

Bill No. 9156-15

No. 25-15-RE

## RESOLUTION

Resolution of the County of Allegheny, Commonwealth of Pennsylvania, amending Resolution 17-05-RE in order to clarify requirements relating to the reporting of Internet and computer use by the Allegheny County Library Association (ACLA).

**WHEREAS**, Resolution 17-05-RE was enacted in order to require annual verification that all libraries under the umbrella of the Allegheny County Library Association (ACLA) have implemented policies on Internet and computer use and requiring annual reports by each library relating to internet and computer use and security; and

**WHEREAS**, at the time that Resolution 17-05-RE was enacted, the Council and ACLA were familiar with the provisions of the Federal Children's Internal Protection Act (CIPA), which mandated that libraries must certify that filtering software is being used to prevent on-screen depictions of obscenity, child pornography, or material that is harmful to minors in order to receive federal funding; however, adults may request that a librarian disable the filters; and

**WHEREAS**, at the time at which 17-05-RE was enacted, both the Council and ACLA were similarly aware that Pennsylvania was one of twenty-one states that had adopted provisions similar to CIPA; specifically, Pennsylvania law required libraries to adopt policies regarding access by minors to the Internet and online sites that may contain explicit material as defined in the Criminal Code in order to receive state funding; and

**WHEREAS**, pursuant to both CIPA and Pennsylvania law, ACLA is required to provide annual certifications of CIPA compliance relating to substantially the same subject matter as is required under the terms of 17-05-RE, but those reports are subject to different reporting deadlines than are envisioned in 17-05-RE as originally drafted; and

**WHEREAS**, among these annual filings is FCC Form 479, an annual Federal Communications Commission filing which contains certifications of CIPA compliance; and

**WHEREAS**, the different reporting deadlines and separate reporting requirements have proven burdensome to ACLA in practice; and

**WHEREAS**, it is accordingly the desire of Council to simplify the reporting process and reduce the administrative burden of providing the required reports to Allegheny County;

***The Council of the County of Allegheny hereby resolves as follows:***

***SECTION 1.***

Resolution 17-05-RE is hereby amended as follows:

***SECTION 1.***

On or before October 1 of each calendar year, the Allegheny County Library Association shall provide the following information in a notarized statement to the Allegheny County Chief Clerk:

1. Verification that all libraries utilizing the eiNetwork have a certified policy on Internet and computer use in place;
2. Verification that on-going updates to the eiNetwork's existing software are being completed to ensure the most current functionality of the filtering software; and
3. Verification that the Association and/or the eiNetwork has reviewed existing blocking software to determine if a superior product is available and the results of that review.

The Chief Clerk shall communicate receipt of said statement to the County Council and shall make it available for review upon request.

***SECTION 2.***

- A. On or before October 1 of each calendar year, the Allegheny County Library Association shall provide the Chief Clerk with a report of incidents that occurred in the prior year, including date on which the incident occurred; and, how each incident was handled by the library. The report shall not include any names, but shall protect the anonymity of involved persons.
- B. "Incidents" shall mean any event related to the use of public computers that is a violation of federal and state laws requiring the employment of technological protections that block or filter certain visual depictions deemed obscene, pornographic, or harmful to minors that is deemed reportable. It shall also include any violation of state or federal laws that result in contact with or by law enforcement officials and said library, except where law would prohibit such disclosure.

**SECTION 3**

The requirements of Sections 1 and 2 of this Resolution may be satisfied in their entirety by the Allegheny County Library Association providing the Chief Clerk with a copy of its most recently filed FCC Form 479 no later than June 1 of each calendar year.

**SECTION 34.**

The Allegheny County Library Association, in conjunction with the Allegheny County District Attorney's Office, the Allegheny County Police, and other appropriate agencies, shall provide for an educational initiative directed at providing information, particularly to library staff, regarding the possible dangers associated with Internet use, including designating what constitutes misuse of public computers versus criminal activity in the use of public computers.

**SECTION 45.**

The agreement between the Allegheny County Library Association and Allegheny County providing funding for the Association and its network shall include the requirements set forth in this Resolution. In the event that the requirements of this agreement are not materially met, the Allegheny County Library Association shall forfeit any County funding related to the eiNetwork only for the year in which the violation occurred.

***SECTION 56. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.***

***SECTION 67. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.***

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***SECTION 3. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.***

**PRIMARY SPONSOR: COUNCIL MEMBER FINNERTY  
CO-SPONSORS:**

Enacted in Council, this 26<sup>th</sup> day of September, 2015

Council Agenda No. 9156-15

  
\_\_\_\_\_  
John DeFazio  
President of Council

Attest:   
\_\_\_\_\_  
Jared Barker  
Chief Clerk of Council

Chief Executive Office September 30 2015

Approved:   
\_\_\_\_\_  
Rich Fitzgerald  
Chief Executive

Attest:   
\_\_\_\_\_  
Sonya Dietz