting (either directly or indirectly) in nature.
- 3) Meeting rooms may be scheduled no more than two months in advance. For example, a meeting room to be used on May 10 may not be reserved before March 10.
- 4) The meeting rooms are available for use during regular library hours only. Please include set-up and clean-up times when scheduling your meeting. All meetings must end 15 minutes before library closing time.
- 5) A representative from the group must sign in at the Circulation Desk prior to occupying the room. Groups cannot occupy their scheduled meeting room before or after their specified time without prior arrangement with the public relations department.
- 6) Meeting rooms are not available for receptions or private parties.
- 7) Persons scheduling the meeting rooms must be at least 18 years old. An adult must be present during the meeting.
- 8) Room set up and arrangement should be stated when a room is scheduled.
- 9) Each group using a room is responsible for clean up and returning the room to its original set up.
- 10) Certain library audiovisual equipment is available for use during meetings held at the library. Slide or overhead projectors, tables, chairs and a podium are available free of charge. A TV/VCR cart for use in Meeting Room A is available for a charge of \$10. Equipment from the audiovisual cabinet in Meeting Room B and the Friends Theater includes a laptop, DVD and VHS players, Internet connection, a CD player and various microphones. A \$10 charge applies to the use of equipment from the cabinet, and requires a library staff member to perform the set up. Equipment must be reserved when a meeting is scheduled.
- 11) Light refreshments are permissible in Meeting Room B and the Friends Theater at the Main Library. Drinking fountains are nearby to fill coffee or tea pots. Refreshments are also permitted in the conference room at the Lane Road branch. Groups must supply their own coffee pots, utensils, serving trays and related items.
- 12) Groups may not word publicity to imply that the library is a sponsor of the event or use the library as a contact for more information.
- 13) Groups are responsible for transporting, setting up and operating their own equipment (audiovisual, coffee pots, etc.) A cart can be provided upon request for bringing such equipment into the building.
- 14) Groups may not store or leave their equipment at the library overnight.
- 15) The library's staff lounge and vending machine are for staff use and are off limits to all meeting room guests.
- 16) Library staff members will not be responsible for taking telephone messages for guests attending meetings in library meeting rooms. A pay phone is in the library's vestibule.
- 17) Cancellation of a meeting should be given to the library 24 hours in advance, when possible.
- 18) There is no smoking or alcoholic beverages in the library at any time.
- 19) Events held in the library's meeting rooms must be conducted with a minimum of noise so as not to disturb other library patrons. Meetings and breaks must be restricted to the scheduled rooms.
- 20) Adults must be present at a meeting and assume responsibility for children in their group.
- 21) Children must not be left unattended in the library while their parents attend a meeting.
- 22) Meeting room guests are not permitted to tack, tape or post any signs or materials on meeting room doors, walls, windows or elsewhere in the library. An easel or clipboard is available on request.
- 23) The library will not be held responsible for any personal items lost or stolen before, during or after a meeting.

**Any group, organization or individual failing to comply with these rules will be denied future meeting room privileges. Reinstatement of privileges can be granted only by action of the Upper Arlington Public Library Board of Trustees.**