

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

CITIZENS FOR COMMUNITY VALUES, INC., :	:	
	:	Case No.:
Plaintiff,	:	
	:	
vs.	:	
	:	
UPPER ARLINGTON PUBLIC LIBRARY	:	
BOARD OF TRUSTEES,	:	
	:	
Defendant.	:	

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, PRELIMINARY
AND PERMANENT INJUNCTIONS, AND NOMINAL DAMAGES**

COMES NOW, Citizens for Community Values, by and through its attorneys, and respectfully requests this Court to issue a declaratory judgment, preliminary and permanent injunctions, nominal damages, and costs and fees for violating its federal and state constitutional rights. The Defendant, Upper Arlington Public Library Board of Trustees (hereinafter the "Library"), is prohibiting Plaintiff from engaging in expressive activities in a generally available public forum because the Library has deemed those activities to be "inherent elements of a religious service." In support thereof, Plaintiff alleges the following:

JURISDICTION AND VENUE

1. This civil rights action under 42 U.S.C. § 1983 raises federal claims under the First and Fourteenth Amendments to the United States Constitution and a state claim under Section 7, Article I of the Ohio Constitution.

2. This Court has original jurisdiction over the federal law claims by operation of 28 U.S.C. §§ 1331 and 1343 and has supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. § 1367.

3. This Court has authority to issue the requested injunctive relief under 28 U.S.C. § 1343, the requested declaratory relief under 28 U.S.C. §§ 2201-02, the requested damages under 28 U.S.C. § 1343, and costs and attorneys' fees under 42 U.S.C. § 1988.

4. Venue is proper under 28 U.S.C. § 1391 in the United States District Court for the Southern District of Ohio because a substantial part of the events giving rise to the claim occurred within the District.

IDENTIFICATION OF THE PLAINTIFF

5. Plaintiff CITIZENS FOR COMMUNITY VALUES is a nonprofit charitable, educational and religious corporation organized under the laws of the State of Ohio.

IDENTIFICATION OF THE DEFENDANT

6. Defendant UPPER ARLINGTON PUBLIC LIBRARY BOARD OF TRUSTEES is a body politic and corporate of the State of Ohio, and a political subdivision thereof. The Board is responsible for providing general oversight and establishing operational policies for the Upper Arlington Public Library, a municipal free public library.

FACTUAL ALLEGATIONS

Background

7. Plaintiff is a nonprofit charitable, educational, and religious organization that strives to promote Judeo-Christian moral values for civil government at the local, state, and

national level. To this end, Plaintiff offers seminars and other educational events that are designed to promote these values.

8. Plaintiff sincerely believes: that the Bible is the inspired Word of God and as such is the source of, among other things, all ethical standards governing the affairs of men; that the God of the Bible is sovereign over all areas of life, including the socio-political order; and, finally, that the Bible teaches that Christian pastors have a duty to preach and teach the foregoing truths and that Christians in general have a duty to participate in the political process.

9. Consistent with and in an effort to practice its sincere religious beliefs, Plaintiff planned a series of events called “Politics in the Pulpit.” The events were scheduled to occur just prior to the primary election in Ohio. Two of the events have already taken place—one in Dayton, Ohio on February 26, 2008, and the other in Cincinnati, Ohio on February 28, 2008. The Politics and the Pulpit event in Upper Arlington was scheduled to take place on February 27, 2008.

10. Plaintiff’s “Politics and the Pulpit” presentation includes four elements: (1) a discussion of what the Bible teaches regarding political involvement by Christians, pastors, and churches; (2) a discussion of the current status of the law regarding political involvement by Christians, pastors, and churches; (3) a time of prayer to petition God for guidance on the church’s proper role in the political process; and (4) a time of singing praise and giving thanks to God for the freedom we have in this country to participate in the political process.

11. Other public library systems in Ohio have permitted Plaintiff to conduct its Politics and the Pulpit event in their meeting rooms.

The Library's Meeting Room Policy

12. Pursuant to the Library's Meeting Room Policy, meeting rooms are available on a first-come, first-served basis for outside organizations to use for a broad array of topics. The first paragraph of the Meeting Room Policy states:

As an institute 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.

A true and correct copy of the Library's Meeting Room Policy is attached hereto as Exhibit 1 and made a part hereof.

13. Notwithstanding the first paragraph, the Library's Policy prohibits the use of meeting rooms for "commercial, religious or political campaign meetings." "Committees affiliated with a church" are allowed "provided no religious services are involved."

14. The Meeting Room Policy does not define or further explain what constitutes a "religious meeting" or a "religious service," or what it means to be "affiliated with a church."

15. Groups seeking to use a meeting room are required to obtain prior approval from a Library employee, who reviews the content of the event prior to granting approval.

16. According to the Meeting Room Policy, if a Library employee is unsure whether a particular event is eligible to use a meeting room, the request is referred to the Library Director for a final determination.

17. In 2007, the Library's Board of Trustees formed an Ad Hoc Meeting Room Use Committee ("Committee") to explore whether the Meeting Room Policy needed to be changed. Three members of the Board of Trustees, Jack Burtch, Bryce Kurfees, and John Magill were on this Committee. Library Director Ann Moore was also on this committee.

18. The Committee met on June 5, 2007 and June 14, 2007. The Committee's meeting notes were incorporated in the Board of Trustee's June 19, 2007 meeting minutes. A true and correct copy of the applicable portion of the June 19, 2007 meeting minutes are attached hereto as Exhibit 2 and made a part hereof.

19. During the Committee's June 5 meeting, Board Member Bryce Kurfees objected to the "incongruity" between the first paragraph of the Policy (which states that the meeting rooms are "available on equal terms to all groups in the community") and the third paragraph (which prohibits use of the meeting rooms for "commercial, religious or political campaign meetings").

20. During the same meeting, Board of Trustee President Jack Burtch noted that "prohibitions [on meeting room use] based on content have not been supported by case law and Supreme Court decisions." Burtch also told the Board of Trustees that it cannot exclude an organization from using the meeting rooms "based on content" during the Board's February 20, 2007 meeting. A true and correct copy of the applicable portion of the Board's February 20, 2007 meeting minutes are attached hereto as Exhibit 3 and made a part hereof.

21. Nonetheless, at the next meeting on June 14, Burtch expressed a desire to maintain restrictions in the Meeting Room Policy to avoid "the appearance of having a 'state sponsored' religion." Burtch also noted, in response to a suggestion that the policy be rewritten to prohibit "religious worship services," that "defining what constitutes a 'worship service' is an extremely difficult task."

22. Despite the concerns that had been raised about the constitutionality of the Policy, the Committee decided not to make any changes to the Meeting Room Policy.

23. The Meeting Room Policy remains in effect, unchanged, to this day.

The Library's Rejection of Plaintiff's Request to Use a Meeting Room

24. On February 14, 2008, a representative from Plaintiff faxed a letter and application to the Library's Community Relations Manager, Ruth McNeil, describing the Politics and the Pulpit event and requesting permission to use a meeting room on February 27, 2008 for the event. A true and correct copy of the letter and application is attached hereto as Exhibit 4 and made a part hereof.

25. The next day, a representative from the Library's Community Relations department notified Plaintiff, by telephone and fax, that the Library intended to accommodate Plaintiff's request and had scheduled Plaintiff to use the "Friends Theater" meeting room on Wednesday, February 27, 2008, from 7:00 to 8:30 p.m. A true and accurate copy of the fax is attached hereto as Exhibit 5 and made a part hereof.

26. A few days later, Ms. McNeil contacted Barry Sheets of CCV and informed him that the Library had reconsidered Plaintiff's request to use a meeting room. In a follow-up letter dated February 21, 2008, Ann Moore, the Library Director explained that the Library was rejecting Plaintiff's request pursuant to the Meeting Room Policy's prohibition on "religious meetings." A true and correct copy of this letter is attached hereto as Exhibit 6 and made a part hereof.

27. The Director explained in the letter that the first two elements of Plaintiff's event—a discussion of Biblical teaching regarding political involvement, and a discussion of the current status of the law regarding political involvement by Christians, pastors, and churches—were permissible under the Meeting Room Policy. But the other two elements of the meeting—a time of singing and a time of prayer—were "inherent elements of a religious service" and thus in conflict with the Library's Policy.

28. The Library did not offer any other reason why Plaintiff's event conflicted with the Library's Meeting Room Policy.

29. Plaintiff desires to hold the Politics and the Pulpit event prior to future elections in Ohio, and also desires to hold other similar events in the Library's meeting rooms in the future, but is prohibited from doing so under the Library's Meeting Room Policy.

LEGAL ALLEGATIONS

30. All alleged acts of the Library, its officers, agents, servants, employees, and persons acting at its behest, were done and continue to be done under the color and pretense of state law, including the statute, regulations, customs, policies, and usages of the Upper Arlington Public Library system and the State of Ohio.

31. As alleged in greater detail below, the Library's Meeting Room Policy, both on its face and as applied to Plaintiff, violates Plaintiff's federal and state constitutional rights.

32. As a direct result of the Library's violation of Plaintiff's federal and state constitutional rights, as alleged below, Plaintiff is suffering irreparable harm for which there is no adequate remedy at law.

33. As a direct result of the Library's violation of Plaintiff's federal and state constitutional rights, as alleged below, Plaintiff is entitled to recover nominal damages.

CLAIMS FOR RELIEF

I. First Claim: Violation of the Free Speech Clause of the First Amendment to the United States Constitution.

34. The allegations contained in all preceding paragraphs are incorporated herein by reference.

35. The Library has intentionally made its meeting rooms generally available to the public for a broad range of speech that is fully protected by the First Amendment.

36. Religious speech, including the speech that occurs at Plaintiff's Politics and the Pulpit presentations, is protected speech under the First Amendment.

37. The Meeting Room Policy and the Library's enforcement thereof:

- a. Singles out religious speech for discriminatory treatment;
- b. Conditions access to generally available public facilities on the content of the applicant's speech;
- c. Discriminates against speech on the basis of the speaker's viewpoint;
- d. Restrains constitutionally-protected speech in advance of its expression, with virtually no standards to guide the discretion of Library officials charged with enforcing the policies; and
- e. Chills the speech of Plaintiff and other individuals and organizations subject to the Meeting Room Policy.

38. The Library has no compelling reason that would justify denying Plaintiff or other religious speakers access to generally available public facilities solely on the basis of the viewpoint and content of their speech.

39. Accordingly, the Library's Meeting Room Policy and its enforcement thereof violate Plaintiff's right to the freedom of speech under the First Amendment to the United States Constitution, as applicable to the states under the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and legal relief set forth in the prayer for relief.

II. Second Claim: Violation of the Free Exercise Clause of the First Amendment to the United States Constitution.

40. The allegations contained in all preceding paragraphs are incorporated herein by reference.

41. Plaintiff desires to meet for religious expression and activity motivated by its sincerely-held religious beliefs.

42. The Library's Meeting Room Policy is neither facially neutral nor generally applicable.

43. The Library's enforcement of its Meeting Room Policy selectively imposes a substantial burden on Plaintiff's sincerely-held religious beliefs by restricting its access to generally available public facilities based upon the religious nature of its beliefs, speech, and conduct.

44. The Library has no compelling reason that would justify denying Plaintiff, or any other organization, equal access to a general available public forum solely on the basis of its religious beliefs, speech, and conduct.

45. Accordingly, the Meeting Room Policy and the Library's enforcement thereof violate Plaintiff's right to the free exercise of religion under the First Amendment to the United States Constitution, as applicable to the states under the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and legal relief set forth in the prayer for relief.

III. Third Claim: Violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

46. The allegations contained in all preceding paragraphs are incorporated herein by reference.

47. The Equal Protection Clause requires the government to treat similarly-situated persons equally.

48. Under its Meeting Room Policy, the Library has allowed similarly-situated organizations to use Library meeting rooms and engage in a wide variety of speech activities, but has refused to allow Plaintiff the same access, solely because of the religious nature of Plaintiff's speech.

49. The Library has no compelling reason that would justify excluding Plaintiff from these generally available public facilities solely on the basis of the religious nature of Plaintiff's speech.

50. Accordingly, the Meeting Room Policy and the Library's enforcement thereof violate Plaintiff's right to the equal protection of the laws under the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and legal relief set forth in the prayer for relief.

IV. Fourth Claim: Violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

51. The allegations contained in all preceding paragraphs are incorporated herein by reference.

52. The Meeting Room Policy is vague and lacks sufficient objective standards to cabin the discretion of Library officials.

53. The lack of objective standards allows the Library to enforce the policy in an *ad hoc* and discriminatory manner based on the content or viewpoint of speech.

54. The Library cannot articulate a compelling reason that would justify excluding Plaintiff from a generally available public forum solely on the basis of Plaintiff's religious expression.

55. Accordingly, the Meeting Room Policy and the Library's enforcement thereof violate Plaintiff's right to due process under the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and legal relief set forth in the prayer for relief.

V. Fifth Claim: Violation of Article I, Section 7 of the Ohio Constitution.

56. The allegations contained in all preceding paragraphs are incorporated herein by reference.

57. Pursuant to Article I, Section 7 of the Ohio Constitution, the free exercise of religion is a guaranteed right and shall not be subject to discrimination by the government.

58. Plaintiff's desire to meet for religious expression and activity is motivated by its sincerely-held religious beliefs.

59. The Library's enforcement of its Meeting Room Policy selectively imposes a substantial burden on Plaintiff's sincerely-held religious beliefs by restricting its access to generally available public facilities based upon the religious nature of its beliefs, speech, and conduct.

60. The Library has no compelling reason that would justify denying Plaintiff, or any other organization, equal access to a general available public forum solely on the basis of its religious beliefs, speech, and conduct.

61. Accordingly, the Meeting Room Policy and the Library's enforcement thereof violate Article I, Section 7 of the Ohio Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the equitable and legal relief set forth in the prayer for relief.

PRAYER FOR RELIEF

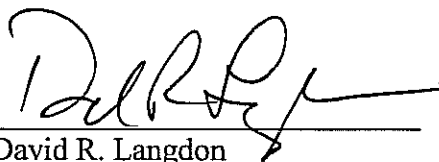
WHEREFORE, Plaintiff Citizens for Community Values prays for judgment against Defendant and respectfully requests this Court to:

- A. Preliminarily and permanently enjoin the enforcement of the Library's Meeting Room Policy to the extent it violates Plaintiff's federal and state constitutional rights;
- B. Declare that the Library's Meeting Room Policy is facially unconstitutional and violates Plaintiff's rights as guaranteed under the First and Fourteen Amendments to the United States Constitution, and Article I, Section 7 of the Ohio Constitution;
- C. Declare that the Library's Meeting Room Policy is unconstitutional as applied to Plaintiff, and violates Plaintiff's rights guaranteed under the First and Fourteenth Amendments to the United States Constitution and Article I, Section 7 of the Ohio Constitution;
- D. Award Plaintiff nominal damages arising from the acts of the Defendant;

- E. Award Plaintiff its costs and expenses of this action, including reasonable attorneys' fees, in accordance with 42 U.S.C. § 1988 and other applicable law;
- F. Grant any other relief that the Court deems equitable, just, and proper;
- G. Adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declarations shall have the force and effect of final judgment; and
- H. Retain jurisdiction of this matter as necessary to enforce the Court's orders.

* * * * *

Respectfully submitted,



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*Motion for Admission *pro hac vice* forthcoming
+Of Counsel

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, the undersigned, declare under penalty of perjury that:

1. I am a citizen of the United States and a resident of the State of Ohio;
2. I am an agent for Citizens for Community Values, the Plaintiff in this action, and am authorized to speak on behalf of that organization; and
3. I have read the foregoing Verified Complaint and the facts as alleged are true and correct.

Dated this 17th day of March, 2008



Barry Sheets

EXHIBIT 1

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 add'l hour

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

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

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

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

Photos of the meeting rooms can be seen on the library website at 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.

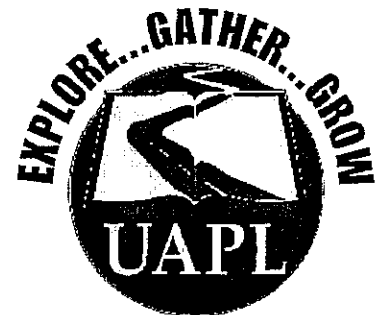
Occupancy Limits

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.

Sample of Sign-In Sheet

UPPER ARLINGTON PUBLIC LIBRARY Meeting Rooms and/or Little Theater Acceptance of Responsibility

As a representative of the group/organization _____
I have read the meeting room policies established by the Upper Arlington Public Library concerning use of the rooms, and agree to abide by these rules and regulations. I understand that the above group is responsible for cleaning up after the meeting and returning the room to its original condition. I also understand that the above group will be responsible for any damage incurred (be it accidental or otherwise) with regard to any equipment or furnishings in the meeting rooms of the library during the period of use by the above mentioned organization. I understand the library will not be held responsible for any damage, including theft and breakage to my personal property. I also understand that any group, organization or individual failing to comply to these rules may be denied future meeting room privileges at the Upper Arlington Public Library. I hereby state that I am over 18 years of age and that an adult will be in the meeting room for the duration of the meeting. I understand all meetings in the meeting rooms must be free and open to the public.

Date and time of the meeting:

_____ a.m./p.m. until _____ a.m./p.m.
Meeting Room A _____ Friends Theater _____ Youth Activity Room _____

Equipment Request: (No Charge) (made at time of initial room reservation)

- | | |
|-----------------------------|--|
| 1. Tables (#needed) _____ | 5. Dry Erase Easel Board# _____ |
| 2. Chairs (#needed) _____ | 6. Screen _____ |
| 3. Easel _____ | 7. Chalkboard _____ |
| 4. Microphones: | 8. AV Cart _____ |
| Standard - Wired # _____ | 9. Podium/Lecturn _____ Table Podium _____ |
| Wireless - Handheld # _____ | 10. Portable PA unit for (Atrium) _____ |
| Wireless - Lavalier # _____ | 11. Mic Stands: |
| | Regular # _____ Boom # _____ Table Top # _____ |
| | 12. Music Stands _____ |

No Charge

1. 16 mm projector _____
2. Carousel Slide projector _____
3. Overhead projector _____

\$10.00 Charge

1. Theater/Meeting Room B:
 Show DVD/VHS _____
 Play music CD _____
 Bringing PowerPoint CD to use in our PC _____
 Bringing own PC _____
 Internet Access _____
2. TV/VCR (Meeting Room A)

Coordinator of Organization

Signature of Library Personnel

Upper Arlington Public Library
**Organization Profile for
Meeting Room Reservation**

Organization: _____

Describe the organization: _____

Type of Organization:

- | | | |
|-------------------------------------|--------------------------------------|---|
| <input type="checkbox"/> Civic | <input type="checkbox"/> Community | <input type="checkbox"/> Professional association |
| <input type="checkbox"/> School | <input type="checkbox"/> Faith-based | <input type="checkbox"/> Business |
| <input type="checkbox"/> Government | <input type="checkbox"/> Social | <input type="checkbox"/> Other _____ |

Address: _____ City _____ ZIP _____

Phone: () _____

E-mail: _____

Website: _____

Representative reserving meeting room: _____

Contact number: () _____

Organization leader (if different): _____

Contact number: () _____

Description of meeting purpose:

Type of Meeting:

- | | |
|------------------------------------|--------------------------------------|
| <input type="checkbox"/> Book club | <input type="checkbox"/> Planning |
| <input type="checkbox"/> Tutoring | <input type="checkbox"/> Event |
| <input type="checkbox"/> Board | <input type="checkbox"/> Other _____ |

I have read the attached UAPL meeting room policy and agree to the terms of meeting room use.

Signature

Date

Printed name

Title

EXHIBIT 2

ASSISTANT DIRECTOR'S REPORT

Porter said that she would be giving a WorldCat Local demonstration to the Board at a meeting in the future. She noted that the library is in the process of purchasing a movie package from My Library. This package will have feature films available through the library's website. Finally, she said that the library is planning to allow holds on DVDs and videos. She said that patrons have requested this for some time. Porter noted that staffing in two key departments now makes this feasible. The plan is to start allowing holds in September.

PRESIDENT'S REPORT

Motil urged Board members to remember their fiscal responsibilities now that the levy has passed. He said that the Board should continue to take a close look at expenditures, to be careful and to plan for expenditures as much as possible.

OLD BUSINESS

Kurfees noted that the Ad Hoc Committee had met twice. The notes from those meetings are included here.

*Ad Hoc Meeting Room Use Committee
Tuesday, June 05, 2007*

MEETING NOTES

IN ATTENDANCE: Jack Burtch, Bryce Kurfees, John Magill, Ann Moore, Christine Minx, Nancy Roth

Kurfees called the meeting to order at 7:30 a.m. He suggested that the first issue was to decide whether the current policy needed to be changed and if so, then address specific changes.

Burtch asked if there had been specific problems with the current policy. Minx responded that there have not been an overwhelming number of problems or patron complaints about the current policy. She noted that some people object to the two month advance booking limit but that she has not had frequent or consistent complaints regarding the limitations on political and religious groups' use of meeting rooms. Chris noted that on the other hand, the Strategic Plan does call for initiatives under the Commons goal to act as more of a gathering place for the community.

Burtch said that he had no strong feelings one way or the other. He said that the current policy as written seems fine, but that situational application of the policy can be problematic. He said that the overriding requirements for meetings to be free and open to the public are clear.

Magill said that in reviewing policies across the nation, UAPL's seems to be in the middle of the road. He said that many policies were much more restrictive and demanding than ours. He noted that some libraries restrict meeting room use to only non-profit charities and require copies of organizations' 501(c) (3).

Kurfees said that he objects to the incongruity between the first paragraph of the policy and the third paragraph. He said that he does not think that religious study groups should be excluded. He said that political groups that are not campaigning should be permitted.

Magill said he would not recommend any changes at the present time. Burtch said that the commercial aspects of the policy are clear, as are the political limitations. He said that he would not be against refining the language to clarify that religious worship groups would not be eligible to book rooms, but religious study groups could be acceptable.

Moore noted that defining "worship" vs. "study" could pose a different set of problems. She noted that no matter how detailed a policy or definition, there is always a grey area where library staff will have to make a judgment call. She said that she supports Minx's decision regarding the Bible study group whose denial of a meeting room led to the re-examination of the policy.

Minx noted that people are not always honest about the purpose of their meetings. She said that when staff becomes aware that policy was violated or inaccurate information was given to obtain the meeting space, the group is not permitted continued access.

Kurfees took note of Magill's desire to look at norms across the nation, but said that UA should make their own decision. He said that neither Seattle nor Chicago prohibit religious or political groups from using their meeting spaces. He noted that if the library is to serve as a community center, then meeting space should be made available to religious and political groups. He said that he fully supports the sentiment and goals of the mission statement, but he does not think that the third paragraph reflects the mission statement.

Burtch said that he suggests that the committee and the Board look at a possible worst case scenario in coming to a decision about changing the policy. He noted that prohibitions based on content have not been supported by case law and Supreme Court decisions. He said that he did not want to become a target for constitutional challenges because of making a hasty decision without thinking about the complete ramifications of any changes proposed.

Moore noted that there is more media coverage of events in UA because of the nature of the community. She said that the library has been the focus of some

media attention for issues and/or events that go unreported within the larger community.

Kurfees reiterated his opinion that the third paragraph in the policy was incongruent with the mission statement. He said that if groups or their presence in the library became disruptive, the library has options available. Moore noted that in some cases, the problems came not from the groups, but from other people's protests about the group.

Burtch said that the City of Columbus had major fiscal problems when a Nazi rally at the State Capitol sparked a counter demonstration. The Columbus Police had to expend over \$300,000 in additional police coverage in order to ensure public safety. He noted that a similar situation in Skokie, Illinois cost that city \$1,000,000. Burtch said that the Supreme Court held that the city was responsible for those costs.

Magill said that there is a clear difference between partisan campaign groups and public information meetings by elected officials. He reiterated his view that the current policy is okay and more enlightened than many others.

Kurfees said that he understood that the library should not support or allow groups to use meeting space who are proselytizing but that study should be permitted, whether the group is studying the Bible, the Koran or Aristotle.

Magill said that he would like information from other libraries about how they implement their policies and what problems they experienced that may have led to changes. He noted that Columbus Metro Library has a similar policy regarding religious and political groups. Burtch suggested that Minx contact CML and give them the information about the initial room request UAPL had for the Bible study to see if they would have permitted the group to use meeting space and explore their reasoning with them. Magill suggested that Minx also make direct contact with Austin Public Library to discuss their policy with them.

Minx said that as a practical matter, the Community Relations department could start compiling and maintaining more complete information about groups who request meeting room space. She noted that at present, little information is captured beyond the name and phone number of the person doing the booking.

The committee agreed to meet again to continue the discussion. Magill requested that Minx provide them with the information from her contact with CML and Austin and any other information she might gather prior to the next meeting so that the committee has time to read it and to give it consideration. The committee agreed to meet on Thursday, June 14, 2007 at 7:30 a.m. Minx was asked to supply information by Tuesday, June 12, 2007.

The meeting adjourned at 8:15 a.m.

Ad Hoc Meeting Room Use Committee
Tuesday, June 14, 2007

MEETING NOTES

IN ATTENDANCE: Bryce Kurfees, John Magill, Jack Burtch, Ann Moore, Ruth McNeil, Nancy Roth

The meeting was called to order at 7:35 a. m.

McNeil said that Christine Minx's research revealed that Worthington and Columbus Metropolitan Libraries, whose meeting room policies are worded very similarly to UAPL's, do not prohibit Bible study. She said that at CML, Bible study seemed to be a grey area, but that it was not prohibited out of hand. Kurfees said that he had contacted Westerville and the Whetstone branch of CML and that both indicated they would permit Bible study to meet.

Kurfees said that he continues to believe that a change in the language of the policy is needed for clarity. Burtch said that the issue of meeting room use by religious groups is currently a hot issue around the country. He said that he believes that the current language allows for the library to interpret meeting room use to permit religious study groups. He said that he would prefer not changing the wording of the policy, but adjusting the practice instead.

Burtch noted that there is action pending before the Supreme Court on this issue stemming from a case in the 9th Circuit Court. He said that in a 24-page opinion from the 9th Circuit Court, it was held that the library was a "limited public forum" and not obligated to provide meeting space for religious purposes. He said that with other court cases pending, he would prefer to avoid making changes, but would accede to the wishes of the other members of the committee.

Kurfees said that he felt the policy needs to be clarified so that other patrons are not refused use of a room as was the patron who sent the original email. Magill said that meeting room use could be addressed without changing the policy. He noted that groups requesting meeting room space should be filling out an application which staff could then review to make a case-by-case determination of whether the group meets the criteria for meeting room use.

McNeil noted that inserting the wording "religious worship services" into the policy would clarify the nature of meetings that could not qualify for meeting room use. Burtch said that in the dissent opinion from the 9th Circuit Court, it was noted that defining what constitutes a "worship service" is an extremely difficult task. He said that he attempted to a re-write of the policy, but soon realized that he was changing too much of the policy.

Moore noted that the Community Relations staff already does a case-by-case assessment when inquiries are made for room reservations.

Burtch said that it would not be appropriate for the library to offer a venue for study groups from a specific church since they should have facilities available to them through their church. He noted that this restriction would avoid the appearance of having a "state supported" religion.

Kurfees reiterated that some clarification of the policy was needed and that the library is a community center that should accommodate these types of groups. Magill noted that the library's primary function is as a library not a community center. He said that as a public library, UAPL has to function under specific statutory guidelines and cannot view itself as primarily a community center.

Kurfees asked about the committee members' current opinions. Burtch said that he did not have a problem with Bible study groups meeting but that he was not confident that there was a need to change policy language. McNeil said that there may be a need for staff training in order to clarify the library's practices. Burtch agreed that it would be beneficial to instruct staff for consistency in application of the policy.

Magill said that a written application form for meeting room use should be developed to allow staff to review the stated purpose for each group's meeting. He noted that UAPL is the only local library that does not require a written application for the use of meeting rooms. He said that this application would give staff more information about the nature of the meeting before permission or denial is issued.

Moore said that library staff would be able to handle the interpretation of policy without changing the language at the present time.

Kurfees stated that he would like to see the language changed. He asked the committee members for a final opinion.

McNeil said that she would suggest that means other than a change in policy language be tried first. She suggested that staff training and the development of a written meeting room use application be tried. She noted that if problems persist or if there seems to be consistent confusion in the interpretation of policy, a change in language could be considered. She said that making what might be unnecessary changes in policy to accommodate specific instances can be more confusing than clarifying.

Burtch agreed that it would be reasonable to try these steps first. He felt that developing a written application was a key to implementation of the policy.

Moore agreed with McNeil's proposal.

Magill said that he agreed with the need to develop a written application rather than a change in language. He noted that the library should continue to be aware of how current court cases may affect the policy or its interpretation.

Kurfees said that he feels the language of the policy should be changed, but that he will trust that staff education and training and the implementation of a written application process would address the issue adequately for the present time.

McNeil said that Community Relations would develop an application. Magill suggested that other libraries' applications be reviewed during the development process.

Burtch noted that the Operations Policy in its entirety could be reviewed. Moore said that she and Porter have begun the process and that it has been a long time since the Operations Policy has been up-dated. She said that it is a task that she would like to bring before the Operations Committee in the future.

The meeting was adjourned at 8:10 a.m.

Kurfees said that in lieu of a change of policy, the committee decided to handle the issue by clarifying the interpretation of the current policy with staff and by developing a written application procedure for meeting room use. He noted that the committee will review the application form which is to be developed by the Community Relations Department.

EXECUTIVE SESSION

Gilligan made a motion for the Board to enter into Executive Session in order to discuss pending litigation. Magill seconded the motion. VOTING AYE: Burtch, Gilligan, Kurfees, Magill and Motil. VOTING NAY: None.

The Board entered into Executive Session at 7:34 p.m.

ADJOURNMENT

The Board came out of Executive Session at 7:45 p.m.

Motil made a motion to excuse Perera's absence. Magill seconded the motion. VOTING AYE: Burtch, Gilligan, Kurfees, Magill and Motil. VOTING NAY: None.

Motil made a motion to adjourn the meeting. Kurfees seconded the motion.
VOTING AYE: Burtch, Gilligan, Kurfees, Magill and Motil. VOTING NAY: None.

The meeting was adjourned at 7:46 p.m.

Charles V. Motil, President

Megan Gilligan, Secretary

EXHIBIT 3

OPERATIONS COMMITTEE MEETING

Thursday, February 08, 2007 7:30 a.m.

Notes

IN ATTENDANCE

John Magill, Brian Perera, Ann Moore, Terri McKeown, Kate Porter, John Forgos, Lynda Murray, Nancy Roth

John Magill called the meeting to order at 7:33 a.m.

MEETING ROOM POLICY DISCUSSION

Moore distributed background information to the committee which included the current UAPL Meeting Room policy and information regarding other libraries' policies that was compiled by Christine Minx, PR Manager. Perera and Magill noted that it was helpful to have the background information as preparation for the discussion on the agenda for the 2/13/07 Board meeting.

Murray said that meeting room policy is a difficult issue and that policies across the state vary from those that are totally open to those that do not allow any meetings. She noted that a library in Troy that adopted an open policy now is dealing with community concerns because a group of Wiccans are using the library space. She said that in Defiance the KKK has used the library meeting space and staged a rally that began on the library grounds.

Murray also pointed out that there are differences between meetings and programs that need to be considered when formulating a policy. She said that any decisions should not be based on content.

Magill and Perera both indicated that they would like to get an indication of how the Board feels about the need, if any, to revise the current policy. (Murray left the meeting at this point.)

RESULTS OF THE MEETING WITH THE CITY

Moore said that on 1/31/07, she, Porter, Forgos, Motil and Joel Snyder met with Tim Moloney to discuss planning at Lane Road. Forgos said that in general, the City of UA does not care if the mound to the west of the Lane Road Library is moved, but that the cost and responsibility would be the library's. He reported that Moloney said the fill could be added to the sledding hill already in the park or hauled away. Forgos said that the city says the mound contains "clean" fill, but noted that there is no way to be certain of that at the present time. The committee agreed that it would be important to take soil samples before disturbing the mound.

EXHIBIT 4



FAX COVER LETTER

To: JAN - COMMUNITY RELATIONS

Location: UA LIBRARY

Fax Number: 614-486-4530

From: BRUCE PURDY

Date: 2/14/08

Time: 10:01 A.M.

Number of Pages sent (including cover page): 4

Comments/Notes:

FAX SENT

VIA FAX

February 14, 2008

Ms. Ruth McNeil
Community Relations Manager
Upper Arlington Public Library
2800 Tremont Road
Upper Arlington, Ohio 43221

RE: Request for community meeting room

Dear Ms. McNeil:

I would like to request the use of a public meeting room at the main branch of the Upper Arlington Public Library which will hold up to 50 people for an event our organization is planning for Wednesday, February 28, 2008.

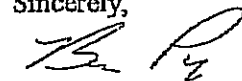
Our organization, Citizens for Community Values, along with some local churches and organizations in the area, will be holding several events leading up to the March 4 elections. The events we have planned, what we are calling "Politics and the Pulpit," will address the following topics:

- A discussion of what the Bible teaches regarding involvement by Christians, Pastors, and Churches in politics.
- A discussion of the current status of the law regarding political involvement by Christian, Pastors, and Churches.
- A time of prayer petitioning God for guidance on the Church's proper role in the political process.
- A time of singing praise and giving thanks to God for the freedom we have in this country to participate in the political process.

We are conducting a number of these in the southwest and central Ohio areas. It is our understanding that the Friends Theater is available on Wednesday, February 27 at 7:00pm until 8:30 p.m.

If possible, I would appreciate hearing from you today regarding your decision so that we can continue with our planning. You can contact me at (614) 920-1490. Thank you for your consideration.

Sincerely,



Bruce Purdy

Upper Arlington Public Library
Organization Profile for
Meeting Room Reservation

Organization: CITIZENS FOR COMMUNITY VALUES

Describe the organization: 501(c)3 NON-PROFIT PUBLIC POLICY ORGANIZATION

Type of Organization:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Civic | <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Professional association |
| <input type="checkbox"/> School | <input type="checkbox"/> Faith-based | <input type="checkbox"/> Business |
| <input type="checkbox"/> Government | <input type="checkbox"/> Social | <input type="checkbox"/> Other |

Address: 3 SOUTH HIGH ST. City CANAL WINCHESTER ZIP 43110

Phone: (614) 920-1490

E-mail: INFO@CCV.ORG

Website: WWW.CCV.ORG

Representative reserving meeting room: BRUCE PURDY

Contact number: (614) 920-1490

Organization leader (if different): BARRY SHEETS

Contact number: (614) 920-1490

Description of meeting purpose:

OUR ORGANIZATION, CITIZENS FOR COMMUNITY VALUES, ALONG WITH SOME LOCAL CHURCHES + ORGANIZATIONS, WILL BE HOLDING SEVERAL EVENTS LEADING UP TO THE MARCH 4 ELECTIONS. *(SEE REVERSE - PAGE 2 - FOR CONT'D DESCRIPTION)....

Type of Meeting:

- | | |
|------------------------------------|---|
| <input type="checkbox"/> Book club | <input type="checkbox"/> Planning |
| <input type="checkbox"/> Tutoring | <input checked="" type="checkbox"/> Event |
| <input type="checkbox"/> Board | <input type="checkbox"/> Other |

I have read the attached UAPL meeting room policy and agree to the terms of meeting room use.

B. D. P.
Signature

2-13-2008
Date

BRUCE D. PURDY
Printed name

STATE GRASSROOTS
Title
DIRECTOR

Page 2: (continued description from page 1)

The events we have planned, what we are calling "Politics in the Pulpit," will address the following topics:

- o A discussion of what the Bible teaches regarding involvement by Christians, Pastors, and Churches in politics.
- o A discussion of the current status of the law regarding political involvement by Christian, Pastors, and Churches.
- o A time of prayer petitioning God for guidance on the Church's proper role in the political process.
- o A time of singing praise and giving thanks to God for the freedom we have in this country to participate in the political process.

EXHIBIT 5

Facsimile Transmission From:



Upper Arlington
Public Library System

2800 Tremont Road • Upper Arlington, Ohio 43221-3199
Phone (614) 486-3342 • Fax (614) 487-2043

Sent by:

Jan. M.

Date sent:

2-15-08

Attention:

Bruce Purdy

Re:

Program for Comm. Values

*We have you scheduled in the
Lionel Theater on Wed, Feb 27, 2008
from 7-9:30 p.m.*

*If you have any questions, please call
me at (614) 486-3342 (Ext. 251)*

*Thank you
Jan*

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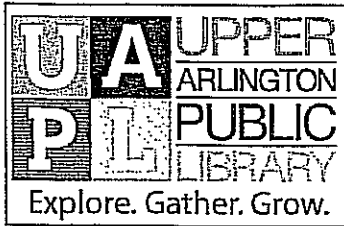
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Number of pages including this one: 1

faxcover.pmd ref.

EXHIBIT 6



February 21, 2008

Barry Sheets
Citizens for Community Values
3 South High Street
Canal Winchester, Ohio 43110

Dear Mr. Sheets,

This letter is in response to your request for a written statement that a couple of the activities referenced in your request for meeting room space are, in conflict with the Library's stated policy. Please find enclosed a copy of the Upper Arlington Public Library's policy concerning the use of meeting room space by organizations.

The first paragraph of the Meeting Room Overview affirms that, "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." Further down in that section we move to clarify the perimeters of such activities as such, "The use of the meeting rooms for religious... meetings is not permitted.... However, committees affiliated with a church will be allowed to use the meeting rooms provided no religious services are involved."

In a letter to the Library describing the topics your organization will address in the meeting you want to have here, it states, "A time of prayer petitioning God for guidance on the Church's proper role in the political process [and] A time of singing praise and giving thanks to God for the freedom we have in this country to participate in the political process." Both activities are inherent elements of a religious service. The activities described in your letter related to "discussion of Bible teachings... and current status of the law..." are not inherent elements of a religious service. These activities therefore are not in conflict with the Library's stated policy.

The Upper Arlington Public Library welcomes the Citizens for Community Values to use the Library meeting room space for all activities that are within the policy governing use of meeting room space and respectfully ask that the organization refrain from those activities as referenced above that do not.

We appreciate your consideration of the Upper Arlington Public Library as a potential location for your organization's need.

Sincerely,

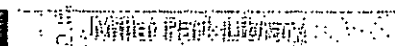
Ann R. Moore
Director



1945 Lane Road
Upper Arlington, Ohio 43220
(614) 459-0273



2800 Tremont Road
Upper Arlington, Ohio 43221
(614) 486-9621



1901 NW Arlington Avenue
Upper Arlington, Ohio 43212
(614) 488-5710

