

TIMBERLAND REGIONAL LIBRARY
BOARD OF TRUSTEES MEETING
Tumwater Timberland Library, 7023 New Market St., Tumwater, WA 98501

May 26, 1999

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TIMBERLAND REGIONAL LIBRARY
BOARD OF TRUSTEES MEETING
Tumwater Timberland Library, 7023 New Market St., Tumwater, WA 98501

May 26, 1999

MINUTES

BOARD MEMBERS PRESENT: Peggy Meyer, President; Jean Davies; Bill Lawrence; Doug Mah; Glen Nutter; Janelle Williams

BOARD MEMBER EXCUSED: Art Blauvelt

STAFF PRESENT: Nancy Alconcel; Bette Anderson; Liane Bascou; Kristin Blalack; Sharon Brunk; Jinny Burns; Rosemary Conor; Gwen Culp; Cheryl Heywood; Leanne Ingle; Pam Johnson; Corene Jones-Litteer; Thelma Kruse; Ruta Maeda; Kristine Mahood; Sally Nash; Tina Roose; Carol Saynisch; Bill Scherr; Sandra Sebbas; Jan Sterner; Mike Wessells; Barbara Winfree; Art Wuerth

GUESTS PRESENT: Doug Adamson; Winnie Boland; Ken Bragg; Jim Burri; Gabi Clayton; Linnea Comstock; Yvonne Conway; Alan Eichler; Ian Finely; Teresa Guajardo; Don Hewitt; Cyndy Hurtado; Eric Jones; Janis Moore; Curt Pavola; Mike Pettit; Rebel Romero; Luis Saenz; Talitha Thalya; Bob Trevorror; Sharon Trevorror; Barbara Wuerth

President Meyer called the regular meeting to order at 7:10 p.m.

AGENDA ITEM

NO.

- 1 Introductions were made.
- 2 Correspondence and Public Comments
 - A. Certificates of Appreciation

Certificates of Appreciation were presented to the following people who have served terms on local library boards: Lorraine Wilson, Lacey; Anna Zugish, Westport.

B. Public Comments

Mr. Pettit suggested that the TRL Board consider having a sign-up sheet for those who wish to make public comments. He noticed that at the April 20 meeting, some people who wanted to speak were not recognized. Ms. Meyer said a sign-up sheet might be a good method of handling public comments. She said the Board tries to avoid repetition and get the greatest diversity of opinion. However, she does not think anyone was prevented from speaking at the April 20 meeting. Mr. Mah added that he personally likes the idea of a sign-up sheet and would like to see it become a standard practice.

Mr. Bragg noted that TRL staff took the Facilities and Services Plan before the Olympia City Council. He asked when the TRL Board approved this plan to give it enough support to take out to the public. Mr. Lawrence said the plan has not been approved by the Board. His understanding is that we were soliciting information from the Olympia City Council and their reaction to the plan. Mr. Mah said he summarized the plan at the Olympia City Council meeting as follows: The plan provides base line measures; it has identified ways of measuring library

2B services; it helps to determine the priorities as identified, based on the measures, in order to assess whether or not we are reaching goals and expectations; and the plan forms a framework for us to discuss partnerships with other jurisdictions. We went to the Olympia City Council, at their invitation, to talk about the plan and partly to talk about partnerships with cities. He thinks that is the best use of the document at this time. Ms. Kruse said the Olympia City Manager invited us to provide a progress report on the plan. The meeting was scheduled several months ago. Certainly our next step is to attach costs to the plan. Mr. Bragg said the idea of partnerships is not a fair proposal and in his judgment TRL should take on the responsibility of providing buildings in cities as well. Mr. Bragg asked for a schedule so he can also attend these meetings to keep up on this process. Ms. Kruse said she does not have a schedule of meetings at this time. When she is asked to speak at a public meeting, it is part of the public process. Ms. Meyer added that TRL would not announce another jurisdiction's public meeting. Mr. Mah suggested we inform the members of the CAC when the plan will be discussed. Mr. Burri said that he attended the Olympia City Council meeting Mr. Bragg is referring to. It was a work session, not a public hearing, and the City Council decides whom they will invite to speak.

Ms. Moore presented a letter to the Board from her computer consultant partner which refers to an organization they belong to called Computer Professionals for Social Responsibility. This organization has done testing of Internet filtering programs and found them sorely lacking in filtering out pornographic materials. She and her partner have concluded that at the present time the library cannot guarantee blocking access to sexual materials. She also presented some pages she printed off the Internet regarding "Public Space in Cyberspace." Ms. Moore, who is a member of the McCleary Library Board, praised the Inquiring Minds programs the library offers. She understands the library is offering one of these programs at each library, but that the public can donate money to sponsor these programs. She and her partner plan to pay for two more programs for the McCleary Library.

C. Board Comments

There were no Board comments.

D. Correspondence

There was no correspondence.

3 Approval of Minutes

99-18 JEAN DAVIES MOVED TO APPROVE THE MINUTES OF THE TRL BOARD OF TRUSTEES SPECIAL MEETING OF APRIL 20, 1999, AS DISTRIBUTED; BILL LAWRENCE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

99-19 GLEN NUTTER MOVED TO APPROVE THE MINUTES OF THE TRL BOARD OF TRUSTEES MEETING OF APRIL 21, 1999, AS DISTRIBUTED; DOUG MAH SECONDED THE MOTION. GLEN NUTTER, DOUG MAH, JEAN DAVIES, BILL LAWRENCE AND PEGGY MEYER VOTED IN FAVOR OF THE MOTION; JANELLE WILLIAMS ABSTAINED BECAUSE SHE WAS NOT PRESENT AT THE APRIL 21 MEETING. MOTION CARRIED.

3
99-20

JANELLE WILLIAMS MOVED TO APPROVE THE MINUTES OF THE TRL BOARD OF TRUSTEES WORK SESSION OF MAY 8, 1999, AS DISTRIBUTED; JEAN DAVIES SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Bragg asked if copies of these minutes are available. The recording secretary explained that the minutes are made available after they have been approved by the Board and signed. Mr. Bragg said the Board approves these minutes before the public has an opportunity to view them. Ms. Meyer responded that this is not an unusual process.

4 Unfinished Business

A. Internet Services

The TRL Board held a special meeting on April 20, 1999 for the purpose of discussing Internet services. The Board moved that the Director provide the Board at its May meeting a proposed plan to consider having a portion of Internet terminals in Timberland filtered to exclude graphic sexual material. A staff committee worked on developing this plan. Mr. Wessells reviewed the plan, which is attached to these minutes. Mr. Mah questioned the recommendation of having only Internet available on the filtered PCs. Mr. Wessells said this would be only during the test period for the purpose of obtaining accurate information on their use. When the test period is over, we may want to add other products. Mr. Mah asked about the impact of this test to the Olympia and Tumwater libraries. Ms. Anderson responded that there will not be much impact. There is already a location for the filtered PCs at Olympia and there will be a slight change in sign-up procedures. Mr. Nutter said the proposed plan does address some of the concerns people have raised. However, he understood that the plan was to address children's use of computers and keeping children from accessing pornography. He also questions the need to purchase more computers. Mr. Wessells responded that there is no Internet access in the children's areas. As far as purchasing more computers, the desire was not to lessen the current access we already have but to offer this as an additional service. Mr. Lawrence, Ms. Williams and Ms. Davies said their understanding of the Board's direction was to provide options to the patrons. Ms. Kruse added that the placement of these filtered computers is to allow both adults and children to use them.

Most of the guests in the audience spoke. During the public comments the meeting recessed at 8:50 p.m. and reconvened at 8:58 p.m. The comments were recorded and the tapes are available for checkout from the Timberland Regional Library Service Center.

Mr. Mah said he supports most of the plan and thinks it provides for a consistent way of making decisions in terms of gathering more information beyond public testimony. The plan provides a compromise. Mr. Mah proposed a motion to adopt the plan as written with some changes related to numbers 1 through 4 on page 4, which Mr. Nutter seconded for discussion purposes. The proposed motion raised several questions by other Board members. Several Board members were concerned with Mr. Mah's proposal that the Olympia and Tumwater Library Boards serve as an advisory group to help evaluate the pilot project. Mr. Mah was agreeable to inviting the local library boards to help evaluate the pilot project, rather than appointing them to serve in an advisory capacity. Mr. Nutter expressed his doubts with how this experiment will work. He does not want this Board to have to go through these issues again in six months. His choice would be to adopt Tacoma Public Library's program, but he understands that proposal would not pass by this Board. That is why he is willing to second Mr. Mah's motion. After considerable discussion and further clarification of Mr. Mah's intent, the following motion was made:

4A

99-21 DOUG MAH MOVED TO ADOPT THE INTERNET FILTERING PLAN AS A PILOT PROJECT TO CONDUCT A USE TEST OF FILTERED PCs AT TWO LOCATIONS PER ITEM 1 ON PAGE 4 OF THE PLAN FOR SIX MONTHS; PURCHASE AND INSTALL OPTIONAL FILTERS ON ALL INTERNET PCs PER ITEM 2 ON PAGE 4 OF THE PLAN FOR ONE YEAR; AND DEVELOP A PLAN THAT INCLUDES THE EVALUATION OF THE PHAROS SOFTWARE FOR FURTHER CONSIDERATION BY THE BOARD. GLEN NUTTER SECONDED THE MOTION. DOUG MAH, GLEN NUTTER, JEAN DAVIES AND BILL LAWRENCE VOTED IN FAVOR OF THE MOTION; JANELLE WILLIAMS VOTED AGAINST THE MOTION; PEGGY MEYER ABSTAINED. MOTION CARRIED.

Ms. Meyer shared a letter the Board received from the Thurston County Commissioners supporting use of filters.

Since the meeting was taking longer than anticipated, Ms. Meyer requested that the Board dispense with most of the remainder of the agenda items.

5 New Business

There was no new business.

6 Reports

H. Director

Payroll and payroll related vouchers for April 1999 amounted to \$726,348.76.

99-22 JANELLE WILLIAMS MOVED TO APPROVE VOUCHERS NO. 57289 THROUGH NO. 57695 FOR MAY 1999 IN THE AMOUNT OF \$454,918.43; JEAN DAVIES SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

A. Focus on Tumwater

Ms. Nash expressed how proud she is of the library and to be a part of TRL. The City of Tumwater is a wonderful place to work. The library's grounds are beautiful thanks to the City of Tumwater.

There was no further business and the meeting adjourned at 9:47 p.m.



President



Secretary



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May 26, 1999

Board of Trustees
Timberland Regional Library
Administrative Service Center
415 Airdustrial Way SW
Olympia, WA 98501-5799

Dear Library Board Members:

The professional association "Computer Professionals for Social Responsibility" has done some fairly thorough testing of the primary Internet filtering programs and found them sorely lacking. The efficiency with which they successfully filter out pornographic materials seems somewhere in the range of between 60% and 70%. So even with the best filters, more than a third of the objectionable content remains available for viewing.

An internet site with "adult content" can voluntarily conform to guidelines published by those companies producing the filtering software so that they exclude themselves from the reach of such filters. Yet this occurs on a voluntary, site by site basis and in the context of a global community where individuals as well as companies can provide whatever content they please.

Some filters additionally operate by filtering out key words. While apparently no more reliably effective at excluding sexually explicit content, they introduce the unwanted side effect of filtering out many sites whose content may be very desirable. Research has demonstrated these filters exclude access to numerous sites with no ostensible connection to pornographic materials whatsoever, dramatically reducing the usefulness of the Internet as a general research and information gathering tool.

In short, at the present time (1999), the library cannot in any way guarantee to block access to sexual materials on purely technical grounds.

Sincerely,

Michael A. Green
Computer Consultant

Talitha Thalya
1201 Lybarger St NE
Olympia, WA. 98506
Ph(360)943-3488

May 26, 1999

Board Members
Timberland Regional Library

Subject: Letter of Recommendations submitted to the Timberland Regional Library Board Members public hearing on May 26, 1999 7PM held at the Tumwater Library, Tumwater, WA.

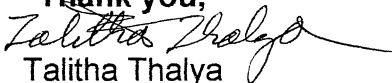
Dear Timberland Library Board Members,

I have spent many hours contemplating the complexities of the internet pornography issue. I realize many people have fear of losing access to things they have fought so very hard for. I deeply support these rights and present the following recommendations that do not infringe upon anyone's legal freedoms.

Recommendations:

I am asking to implement a one year pilot program for removing the obscene graphics of pornography on all computers in the Olympia Timberland Library. I recommend a study be completed using RuleSpace technology (Ref. Appendix A) or a more superior product. As you already know there are many libraries with systems successfully blocking illegal obscene pornography. Much can be learned from their implementation of available technologies.

The proposed pilot program will provide the aid that the library needs to enforce the existing COMPUTER USE RULES & PROCEDURES (Ref. Appendix B). This is in compliance with the Miller vs California supreme court ruling (Ref. Appendix C).

Thank you,

Talitha Thalya

Attachments:

Appendix A: www.RuleSpace.com

Appendix B: Timberland Regional Library COMPUTER USE RULES & PROCEDURES

Appendix C: Miller vs California, 413 U.S. 15, 24-25

TIMBERLAND REGIONAL LIBRARY COMPUTER USE RULES & PROCEDURES

In order to maximize computer availability and to ensure fair accessibility for all, please follow these rules and procedures.

1. Computer time may be scheduled in person or by phone. When reserving and using library computers:
 - ❖ You may reserve a computer for up to one hour, TOTAL, per day. This includes time spent printing, saving, and exiting your program.
 - ❖ A single reservation may be made no more than seven days in advance.
2. We will hold your reserved time for 15 minutes. After that, your time will be given to someone else.
3. If you are unable to keep your appointment, please call before your scheduled time. We will reschedule, if possible.
4. If you wish to save files, bring your own Windows compatible 3.5" disk.
5. Please help conserve paper by printing only what you need.
6. If you have any questions, please ask. Library staff is available to assist you in using these resources, but they may not be familiar with every application you wish to use. Check at the desk for information about Internet training, and how to locate books and other materials.
7. Please respect the privacy of others.
8. You may explore a variety of programs available on the Desktop & Menu screens. You may use the library's computer resources for lawful purposes only. You may not violate any U.S. or local laws, ordinances, rules, or regulations.

By using the library computers, you agree to abstain from:

- ❖ making unauthorized copies of copyrighted or other protected material;
 - ❖ attempting to destroy or damage equipment, software, or data belonging to the library;
 - ❖ attempting to alter software configurations or to install software;
 - ❖ making unauthorized use of library accounts, access codes, or network identification numbers;
 - ❖ transmitting or accessing threatening, obscene (as defined by U.S. or local laws), or harassing materials.
9. Failure to follow these rules may result in the loss of your computer privileges and/or criminal prosecution.

PORNOGRAPHY DEFINITIONS

PORNOGRAPHY

All sexually oriented material intended primarily to arouse the reader, viewer or listener. A generic term which includes both legal and illegal materials. See: *Webster's Dictionary*; *Miller v. California*, 413 U.S. 15, 18 n. 2 (1973); *Final Report*, A.G. Comm'n. on Pornography (1986), Chapter One, "Defining our Central Terms".

ILLEGAL PORNOGRAPHY

- A. **Child Pornography**: A visual depiction of a child under the age of 18 years engaged in actual or simulated sexual conduct, including a lewd or lascivious exhibition of the genitals. See: *New York v. Ferber*, 458 U.S. 747 (1982), *Osborne v. Ohio*, 495 U.S. 103 (1990).
- B. **Adult Obscenity**: Not protected by the First Amendment. "Hard-core pornography" (Penetration clearly visible - PCV). See: *Miller v. California*, 413 U.S. 15, 24-25 (1973); *Smith v. United States*, 431 U.S. 291, at 300-02, 309 (1977); *Pope v. Illinois*, 481 U.S. 497, at 500-01 (1987), announcing the three-prong "Miller test":
- (1) whether the average person, applying contemporary adult community standards, would find that the material, taken as a whole, appeals to a prurient interest in sex (i.e., an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion); and
 - (2) whether the average person, applying contemporary adult community standards, would find that the work depicts or describes, in a patently offensive way, sexual conduct (i.e., ultimate sex acts, normal or perverted, actual or simulated; masturbation; excretory functions; lewd exhibition of the genitals; or sadomasochistic sexual abuse); and
 - (3) whether a reasonable person would find that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

LEGAL PORNOGRAPHY

Serious works of art, literature, politics, or science; "mere nudity", medical works, etc. See: *Paris Adult Theatre v. Slaton*, 413 U.S. 49 (1973); *Jenkins v. Georgia*, 418 U.S. 153 (1974); *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975).

RCW 27.12.290 Violators may be excluded. A board of library trustees may exclude from the use of the library under its charge any person who wilfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities or any person whose physical condition is deemed dangerous or offensive to other library users. [1935 c 119 § 15; RRS § 8226-15. Prior: 1909 c 116 § 9, part; 1901 c 166 § 9, part.]