

Staff Report
CITY OF AMES WIFI SERVICES
September 8, 2009

During the August 11, 2009, meeting, City staff provided a report on the status of WiFi services offered by the City of Ames and requirements for participation. Council discussed several issues, including requirements for logging on to the system. A motion was approved by Council directing staff to “make contact with ICS to explore an easier access point (without providing a user name or password) to the hotspots in the community.”

Options for Changing Access

The current agreement with ICS indemnifies the City for activity related to use of the WiFi hotspots. The agreement also allows ICS to establish procedures to protect against misuse of the system. These procedures require that users accept a terms of service agreement and provide certain identifying information. When users first access the system, they are connected at a slower speed. After users set up a login, agree to terms of service, and provide a valid e-mail address, they receive an e-mail with a link that allows them to connect at full speed. The login setup is required only once.

City staff met with ICS to discuss options related to the Council motion to provide easier access to the hotspots. ICS was not willing to continue to indemnify the City and reduce requirements for logging on to the system. Establishing access to the system without the current login process is possible if the City is willing to modify the contract to accept all liability for activity on the system. ICS would continue to keep records on activity as required by law and respond to subpoenas for illegal use, but the City would be responsible for responding to any legal action.

Because of this response, it appears that there are, at least, three options for us to proceed.

1. The City can continue to accept the current login procedures with ICS retaining the liability.
2. The City can assume liability for WiFi hotspot activity and allow login with terms of service only.
3. The City can assume liability for WiFi hotspot activity and provide completely open access.

The City Legal Department has reviewed the contract with ICS and has determined that modifications could be made related to assignment of risk and login procedures within the basic terms of the existing contract. The City could also consider canceling the contract and re-bidding with conditions of the bidding process including more open

access to the system with specific conditions determined by the City Council, though it is not likely that other providers would indemnify the City and provide open access.

If you recall, ICS also discussed with the City Council the possibility of using technology to identify wireless devices. After the device has completed the login process, the network would identify the device and provide access without additional login. This technology is not yet available through ICS, but could be in the future.

Issues Related to Liability

Legal liability issues related to Internet WiFi access point providers are continuing to evolve, but it is clear that WiFi access operators incur some level of liability when making access available and, in doing so, facilitate activities that can cause damage to others. WiFi access provider liability can be mitigated by implementing terms of service agreements and some method of access control and identification of users. The City Attorney has recommended that the City not assume liability for the WiFi hotspots. If the City does choose to assume liability, the City Attorney recommends that controls be implemented to mitigate liability. As with other liability exposures, the City would be defended against liability claims by its liability insurance provider, the Iowa Communities Assurance Pool (ICAP). ICAP would not comment as to whether or not the City is covered by insurance for operation of WiFi hotspots since determination would be made based on specifics of a claim. As with other insurance policies, the insured is generally required to make reasonable attempts to avoid liability. ICAP has made a recommendation similar to the City Attorney's and plans to provide guidance for municipal WiFi at a later date.

Other Public Providers

The Ames Public Library provides public WiFi hotspots in its facilities. The service is provided through a Qwest business DSL line connected to wireless access points in the Library. The system is operated with open login with no terms of service agreement or other requirements. Under the terms of service agreement with Qwest, the Library is responsible for all activity under the account and is responsible for authorizing access. Per the terms of service, the Library is also responsible for ensuring that the access is not used for illegal activity or resold.

The City of Bettendorf, which offered a similar system, is currently under a cease and desist order, and has been threatened with legal action by the Recording Industry Association of America for activity related to sharing of copyright protected material on the network.

Mary Greeley Medical Center (MGMC) also offers public WiFi service in its facility. The MGMC WiFi users are directed to a "splash page" where they are required to agree to a terms of service prior to being granted access to the Internet. There are no other login requirements, but access controls are in place to limit uses that may involve sharing copyrighted material or may impede the use of the WiFi network by other users.

Internal WiFi Hotspots

As you will recall, the City staff intends to manage WiFi hotspots located at City Hall, Ames/ISU Ice Arena, Community Center, Furman Aquatics Center, and Municipal Pool. The wiring is completed and access points have been installed at City Hall, the Community Center, and the Ice Arena. Additional work is still needed at the Furman Aquatic Center and the Municipal Pool.

The wiring and access points for these WiFi hotspots will serve both City staff and the public. The attached diagram provides a simplified summary of how this system will be operated.

Staff's intent is to use the same "splash page" (without advertising) and login process as used at the City's other WiFi hotspots. This will help with the branding of the system and give users of the City WiFi a very similar look and the same login process no matter where they are using the system. The City will assume all liability for the WiFi hotspots that it manages and will need to consider the same issues as hotspots managed by ICS under the City's contract.

Next Steps

Based on Council direction on the specifics of the login process for the City WiFi hotspots, staff will move forward with any modifications to hotspots managed by ICS. Staff will also implement the hotspots managed by the City with the specific login process directed by Council.

The chart below provides updated information on system usage.

Location	First Sign-on	No. of Sign-ons	No. of Users	Average Minutes	Upload MB	Download MB
Tom Evans	12/9/2008	1,952	441	65	18,389	82,972
Brookside	10/31/2008	207	92	22	1,183	7,287
Hunziker YSC	10/22/2008	108	56	17	70	498
Campustown	9/5/2008	<u>11,779</u>	<u>1,183</u>	<u>131</u>	<u>56,608</u>	<u>516,103</u>
TOTAL		14,046	1,772		76,250	606,860