

Exhibit 1

Affidavit of Bonnie M. McInerney-Slater

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DOUGLAS MARSHALL,

Plaintiff,

v.

Case No. 14-cv-12872
Hon. Marianne O. Battani

CITY OF WARREN and JAMES R. FOUTS,
In his individual capacity and in his official capacity as
Mayor of Warren,

Defendant.

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BONNIE M. MCINERNEY-SLATER, being duly sworn, states as follows:

AFFIDAVIT OF BONNIE M. MCINERNEY-SLATER

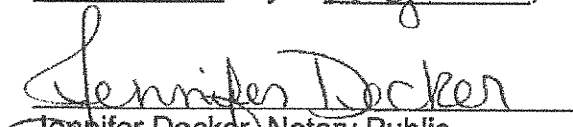
1. I am the Director of the City of Warren Downtown Development Authority ("DDA").
2. My office is in the Warren's Civic Center ("City Hall") building located at One City Square, Warren, Michigan, and I am familiar with its structure and uses. City Hall is the City's primary municipal building.
3. Employees and visitors enter City Hall on the first floor and must travel through an atrium in order to visit any City office located in that building to get to City workspaces.
4. The atrium is approximately 9,440 sq. feet. (147.5' x 64')
5. The atrium's ceiling is approximately 40 feet high.
6. Counters at which employees of the City assist citizens and others at City offices, such as the Mayor's office, the Treasurer's office, the Clerk's office, and the Planning Department's office are open to the atrium. No doors or windows separate these counters from the atrium.
7. City Hall is a municipal workplace for approximately seven hundred (700) City employees.
8. All proposed uses of the atrium must be approved by the Downtown Development Authority Director.
9. The atrium is used for a variety of purposes and events.
10. I have reviewed regularly maintained records of the DDA in order to prepare a list of approved uses of the atrium since 2012. That list, attached hereto as Exhibit A, is true and accurate based upon business records of the DDA maintained in the course of its regularly conducted business activity.
11. In addition to the uses approved as set forth on Exhibit A, the City also celebrates the annual National Day of Prayer in the City Hall atrium.

12. The City's rules regulating the use of the atrium require applicants to submit a Civic Center Facilities Rental Application. A copy of the Application is attached as Exhibit B. If applicable, applicants must pay fees and deposits listed in the Civic Center Facilities Reservation Fee Schedule. A copy of the Fee Schedule is attached as Exhibit C.
13. I approve or disapprove of applications to use the atrium following criteria set forth in the Civic Center Facilities Rental Policies and Rules. A copy of the Policy and Rules is attached as Exhibit D. The criteria, set forth in Section 4, are (1) the nature of the event; (2) whether the group is open to all persons without regard to race, color, sex, religion, or physical handicap; (3) whether the event interferes with the rights of the general public, or proprietary functions of the DDA or the City; and (4) whether the applicant is at least 21 years old and willing to take responsibility for any damages incurred during the event.
14. Applicants for use of the atrium must pay any applicable rental fees and security deposits in full 30 days prior to rental. Exhibit D, Section 22. Applicants must also provide a proof of insurance listing the DDA and City as additional insureds. Exhibit C, Section 21.
15. Records of the DDA reflect that Darius Walden, a pastor from The Tabernacle Church of Warren, submitted an application to place 3' x 5' "prayer station" in the atrium on January 8, 2009 and June 24, 2009. Pastor Walden requested to use the atrium on Tuesdays, Wednesdays, Thursdays and Fridays from 9:00 a.m. until 3:00 p.m. See Exhibit D. Pastor Walden submitted all information and documents required by the DDA and his application to use the atrium was approved.
16. To my knowledge the individuals manning the prayer station have not violated any rules or regulations pertaining to use of the atrium nor has the DDA received any reports of that nature.

I declare under the penalty of perjury, that the facts stated herein are based upon my own personal knowledge, they are true and correct, and I am competent to testify on the matters stated.


BONNIE M. MCINERNEY-SLATER

Subscribed and sworn to before me this
14th day of August, 2014


Jennifer Decker, Notary Public
Macomb County, Michigan
Acting in the County of Macomb
My Commission Expires: 9/13/18

CITY HALL ATRIUM USE/RENTAL

2012

DATE	APPLICANT/SPONSOR	ACTIVITY
January 18, 2012	The City of Warren	Senior Dance
January 19, 2012	Macomb County Clerk	Mobile Office
January 25, 2012	The City of Warren	Senior Dance
February 11 and 12, 2012	Parks and Recreation	Daddy Daughter Dance
March 1, 2012	Disability Attorneys of Michigan	Photo Shoot
March 23, 2012	Parks and Recreation	Tastefest
March 24, 2014	Parks and Recreation	Tastefest
April 10, 2012	Greater Macomb Project	Art Display
April 25, 2012	The City of Warren	Volunteer Recognition Ceremony
May 3, 2012	The City of Warren	National Day of Prayer
May 7, 2012	Police	Police Memorial
May 22, 2012	The City of Warren	4.0 Ceremony
May 24, 2012	Disability Attorneys of Michigan	Photo Shoot
May 26 and May 27, 2012	Parks and Recreation	Romeo and Juliet in the Park
May 29, 30, and 31, 2012	Parks and Recreation	Hot Rod Power Tour
June 1, 2, and 3, 2012	Parks and Recreation	Hot Rod Power Tour
June 9, 2012	American Cancer Society	Relay for Life
June 16, 2012	The City of Warren	SRC Event
June 22, 23, and 24, 2012	Parks and Recreation	Bangladesh Festival
July 10, 2012	Macomb County Clerk	Mobile Office
July 13, 14, and 15, 2012	Parks and Recreation	MEA Festival
July 19, 2012	Library	Library Program
July 22 and 29, 2012	Parks and Recreation	Concerts at the Square
August 5, 12, and 19, 2012	Parks and Recreation	Concerts at the Square
August 23, 24, 25, and 26, 2012	The City of Warren	Warren Birthday Bash
September 27, 2012	The City of Warren	College Fair
October 31, 2012	Small Wonders	Halloween
December 1, 2012	The City of Warren	Christmas Tree Lighting
December 12, 2012	Parks and Recreation	Casar Christmas Party

2013

DATE	APPLICANT/SPONSOR	ACTIVITY
February 8 and 9, 2013	Parks and Recreation	Daddy Daughter Dance
February 27, 2013	AARP	Tax Aide
March 16, 2103	Parks and Recreation	SummerFest Auction
April 24, 2013	The City of Warren	Volunteer Recognition Ceremony
May 7, 2013	Parks and Recreation	Strut for Bullying Fashion Show
May 10, 2013	Police	Police Week
May 15, 2013	The City of Warren	4.0 Ceremony
May 22, 2013	Macomb County Dept. of Human Services	Foster Care Awareness Month
May 31, 2013	American Cancer Society	Relay for Life
June 1, 2013	American Cancer Society	Relay for Life
June 15, 2013	Library	Library Program
July 6, 2013	Karleigh Simon	Wedding
July 10, 2013	Macomb County Clerk's Office	Mobile Office
July 21, 2013	The City of Warren	Concerts at the Square
July 25, 2013	Library	Library Programming
July 28, 2013	The City of Warren	Concerts at the Square
August 4, 11, 15, and 18, 2013	The City of Warren	Concerts at the Square
August 22, 23, 24, 25, and 26, 2013	The City of Warren	Warren Birthday Bash
September 18, 2013	Crime Commission	Crime Commission Seminar
September 26, 2013	The City of Warren	College Fair
November 13, 2013	Crime Commission	Seminar
December 7, 2013	The City of Warren	Tree Lighting

2014

DATE	APPLICANT/SPONSOR	ACTIVITY
January 20, 2014	The City of Warren	Martin Luther King Ceremony
February 8, 2014	Parks and Recreation	Daddy Daughter Dance
March 3, 2014	US Postal Inspector	Consumer Protection Week
March 28 and 29, 2014	Parks and Recreation	Summerfest Auction
April 24, 2014	The City of Warren	Volunteer Recognition Ceremony
May 1, 2014	The City of Warren	National Day of Prayer
May 9, 2014	Police	Police Memorial Week
May 14, 2014	The City of Warren	4.0 Ceremony
May 31, 2014	American Cancer Society	Relay for Life
June 1, 2014	American Cancer Society	Relay for Life
June 5, 2014	The City of Warren	Beautification Essays
June 6, 2014	The City of Warren	D-Day Remembrance
June 14, 2014	Library	Library Program
June 19, 2014	Library	Children's Program
June 23, 2014	Library	Library Program
July 23, 2014	Macomb County Clerk's Office	Mobile Office



WARREN Civic Center Facilities Rental Application (574-4676)

Name _____ Title _____ Organization _____

Address _____ City _____ Zip Code _____

Phone: (home) _____ (work) _____

(cell) _____ (fax) _____

Email: _____ Expected Attendance _____

Room/Facility requested & type of activity: _____

Dates and Times Requested:

Special Equipment Fees:

TV/VCR/DVD \$15.00/day
OH Projector \$15.00/day
Screen \$ 5.00/day
Podium w/ Mic \$25.00/day
PC Cart \$25.00/day
Internet Access \$ 5.00/day
Platform/Stage \$20.00/day

Additional Fees:

Kitchen Access \$30.00/day
Weekend Rental \$10.00/hr
(Circle Items Needed)

(Note: Additional days should be placed on a blank sheet of paper and attached to this application)

Room Set-Up Selection (Circle One) (See attached Set-up Sheet)

Conference – U-Shape Style
of Chairs _____, # of Tables _____

Conference – Square Table Style
of Chairs _____, # of Tables _____

Dining/Banquet Style
of Chairs _____, # of Tables _____

Theater Style
of Chairs _____, # of Tables _____

Classroom Style
of Chairs _____, # of Tables _____

Other _____
of Chairs _____, # of Tables _____

Will Food Be Served? YES _____ NO _____	Catered? YES _____ NO _____ (License and Insurance Required)
Will Alcohol Be Served? YES _____ NO _____	If Yes, by whom _____ (Liquor License Required)
Will You Require Use of the Kitchen? YES _____ NO _____	

I hereby made this application for the use of a Warren Civic Center Building facility on the date and hours stated. I also verify that the information on the application is true and I have read and agree to abide by the rental policy pertaining to the use of said facility as adopted by the Warren Downtown Development Authority. I also agree to the fee charged, and shall be responsible pertaining to the use of the facility in accordance with the rental policy. I have read and agree to the Warren Civic Center Building Rental Policies and Rules which were provided to me at the time that my rental application was submitted.

I further agree to indemnify, defend and save harmless the Warren Downtown Development Authority and the City of Warren, its officers, agents and employees from and against all loss or exposure (including costs and attorney fees) by reason of liability imposed by law upon the Warren Downtown Development Authority and the City of Warren, its officers, agents and employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage to property including loss of use thereof, arising out of or in consequence of the performance of this application, whether such injuries to persons or damage to property is due or claimed to be due to the negligence of the contractor, the Warren Downtown Development Authority, the City of Warren, its officers, agents and employees, excepting only such injury or damage as shall have been occasioned by the sole negligence of the Warren Downtown Development Authority, the City of Warren, its officers, agents, and employees.

SIGNATURE: _____ DATE: _____

APPLICANTS DRIVERS LICENSE# _____ (Must be 21 years of age or older)

Ex B



WARREN Civic Center Facilities Reservations Fees (574-4676)

Resident: Any person living within the City of Warren, who owns land in the City of Warren for which property taxes are paid or who works full time within the City or any group, agency or business that is based or has physical location with the City of Warren.

Non-Resident: All other persons, groups, agencies or businesses not meeting the Requirements of a resident.

Facility Availability:

Hours of operation will be as follows (excluding holidays and/or when City Offices are closed):

Weekly Hours: Monday – Thursday 8:30 a.m. – 8:00 p.m.
Friday 8:30 a.m. – 5:00 p.m.

*Weekend Hours: Saturday 8:30 a.m. – 4:30 p.m.

***Evening and Weekend rates are an additional \$10.00 per hour.**

Evening and Weekend rates are an additional \$1000 per hour					
RESERVATION SPACES	MAXIMUM CAPACITY	RESIDENT FEE		NON-RESIDENT FEE	
		Per Hr.	Min. of 3 Hrs.	Per Hr.	Min. of 3 Hrs.
<u>Multi-purpose Rooms</u>					
Atrium	300 persons	\$150.00	\$450.00	\$200.00	\$600.00
Conference Center	130 persons	\$ 75.00	\$225.00	\$100.00	\$300.00

Special Equipment Use/Additional Fees

TV/VCR/DVD	\$15.00 per daily use
Overhead projection	\$15.00 per daily use
Screen	\$ 5.00 per daily use
Podium w/ microphones and sound	\$25.00 per daily use
PC cart w/ digital camera display	\$25.00 per daily use
Internet connection	\$ 5.00 per daily use
Platform/stage	\$20.00 per daily use
Kitchen access	\$30.00 per daily use

Security Deposit is \$250.00 per room rental. See "Rental Policies and Rules" for guidelines regarding facility clean up. Rental fees must be paid in full 30 days prior to rental. An un-received deposit or final balance WILL RESULT IN FORFEITURE OF YOUR SPACE. Refunds due to applicant cancellations will be processed as follows: 30 days or more prior to event = refund less 15% administrative fee; less than 30 days prior to event = refund of 50%; less than 15 days prior to event = NO REFUND

RESERVATION SPACES	MAXIMUM CAPACITY	RESIDENT		NON-RESIDENT	
		Per Hr.	Min. of 3 Hrs.	Per Hr.	Min. of 3 Hrs.
<u>Meeting Rooms</u> (Available from 8:30 a.m. till 5:00 p.m., Monday – Friday)					
Township Mtg. Room	16 persons	\$20.00	N/A	\$25.00	N/A
Van Dyke Mtg. Room	16 persons	\$20.00	N/A	\$25.00	N/A
Baseline Mtg. Room	16 persons	\$20.00	N/A	\$25.00	N/A
Fitzgerald Mtg. Room	16 persons	\$20.00	N/A	\$25.00	N/A

All security deposits and fee payments must be made by check, cashiers check or money order.

ExC



WARREN Civic Center Facilities Rental Policies and Rules

1. The Warren Civic Center facilities (Conference Center, Atrium, and Meeting Rooms) shall be available for reserved use by the following individuals and/or groups in accordance with the fees listed on the *Civic Center Facilities Reservation Fees* document:

- (a) The City of Warren.
- (b) Government Agencies serving the City of Warren, including Warren Consolidated Schools, Warren Woods Public Schools, Van Dyke Public Schools, East Detroit Public Schools, Center Line Public Schools, Macomb County and the State of Michigan.
- (c) Warren Community Service Groups, Civic Organizations, who are a registered 501c3 non-profit group or organization, agencies, associations and businesses whose events are NOT open to the general public (informational sessions for existing customers, employee training, annual meeting, etc.). If the purpose is other than listed, the event is considered a "special event" and a fee will be charged. (See "Facilities Reservation Fees" form for available hours and fees.) **FACILITIES MAY NOT BE USED FOR SOLICITATION PURPOSES.**
- (d) Warren residents.
- (e) Non-resident individuals, groups, agencies, associations, and businesses.

2. Fees – Special Considerations

- (a) Groups "a" – "c" shall be exempt from fees if the event is held during regular city hall hours. If the event is NOT held during regular city hall hours, (see "Facilities Reservation Fees" form for available hours and fees) there will be a minimum charge of \$85.00/hr. for the 1st Floor Conference Room and minimum charge of \$160.00/hr. for the Atrium. In the case of a *Special Event, the group is subject to regular resident rental and use fees. Evening, weekend and holiday rental rates are subject to staff availability and will be reviewed on a case by case basis.

*A Special Event includes, but is not limited to: ANY type of a party (birthday, graduation, holiday, reunion, etc.), shower, banquet, wedding, special event, etc.

3. Timeline for Submitting Requests

- (a) Applications for one time use (see (b) for continual reserved use) by Groups "a" – "d" will be accepted up to one (1) year prior to the date requested. Reservation applications will be processed on a first come, first serve basis. **Applications must be submitted to the DDA/TIFA Director in the DDA at least two (2) weeks prior to the date requested.** The DDA/TIFA Director can not guarantee that action will be taken on an application submitted after this time. **No reservations will be accepted over the phone or by email.**
- (b) The Warren Civic Center Facilities (Conference Center, Atrium and Meeting Rooms) will be available for continual reserved use on a weekly, bi-weekly or monthly basis. Groups "a" – "d" will be allowed to schedule for the upcoming year beginning in November of the current year. All dates must be listed on the *Rental Application* at the time of application. Dates not included on the application will result in the need for a secondary application with new security deposit.
- (c) Applications from Group "e" (non-residents) will be accepted up to ninety (90) days prior to the date requested.

4. The DDA/TIFA Director or her designee shall use the following criteria when determining whether to grant permission for use of the facility:
 - (a) What is the nature of the meeting?
 - (b) Is membership to the group open to all persons without regard to race, color, sex, religion, or physical handicap?
 - (c) Would content of the meeting/activity interfere with the rights of the general public or proprietary functions of the Warren Downtown Development Authority or the City of Warren?
 - (d) Is the renter of the facility 21 years of age and willing to take responsibility for damages incurred during the time designated on the *Rental Application*?
5. The Warren Civic Center Facilities may be reserved for most types of functions or activities **EXCEPT** as follows:
 - (a) Any private event charging a fee or admission
 - (b) When there is sale of merchandise, products or services (unless otherwise approved by the DDA/TIFA Director). *To request approval for this activity, groups must be a non-profit Warren community organization providing a public service to the Warren community*
6. Renter **MUST** check in at the time of the function.
7. **Smoking is prohibited throughout the entire Warren Civic Center Facility, with the exception of outdoor areas.**
8. **Alcoholic beverages are prohibited throughout the entire Warren Civic Center Facilities, except for the Atrium.** Alcoholic beverages may be allowed in the Atrium by permission of the DDA/TIFA Director and shall be confined to that space (State of Michigan Liquor License is required).
9. All rentals must start and end on time to allow for tear down and set up, especially when the facilities have reached their maximum capacity.
10. If an event is catered, the caterer must provide the following items 30 days prior to the event (if reservations are made less than 30 days prior, items are due with the application):
 - (a) Copy of caterer's State of Michigan License.
 - (b) Proof of liability Insurance Rider for \$1 million, listing the Warren Downtown Development Authority, and the City of Warren as "Additional Insured".
 - (c) If these items are not received, the caterer will not be allowed to set up or serve.
11. All advertising (except that incidental to programs) and all sale of merchandise or other materials, is forbidden on premises, unless specific approval is obtained prior to event.
12. A Facilities Attendant shall be on duty during all hours of building operation and groups and/or persons and attendees of events must guarantee responsiveness to directives from the staff person. All accidents must be reported to the Facilities Attendant immediately.
13. **Decorating – Decorations may be put up but must be removed entirely at the end of the event.** Helium-filled balloons and large entertainment equipment are prohibited from being used inside the Warren Civic Center Facility, unless specific approval is obtained prior to the event. **ABSOLUTELY NO BALLOONS INSIDE THE ATRIUM!** Transparent, one-sided tape may be used, but must be entirely removed from walls, windows, counters, furniture, tables and chairs when event has ended. No items shall be tacked by nails, push pins, hangers, thumb tacks or "sticky tack" onto walls, windows, or woodwork. Damage to walls, windows, counters, furniture, tables and chairs may result in loss of security deposit.
14. Fire Prevention Regulations:

- (a) The use of open flames such as lighted candles, etc., are strictly prohibited. Electrical extensions and decorations must be without exposed wires and UL approved. The use of open flames for cooking shall be allowed upon prior approval.
- (b) The placement of posters, banners and any "major" decorations within the Warren Civic Center Facility will require prior approval. Absolutely NO double sided-tape, confetti, or "sparkles" may be used in a rental facility within the Civic Center Building.
- (c) Corridors, exits and stairways must be free of obstructions at all times. Exits are to be lighted when rooms are in use.

15. Normal clean-up shall be performed by the renter. A basic guideline is that the rental area is left in the same condition in which it was received. Leaving the rental area in an unacceptable manner will affect the renter's ability to rent in the future and forfeiture of Security Deposit.

Clean-up includes the following:

- (a) Removal of all materials brought in by the renter or attendees of the event.
- (b) Removal of all decorations.
- (c) Placement of all trash in plastic trash bags for disposal.
- (d) Wiping down of all tables and chairs.
- (e) Cleaning of any spills and messes – see Building Attendant for assistance and supplies.

16. Except for use of restrooms, groups shall be restricted to the room assigned.
17. Use of the facilities outside of the Warren Civic Center Facility is restricted to the parking facilities and City Square, unless specific approval is obtained prior to the event from the DDA/TIFA Director. Groups shall be responsible for control of the parking structure (please discuss with the DDA/TIFA Director as to the renter's responsibilities in this regard). No group will be allowed to charge attendees of an event for parking within the Warren Civic Center or parking structure.
18. The Warren Downtown Development Authority, the City of Warren and the DDA/TIFA Director shall have jurisdiction in all matter relating to the use of the Civic Center Building.
19. The Warren Downtown Development Authority, the City of Warren and the DDA/TIFA Director reserve the right to move events around as deemed necessary.
20. **Assurances** – The renter shall be responsible for assuming: Orderly behavior by attendees of the event; Financial responsibility for any damages due to the use of the facilities; Responsiveness to directives, rules and regulations of the Warren Downtown Development Authority and the City of Warren regarding the use of the facilities; That all activities are of the nature suitable for presentation in a public building; That the activity is lawful and in conformity with local, State and Federal laws and ordinances; That the renter is responsible for any police and security protections which may be required for the activity or event.
21. **Insurance will be required for the following rentals:**

Events open to the public: Businesses, 501c3's, and organizations renting any Warren Civic Center Facility shall provide liability insurance in the amount of \$1,000,000.00 for General Aggregate; \$1,000,000.00 Personal & Adv. Injury; \$1,000,000.00 Each Occurrence; \$100,000.00 Fire Damage (Any one fire); and \$10,000.00 Medical Expense (Any one person); and must list the Warren Downtown Development Authority, and the City of Warren as "Additional Insured". *A Certificate of Insurance must be presented to the DDA/TIFA Director at the time of Application. Failure to provide a Certificate of Insurance will result in the cancellation of facility reservations and reimbursement of security deposit and fees which are not retained as administrative cancellations fees.*

Private Events: Weddings, showers, parties, practices, etc., rented by a person or group will require a copy of the renter's "homeowners" or "renter's insurance" policy in the amount of five hundred thousand dollars (\$500,000.00) combined single limit.

Rentals for the purpose of providing instruction to the public: Individual(s) or group(s) renting space in the Warren Civic Center Facility for the purpose of providing instruction to the public, must provide a certificate of insurance for general liability in the amount of \$1,000,000.00 with the Warren Downtown Development Authority and the City of Warren listed as "Additional Insured". *If Alcoholic Beverages are to be sold, or if tickets are sold to an event that is serving alcoholic beverages, or alcoholic beverages are provided at no cost to attendees: A special liquor permit from the State of Michigan is required if liquor is sold or provided at no cost. If alcoholic beverages are provided by a caterer, the caterer must have a liquor license permit from the State of Michigan. Additionally, the provider of the alcoholic beverages must provide a separate Liquor Liability Insurance Policy in the amount of \$1,000,000.00 combined single limit with the Warren Downtown Development Authority and the City of Warren listed as "Additional Insured".*

22. Security Deposits, Rental Fee Payment, and Refunds – *Security Deposit is \$250.00 per room rental. (See "Rental Policies and Rules" for guidelines regarding facility clean up). Rental fees must be paid in full 30 days prior to rental. An un-received deposit or final balance WILL RESULT IN FORFEITURE OF YOUR SPACE. Refunds due to applicant cancellations will be processed as follows: 30 days or more prior to event = refund less 15% administrative fee; less than 30 days prior to event = refund of 50%; less than 15 days prior to event = NO REFUND.*
23. Additional Fees – There will be an additional \$10.00 per hour fee for "Weekend Hour" activities for rental of the Atrium and Conference Center. Meeting Rooms are only available from Monday – Friday from 8:30 a.m. – 5:00 p.m. and will not be available during "Weekend Hour" activities.

Please call 574-4676 or 574-4529 for further information.