WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION

BOARD

RESOLUTION PURSUANT TO N.C. GEN. STAT. § 143-805 ADOPTING A POLICY PROHIBITING VIEWING OF PORNOGRAPHY ON WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION NETWORKS AND DEVICES

WHEREAS, N.C. Gen. Stat. § 143-805, effective October 1, 2024, states that a public agency shall not permit the viewing of pornography by its employees, elected officials or appointees on any network of that public agency, and no public agency shall permit an employee, elected official, or appointee of that public agency to view pornography on any devices owned, leased, maintained, or otherwise controlled by that public agency;

WHEREAS, N.C. Gen. Stat. § 143-805 requires all public agencies to adopt a policy governing the use of its networks and devices owned, leased, maintained, or otherwise controlled by that public agency;

WHEREAS, while the Wilmington Urban Area Metropolitan Planning Organization ("WMPO") does not have employees, and all members of WMPO Staff are employees of the City of Wilmington, North Carolina (the "City"), the WMPO intends for the policy adopted herein pursuant to N.C. Gen. Stat. § 143-805 to include all WMPO Staff members and any other City employees, as well as all WMPO appointees and elected officials; and,

WHEREAS, the WMPO prohibits the viewing of pornography by members of WMPO staff, City employees, appointees of WMPO, and elected officials on WMPO's networks or any devices owned, leased, maintained, or otherwise controlled by WMPO.

NOW, THEREFORE, be it resolved by the Chairman and Board of the WMPO that the following policies shall apply to the WMPO:

1. No WMPO Staff members, City employees, elected officials, or appointees of WMPO shall view pornography on any computer network owned, leased, maintained, or otherwise controlled by WMPO, whether on a device owned or controlled by WMPO or on a privately owned, leased, maintained, or otherwise controlled device.

2. No WMPO Staff members, City employees, elected officials, or appointees of WMPO shall view pornography on any device owned, leased, maintained, or otherwise controlled by WMPO.

3. Each year, and no later than August 1, the WMPO Executive Director shall report information required in N.C. Gen. Stat. § 143-805 to the State Chief Information Officer in the format required by the State Chief Information Officer, as set forth in N.C. Gen. Stat. § 143-805(f).

4. Sections 1 and 2 of this policy shall not apply to an official or employee that is engaged in any of the activities listed in N.C. Gen. Stat. § 143-805(d) in the course of that official's or employee's official duties, including investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes; identifying potential security or cybersecurity threats; establishing, testing, and maintaining firewalls,

protocols, and otherwise implementing the requirements of N.C. Gen. Stat. § 143-805; or other exceptions as specifically set forth in N.C. Gen. Stat. § 143-805(d).

5. The terms used herein shall be defined as set forth in N.C. Gen. Stat. § 143-805(g).

6. Any WMPO Staff member, City employee, elected official, or appointee of WMPO who has saved pornography to a device owned, leased, maintained, or otherwise controlled by the WMPO shall remove, delete, or uninstall the pornography no later than January 1, 2025. This section shall not apply to an official or employee engaged in any of the activities listed in N.C. Gen. Stat. § 143-805(d) in the course of that official's or employee's official duties.

7. Any WMPO Staff member or other City employee who violates any provision of this policy shall be subject to disciplinary action under the City of Wilmington's personnel policies and applicable WMPO policies.

8. Any appointee of WMPO who violates any provision of this policy shall be subject to censure proceedings and/or removal by the WMPO Board.

9. Any elected official who violates any provision of this policy shall be subject to censure proceedings.

10. Any member of WMPO Staff or other City employee who becomes aware of a violation of any provision of this policy shall promptly report the violation to the WMPO Executive Director, Chairperson of the WMPO Board and the Wilmington City Manager.

This Resolution shall be in full force and effect upon its passage.

ADOPTED at a special meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on December 17, 2024.

Henry E. Miller III, Chair

Mike Kozlosky, Secretary