



County Public Advertising Information

All North Carolina local governments are subject to requirements of state law. County Public Advertising falls into two categories:

1. Not required by State Law: ex. Vacant positions on boards and commissions, community events, board meeting agenda

These advertisements can be placed anywhere, or not advertised at all, without legal consequences.

2. Required by State Law: ex. Public hearing notices; Notice of judicial hearings; and public contracting and procurement

If required to advertise by state law, look to G.S. 1-597 to determine where advertising may be placed. Failure to properly advertise calls into question the validity of the Board action or the court proceeding.



Overview

Why advertise when not required to do so?

The BOCC long ago decided that advertising when not legally required to do so is a benefit to the County and/or Citizens, including:

- **Public Meeting Notices**
- **Board Agendas, Board Vacancies**
- **Community Events – Parks & Rec, Tourism**
- **Employment Recruitment – HR**
- **Informational Ads – Health & DSS, etc.**

Each of these categories of advertisements helps the County achieve its goals or helps the citizens to be informed of what the County is doing.

These advertisements are discretionary.



Advertisements Not Required by State Law

Items typically also advertised on County website

Advertising Required by State Law

- G.S. § 1-597: Whenever a notice is required by law, such publication, advertisement or notice shall be of no force and effect unless it shall be published in a newspaper :
 1. “...with a general circulation...” and
 2. “...to actual paid subscribers...” and
 3. Admitted to the USPS “Periodicals class” and
 4. “...in the county...” and
 5. “...which [newspaper] shall have been regularly and continuously issued in the county...at least one day in each calendar week for at least 25 of the 26 consecutive weeks immediately preceding [the advertisement]...”
- N.C. Supreme Court, in Great Southern Media, Inc. v. McDowell County (1981) “general circulation” explained:
 1. The newspaper must have a content that appeals to the public generally;
 2. The newspaper must have more than a de minimis number of actual paid subscribers in the relevant jurisdiction;
 3. The newspaper’s paid subscriber distribution must not be entirely limited geographically to one community or section of the relevant jurisdiction; and
 4. The newspaper must be available to anyone in the jurisdiction who wishes to subscribe to it.
- Advertisements required by judicial proceedings such as tax foreclosures are subject to the same requirements.

Options for Advertising Required by State law: “newspapers with a general circulation”

Two newspapers in Pender County meet the requirements of being a newspaper with a general circulation:

- Wilmington Star News
- Pender-Topsail Post & Voice

News sources that do not meet the requirement of being a newspaper of general circulation:

- County website
- Television stations
- Online news (ex. Port City Daily)
- Social Media
- Newspapers not published weekly on a consecutive basis with subscribers and covering the entire county (ex. Topsail Times)



Wilmington Star News

- Typically only used in more time/date sensitive situations since it publishes daily or larger audience solicitations since it reaches the Wilmington area
- Not routinely used for budgetary and space allowance purposes

Pender-Topsail Post & Voice

Legal Tax Notices – found in the “Legal Notices”

- Cost based on size of ad – typically \$200-\$400
- Number varies frequently
- Required by judicial process

“Government News” or related notices

- Cost dependent upon size – typically \$1,500-\$2,500
- Board vacancies, Notices of Public Hearings, Election Notices, Procurement Advertisements, Information/Recruitment Ads, etc.
- Mix of legally required and not legally required.

Typically included at no cost to the County, for general outreach to the public:

- BOCC Meeting Agendas
- Community Event & Informational Advertisements

For consistency and transparency, this is where Pender County citizens are accustomed to finding information relevant to Pender County Government aside from accessing our website.

NOTE: Articles regarding happenings or reports on Pender County business are not charged to Pender County outside of these sections. Arrests not included either.

Pender Post significantly more affordable.

*Not a full Fiscal Year

Year	Pender Post #	Pender Post \$	Star News #	Star News \$
2024*	88	\$37,250	1	\$1,052
2023	304	\$108,682	0	\$0
2022	149	\$67,065	1	\$842
2021	123	\$43,574	1	\$425
2020	174	\$51,446	6	\$1,671
2019	140	\$58,983	8	\$3,050
2018	151	\$59,877	7	\$2,524
2017	93	\$49,229	8	\$3,331
2016	107	\$39,923	10	\$2,969

Advertising Costs

Details on 2023 Spending

- Significantly more legal ads in FY23 related to resuming foreclosure proceedings following COVID
 - During COVID, processing of foreclosures that began prior to COVID
 - After COVID, resumed processing of back log and continued processing of remaining more difficult cases – those with multiple heirs, multiple parcels, hard to locate individuals, etc.
 - NOTE: Legal ad costs associated with tax foreclosure are either charged to the delinquent taxpayer when they get current on their tax bill or recouped when the property is sold at auction
- Government News Sections have gotten larger over time with focus on Procurement and Surplus Solicitations
- Increased real property activity, both surplus and acquisition



Questions?

Thank you