



# MEMORANDUM

**To:** Mayor and Members of the City Council

**From:** Reginald Goodson, Interim City Manager  
Matthew Simpson, IT Director  
April Onley, City Clerk

**Date:** December 6, 2024

**Subj:** Consideration – Adopt Pornography Policy for City of Elizabeth City

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***BACKGROUND:***

On October 1 2024, a new law was instituted in North Carolina prohibiting local governments, state agencies and both the judicial and legislative branches from allowing pornography to be viewed on their networks or devices. Section 7 of SL 2024-26 enacted a new section of the General Statutes (143-805), and which applies to any public agency in North Carolina. The law establishes a deadline for government employees and officials to delete any pornography from their government devices, creates reporting requirements for unauthorized viewing or attempted viewing of pornography, and requires public agencies (including units of local government and public school units) and the judicial and legislative branches to adopt policies governing the use of their networks and devices. It also contains some important exceptions for employees and officials who might need to view pornography as part of their official duties (such as law enforcement personnel). For the purposes of the new law, pornography is defined, and on December 1, 2024, "pornographic materials" received a revised definition as well.

***ANALYSIS:***

G.S. 143-805(c) requires each public agency (as well as the judicial and legislative branches) adopt a pornography policy governing the use of its network, as well as the use of devices owned, leased, maintained, or otherwise controlled by that public agency, no later than January 1, 2025. The law specifies that the policy must reference disciplinary action if it is not followed; however, it does not advise what that disciplinary action should be. Several municipalities the Clerk reached out to have decided to incorporate it into their personnel policy and deal with violations there.

G.S. 143-805(f) requires each public agency send an annual report to the State CIO containing the following information:

- the number of incidences of unauthorized viewing or attempted viewing of pornography on that public agency's network;
- whether the unauthorized viewing was by an employee, elected official, appointee, or student of that public agency; and
- whether any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by that public agency.

Public agencies must submit these reports annually no later than August 1 (starting in 2025), in the format required by the State CIO. By October 1<sup>st</sup> of each year (starting in 2025), the State CIO must report on the information compiled from those reports to the Joint Legislative Oversight Committee on Information Technology.

***STAFF RECOMMENDATION:***

By motion, adopt the attached pornography policy for the City of Elizabeth City.



**Resolution # 2024 –12-02  
Prohibiting Viewing of Pornography  
on City Networks and Devices**

**WHEREAS**, NCGS §143-805 requires that all public agencies adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by the City of Elizabeth City; and

**WHEREAS**, the City of Elizabeth City prohibits the viewing of pornography by its employees on the City's network or devices owned or maintained by the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the following policies shall apply to the City of Elizabeth City:

1. No employees of the City of Elizabeth City shall view pornography on any computer network owned, leased, maintained, or otherwise controlled by the City, whether on a City-owned and maintained device, or a privately owned or controlled device.
2. No employee, elected official or appointee of the City shall view pornography on a device owned, leased, or maintained or otherwise controlled by the City.
3. Each year, and no later than August 1<sup>st</sup>, the City shall report information required in NCGS §143-805 to the State Chief Information Officer.
4. This policy shall not apply to investigation, law enforcement training or actions related to law enforcement purpose; identifying potential security or cyber security threats, establishing, testing, and maintaining firewalls, protocols, and otherwise implementation of this policy; or other exceptions as specifically set forth in NCGS §143-805(d);
5. The terms used herein shall be defined as set forth in NCGS §143-805(g).
6. Any employee, elected official or appointee of the City who has saved pornography to a device owned, leased, maintained or otherwise

controlled by the City shall remove, delete or uninstall the pornography no later than January 1, 2025.

7. Any employee of the City who violates any provision of this policy shall be subject to disciplinary action under the City's personnel policy.
8. Any appointee of the City who violates the provision of this policy shall be subject to removal by the City Council.
9. Any elected official who violates any provision of this policy shall be subject to censure proceedings.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective on the date of its adoption.

**ADOPTED**, this the 9<sup>th</sup> day of December 2024.

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E. Kirk Rivers  
Mayor

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April D. Onley  
City Clerk, NCCMC