

ORDINANCE NO. 2024-37

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BASTROP, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 1 “GENERAL PROVISIONS”, ARTICLE 1.02 “ADMINISTRATION”, SECTION 1.02.003 “OFFICIAL NEWSPAPER; POSTING OF NOTICES IN LIEU OF NEWSPAPER PUBLICATION” TO DECLARE THE ELGIN COURIER AS THE OFFICIAL NEWSPAPER FOR REQUIRED NEWSPAPER PUBLICATIONS BY THE CITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Chapter 52 requires the city council designate its official newspaper for General Law cities but is silent on Home Rule Cities; and

WHEREAS, The Code of Ordinances for the City of Bastrop had designated the BASTROP ADVERTISER as the official newspaper; and

WHEREAS, Government Code Sections 2051.044 provides that a newspaper be used to convey official notices and must as a general matter:

- (1) devote not less than 25% 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; and

WHEREAS, the BASTROP ADVERTISER was declared to be the official newspaper in the Code of Ordinances; however, that newspaper no longer exists after the AUSTIN AMERICAN-STATESMAN purchased it; and

WHEREAS, Bastrop County has designated the ELGIN COURIER as the County’s official newspaper for their official notices; and

WHEREAS, The city desires to designate the ELGIN COURIER, which is published in Bastrop County, as the City’s official newspaper.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

SECTION 1. Findings of Fact. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. Amendment. That Code of Ordinances, Chapter 1 “General Provisions”, Article 1.02 “ADMINISTRATION”, Section 1.02.003 “Official Newspaper; Posting of Notices in Lieu of Newspaper Publication” be amended to read as follows:

Sec. 1.02.003 Official newspaper; posting of notices in lieu of newspaper publication.

The ELGIN COURIER is hereby declared to be the official newspaper for required newspaper publications by the city. When it is not required by law that publication be made in a newspaper, then the city may, in lieu thereof, provide for publication by posting in three (3) public places in the city.

SECTION 3. All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated, herein.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 6. This Ordinance shall be effective immediately upon passage and publication.

READ AND APPROVED on first reading this the ___ day of ___ 2024.

READ AND ADOPTED on the second reading this the ___ day of ___ 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney