

FORT BEND COUNTY LEGAL NOTICES PROCESS EVALUTATION



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MISSION

Research and make recommendations to Commissioners Court for an effective means of public notice throughout Fort Bend County.

EVALUATON PROCESS:

- Research what publications exist in the marketplace in Fort Bend County.
- Find out budget allocation for the posting of notices and identify which budget areas the money resides.
- Detail the current bid process and specifications sought from newspapers.
- Catalog publications by the widest possible communities reached by precinct.
- Which publications are scalable that would allow growth with the County's population?
- Which publications are on social media and utilize an online presence for publishing notices?
- Adhere to all government codes that govern the publishing of public notices.
- Research best practices of other Texas counties.

CODE GOVERNING NOTICE BY PUBLICATION IN NEWSPAPER

Government Code Chapter 2051

Sec. 2051.043. PUBLICATION IN AT LEAST ONE ISSUE REQUIRED. Except as provided by Section 2051.046(b) or 2051.048(d), a notice shall be published in at least one issue of a newspaper.

Sec. 2051.044. TYPE OF NEWSPAPER REQUIRED. (a) The newspaper in which a notice is published must:

- (1) devote not less than 25 percent of its total column lineage to general interest items;
- (2) be published at least once each week;
- (3) be entered as second-class postal matter in the county where published; and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice.

(b) A weekly newspaper has been published regularly and continuously under Subsection (a) if the newspaper omits not more than two issues in the 12-month period.

(c) This section does not apply to the publication of a notice to which Section 2051.0441 applies.

Other Codes that may apply: Sec. 2051.045, Sec. 2051.046, Sec. 2051.049, Sec. 2051.051, various Election Codes

AG Opinions

No. JC-0223 (May 2003) “A newspaper of general circulation is a newspaper that has more than a de minimis number of subscribers among a particular geographic region, that has a diverse subscribership, and that publishes some items of general interest to the community.

Whether a particular newspaper is generally circulated is a question of fact. In determining whether a particular newspaper is a newspaper of general circulation for the purposes of publishing official notices, a governmental entity may not combine the subscriber numbers of that newspaper with the circulation numbers of a separate newspaper that is sent out free of charge to nonsubscribers.”

No. GA-0380 (December 2005) “There is no express statutory or judicial mandate placing a legal obligation on the Harrison County Commissioners Court to determine whether a publication is a newspaper of general circulation. Because county actions are subject to challenge based on defects in notice, the Harrison County Commissioners Court could benefit by engaging in some method or process by which to make the determination with regard to one or both of the newspapers in Harrison County.”

No. GA-0856 (April 2011) “A paper used for the publication of a political subdivision's notices must satisfy the requirements of section 2051.044, Government Code.”

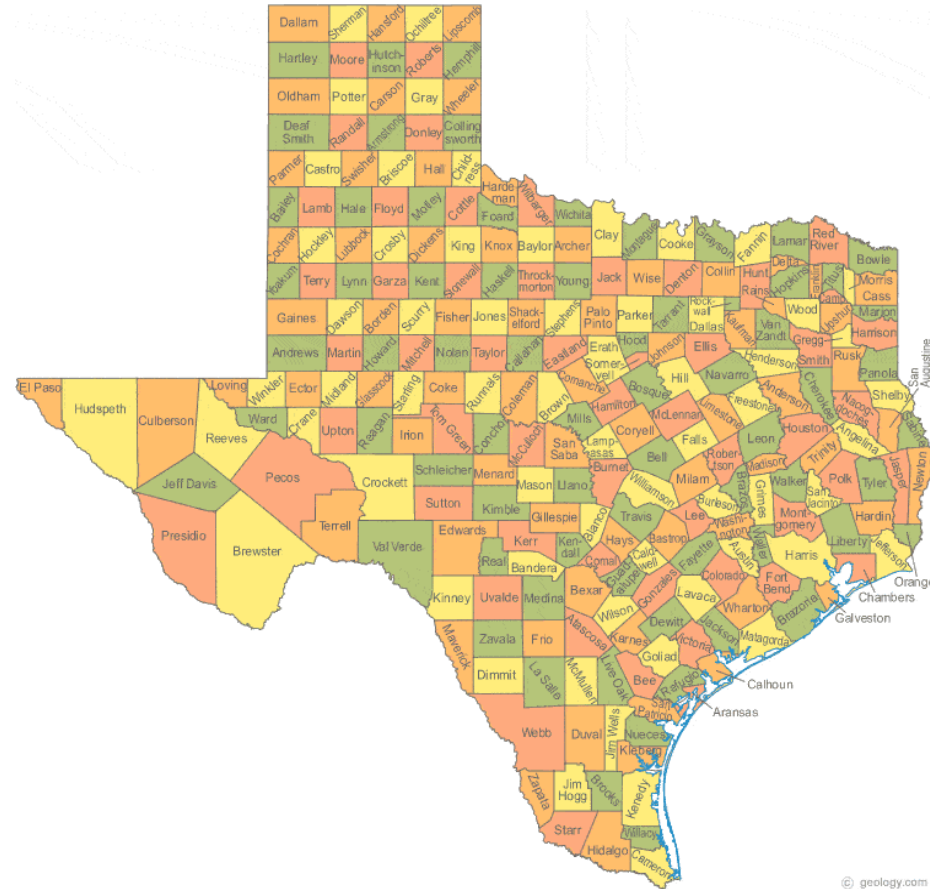
87th LEGISLATURE

Bills introduced to change Government Code Chapter 2051 to add “publicly posted” to the language indicating that in some instances pursuant to the applicable law, a notice is considered to be published if on a governmental or representative Internet website.

- HB 2928 Jetton
- HB 1030 Shaheen
- SB 2006 Bettencourt
- HB 3410 Goldman

RESEARCH: OTHER TEXAS COUNTIES

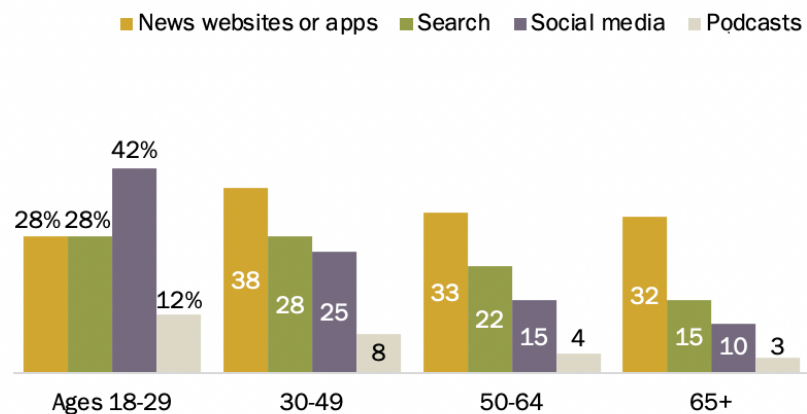
Tarrant
Denton
Williamson
Colin
Brazoria



RESEARCH: CONSUMPTION OF NEWS

Online, most turn to news websites except for the youngest, who are more likely to use social media

% of U.S. adults who get news *often* from ...

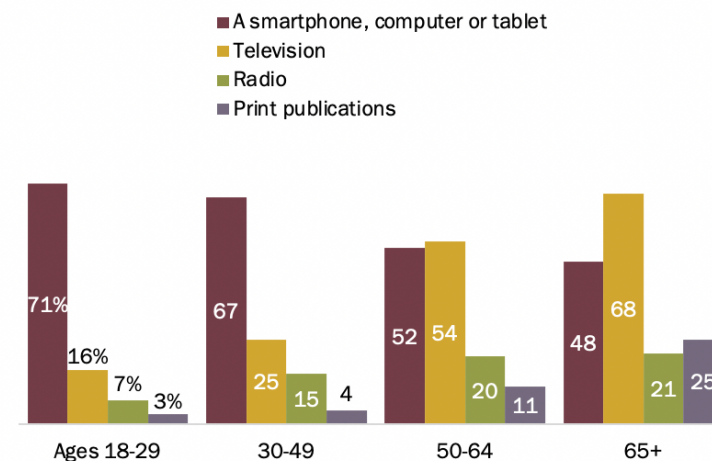


Source: Survey of U.S. adults conducted Aug. 31-Sept. 7, 2020.

PEW RESEARCH CENTER

Those under 50 turn more frequently to digital devices for news

% of U.S. adults who get news *often* from ...



Source: Survey of U.S. adults conducted Aug. 31-Sept. 7, 2020.

PEW RESEARCH CENTER

FORT BEND COUNTY PURCHASING BID REQUEST REQUIREMENTS

- Legal notices for the solicitation for newspaper publications are placed in the newspaper and advertised for no less than 14 consecutive days per Local Government Code.
- The solicitation is uploaded to the County Purchasing website for ease of download for vendors.
- Purchasing sends email to publishers as a courtesy that the bidding process is beginning. It is a courtesy not a requirement.
- Specifications: Triweekly, Weekly
- ELECTION NOTICES - County Election Notices are generally posted in the Herald Coaster, The Independent, the Fort Bend Star and the Katy Times.

BUDGET

Actuals from Budget Office

2019 Fort Bend Herald - \$2,029

2019 FB Independent - \$2,428

2019 TOTAL - \$4,457

2020 Fort Bend Herald - \$7,458 (the posting of election notices inflated the cost)

2020 FB Independent - \$3,481

2020 TOTAL - \$10,939

SUMMARY RECOMMENDATIONS

- Advertise via a variety of channels – print, digital/online, and social media.
- Allocate a greatly enhanced budget.
- Devise a program in the County with a central source of knowledge of publications.