

**HOTEL OCCUPANCY TAX USE
ELIGIBILITY AND GUIDELINES UNDER
TEXAS STATE LAW**



Criteria #1: First, every hotel tax expenditure must DIRECTLY enhance and promote tourism AND the convention and hotel industry.

Criteria #2: Every expenditure of the hotel occupancy tax must clearly fit into one of the below statutorily provided categories for expenditure of local hotel occupancy tax revenue.

- 1) **State Law:** By law of the State of Texas, the City of Bastrop collects a Hotel Occupancy Tax (HOT) from hotels, bed & breakfasts, and other lodging facilities. Under state law, the revenue from the HOT may be used only to directly promote tourism and the hotel and convention industry. **Chapter 351 of the Tax Code states the use of HOT funds.**
- 2) **Registration of Convention Delegates:** the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.
- 3) **Advertising, Solicitations and Promotions that Directly Promote Tourism and the Hotel and Convention Industry:** advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
- 4) **Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry:** the encouragement, promotion, improvement, and application of the arts that can be shown to have some direct impact on tourism and the hotel/convention industry. The impact may be that the art facility or event can show hotel nights that are booked due to their events or that guests at hotels attend the arts event. Eligible forms of art include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
- 5) **Sporting Event Expenses that Substantially Increase Economic Activity at Hotels:** Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. The event must substantially increase economic activity at hotels within the city or its vicinity.
- 6) **Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations:**
 - a. the commercial center of the city.
 - b. a convention center in the city.
 - c. other hotels in or near the city; or
 - d. attractions in or near the city.
 - e. The law specifically prohibits the use of the local hotel tax to cover the costs for general city transit costs to transport the general public.



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ADDITIONAL GUIDELINES:

CITY ARTICLE:

Advertising or promotion of an event prior to the issuance of the city permit is not allowed. See: **ARTICLE 4.06 - SPECIAL EVENTS PERMITS, PUBLIC GATHERINGS AND PARADES** Sec. 4.06.004 - Date of special event not confirmed until permit issued.

Which eligible criteria does your request fit into? _____

Signature

Date

APPLICATION REQUEST FOR HOT FUNDING FY 2022 - 2023



Application Process and Timeline

Visit Bastrop accepts applications from groups and businesses whose program or event fits into one or more of the above categories. All requests for funds should be submitted in writing accompanied by the official application. The completed application will be reviewed by Visit Bastrop at the earliest possible regularly scheduled staff meeting. The applicant may be asked to be present at the meeting to answer any questions regarding the application. The requests for funding are issued on a *first come, first served basis*; determined by the date your application is received. Fund requests for events occurring inside 90 days of the event will generally not be accepted unless there are significant extenuating circumstances. Please take note of the following:

- 1) Priority will be given to events and entities based on their ability to generate overnight visitors to the hoteliers within Bastrop's Extraterritorial Jurisdiction.
- 2) Submit completed application to Visit Bastrop – info@visitbastrop.com.
- 3) There may be a need for additional communication or information before funding is granted.
 - a. Application must be completed in its entirety, failure to fully complete the application will delay the process
 - b. If additional information is required from the contact and the response to Visit Bastrop exceeds ten days from the time of request, the application will be considered null and void, and a new application will be required, and will be reevaluated with a new received date.
- 4) Should funding be granted, a contract will be presented for signature and countersigned by Visit Bastrop.
- 5) Visit Bastrop must be listed as a sponsor on all marketing/advertising collateral. Visit Bastrop will provide all logo assets.
- 6) Applications that have received funding for three consecutive years or three consecutive times must provide documentation of the need for continued funding. Specifically describe how the use of funds has helped the event develop and expand; identify other sources of funding available; and how the absence of funds would place the continuation of the event in jeopardy.
 - In addition, a plan must be provided to show how the applicant plans to end dependency on HOT funds for future marketing and advertising for the event.
- 7) All applicants are subject to Visit Bastrop's discretion for the disbursement of funds. Some applications could receive 50% funding at the beginning of the event and 50% at the completion.

Post Event

- Within 60 days of an event, the contact will submit a Post Event Report provided by Visit Bastrop. The Post Report is included in this package and must be **reviewed and initialed** that the expectations are clear and understood.
- Failure to provide a valid, timely, accurate Post Report will jeopardize any remaining balance of funding.

APPLICATION REQUEST FOR HOT FUNDING
PURPOSE OF HOLDING AN EVENT
FY 2022 - 2023



Date of application _____ Date application received _____

Event name _____

Event date(s) and day(s) _____

Event location(s) _____

Reason for event _____

Amount of Hotel Occupancy Tax (HOT) funds requested \$ _____

Is this a first-time event? _____ Yes _____ No If no, please list past years' successes and locations.

_____ Times open to the public, if applicable _____

Website address for the event _____

Name of event organization _____

Address of event organization _____

Event coordinator contact name _____

Mailing address _____

Phone _____ Email _____

Alternate contact _____

Phone _____

Email _____

Non-profit organization _____ Yes _____ No Tax ID # _____ Organization's creation date _____

Are you considering an alternative location to the City of Bastrop? If yes, where? _____

Will any City of Bastrop resources be required? _____ Yes _____ No

If yes, have you completed the City of Bastrop Special Event Permit Application? _____ Yes _____ No

APPLICATION REQUEST FOR HOT FUNDING
FY 2022 - 2023



Please attach a separate document that outlines the following, **please be very specific**. Your application will be returned if **ANY** of the following questions are not answered in full.

1. **Detailed** description of event
2. Describe **specifically** how the funds will be used
 - a. Example: if you choose marketing, you must include **the actual marketing type** and its costs you will be utilizing and how it ties back to the request of funds you are making.
 - b. Example: if you choose advertising, you must include **the actual advertising type** and its costs you will be utilizing and how it ties back to the request of funds you are making.
 - i. You will be asked in your Post Report to show the **actual invoice** for these services.
 - c. Or if you are requesting funds for something else, please tell us how its cost relates to the request of funds you are making and provide actual costs.
3. What is your plan to market and promote the event and attract visitors to Bastrop, **outside** of the use of HOT funds? (What will **YOU** be contributing? Your spend.)
4. **Detailed** plan of how room nights will be tracked
 - a. Example: We will be working with Visit Bastrop on a room block and will get a post event report from the hotels with Visit Bastrop's assistance.
 - b. We are doing pre-registration that will allow us to track those that have reserved a room.
5. How will you measure the return on investment of the requested amount of HOT Funds for your event? **Please be factual and detailed.**
6. If this is an event that Visit Bastrop has funded in the past, please tell us what new marketing initiatives you will utilize to promote hotel and convention activity for this event? (**these initiatives need to be outlined following the guidelines under #2, above.**)
7. What is your target audience for your event?

Hotel rooms must be secured through Visit Bastrop in order to receive HOT fundings. (Room blocks made by the organizer may jeopardize funding)

Please contact Cherry Kay Abel at cherrykay@visitbastrop.com. Event coordinator is responsible for checking conflicting event dates and hotel availability prior to submitting application.

APPLICATION REQUEST FOR HOT
FUNDING FY 2022 – 2023
ATTENDEE INFORMATION



What is the estimated number of attendees? _____ Geographical reach of attendees (check one)

- Primarily local attendees _____
- Primarily out-of-town attendees _____
- Balanced _____

Do you have any attendees that will utilize air travel to attend? Yes _____ No _____ If yes, what percent of your attendees will be utilizing air travel? _____

Meeting Space (check one or both) _____ Held in Hotel _____

How many people will need an individual hotel room? _____

Example of number of rooms:

100 people will be spending the night and will need a room, 40 of these will be double rooms
In this example it would be $100 - 40 = 60$ rooms needed

How many people do you expect to visit the event and not spend the night? _____

How many room nights do you anticipate? _____ (Please use calculation below.)

Example of room night calculation:

1. 100 people will be spending the night and will need a room. The event is a three-day event with two overnights.
2. # people x number of nights = # room nights

In this example it would be $100 \times 2 = 200$ room nights

For events that will have live music

3. Residence of Artists (check one)
 - Primarily local performers/artists _____%
 - Primarily out-of-town performers/artists _____%
 - Balanced _____%

Attendee Ticket Cost (\$) _____ (please list differing ticket amounts below, i.e., child, senior etc.)

**APPLICATION REQUEST FOR HOT FUNDING
FY 2022 - 2023
ACTUAL BUDGET OUTLINE**



Please be specific - this helps us calculate the impact of your event to the City of Bastrop. These must be the actual costs that will match your invoices on the Post Report Form, that equal the funding you have requested.

EXPENSES

Space Rental _____
 Food & Beverage _____
 Audio / Visual _____
 Internet _____
 Security _____
 Other _____
Total Anticipated Expenses _____

Advertising/MKTG/Promo

Newspaper _____
 Radio/TV _____
 Other _____
 Paid _____
 Advertising _____
 Social Media _____
 Costs Direct _____
 Mailings _____
 Press Releases/ Media Alerts _____
 Other (please use notes section) _____
Total Advertising/MKTG/Prom _____
Anticipated Costs _____

Notes:

REVENUES

Cash Incentives or Donations _____
 In-Kind Services _____
 Visit Bastrop Funding _____
Total Revenues Anticipated _____



**APPLICATION REQUEST FOR HOT FUNDING
FY 2022- 2023**

I affirm and certify that all the information and answers to questions herein are complete, true and correct to the best of my knowledge and belief. I understand that any misrepresentation, falsification, or omission of any facts called for in the application may render this application void, whenever discovered.

I have reviewed the Eligibility and Guidelines Form and the Application Request for HOT Funding, and I hereby certify its accuracy.

Please initial:

_____ I understand that submission of an application does not guarantee funding, in whole or in part.

_____ Visit Bastrop will review all applications for appropriate use of HOT Funds and funding levels.

_____ Visit Bastrop will make funding recommendations based upon the appropriateness of the request and funds available.

_____ It is required that you will include a link to Visit Bastrop on your promotional handouts and in your website for booking hotel nights during this event.

_____ It is required that you will include the approved Visit Bastrop logo on all promotional handouts and in your website as a sponsor for this event. Please submit samples of your promotional handouts in your Post Report and copies of your receipts for HOT Fund expenses.

_____ I understand that actual receipts that total the award, will be provided in the Post Report, as well as copies or screen shots of Visit Bastrop’s listing as a sponsor. Failure to provide the documentation, will result in becoming ineligible for future funding for the individual and/or the organization.

_____ I understand that if my event does not take place, I am required to return the full amount of funding to Visit Bastrop within 30 days of the intended day of the event.

_____ I agree to cooperate fully with Visit Bastrop, or authorized agents of Visit Bastrop, with information which reasonably relates to the payment of benefits from the HOT Fund and this application.

_____ I hereby agree to indemnify and hold harmless Visit Bastrop against any and all claims, demands, or causes of action of any kind or nature resulting from or in connection with Visit Bastrop.

Signature HOT Fund Recipient

Date

Printed Name HOT Fund Recipient

Date

Check payable to: PLEASE PRINT

Name _____ Address _____

City/State _____ Zip _____

Email _____ Phone _____

VISIT BASTROP HOT TAX FUNDING AGREEMENT

Section 1. Purpose. The purpose of this AGREEMENT is for _____, the ORGANIZATION to utilize Hotel Occupancy Taxes to promote the City of Bastrop and tourism through the _____. This event will increase tourism and the number of overnight visitors to the City of Bastrop.

Section 2. Obligation of the ORGANIZATION. The ORGANIZATION shall use the funds provided by Visit Bastrop in accordance with Chapter 351 of the Texas Tax Code and the ORGANIZATION'S funding application solely for the use of the _____ (eligible event). Hotel Occupancy Tax Funds shall only be used for those activities associated with activities covered under this AGREEMENT.

Section 3. Reporting Requirements of the ORGANIZATION. The ORGANIZATION shall provide a report as outlined in the Visit Bastrop Applicant Eligibility and Funding Guidelines.

Section 4. Authorization of Funds and Payment. _____ will receive \$_____ of HOT funds. These funds shall be used for the following event _____. (Per the attached HOT Funding Application request, Guidelines and Eligibility.)

Section 5. Rights. Visit Bastrop has the right, at any time, to inspect the books or records of the ORGANIZATION that may relate to the performance of this AGREEMENT. Visit Bastrop also has the right to conduct an audit of any ORGANIZATION event funded with Hotel Occupancy Tax funds.

Section 6. Term. The AGREEMENT becomes effective _____, and the AGREEMENT terminates on _____, or once the terms have been met, whichever event occurs first.

Section 7. Recapture Provision. In the event the ORGANIZATION does not comply with the terms of this AGREEMENT or fails to appropriately spend the funds in accordance with State law, or falsifies any documents required under this agreement as provided, or is otherwise in default, under this AGREEMENT, the ORGANIZATION shall repay Visit Bastrop all funds paid to the ORGANIZATION by Visit Bastrop.

Section 8. Default. Visit Bastrop reserves the right to terminate this AGREEMENT if the ORGANIZATION fails to comply with any term of the AGREEMENT, including the inability of the ORGANIZATION to conform to any change required by federal, state, or local laws or relating to the use of Hotel Occupancy Taxes.

Visit Bastrop may terminate this AGREEMENT for breach of any provision of this AGREEMENT, upon written notice of the breach and the ORGANIZATION shall have ten (10) days after receipt of the written notice in which to cure the breach to the satisfaction of Visit Bastrop.

Section 9. Notice. All notices required or permitted under this AGREEMENT shall be in writing and shall be delivered in person or mailed as follows:

To Visit Bastrop at:
1408 B Chestnut Street
Bastrop, TX 78602
Attn: President/CEO

MISCELLANEOUS

Section 10. Entire Agreement. This AGREEMENT constitutes the entire agreement of the parties regarding the subject matter contained herein. The parties may not modify or amend this AGREEMENT, except by written agreement approved by the authorized agents of each party and duly executed by both parties.

Section 11. Approval. This AGREEMENT has been duly and properly approved by each party and constitutes a binding obligation on each party.

Section 12. Assignment. Except as otherwise provided in this AGREEMENT, a party may not assign this AGREEMENT or subcontract the performance of services without first obtaining the written consent of the other party.

Section 13. Non-Waiver. A party's failure or delay to exercise a right or remedy does not constitute a waiver of the right or remedy. An exercise of a right or remedy under this AGREEMENT does not preclude the exercise of another right or remedy. Rights and remedies under this AGREEMENT are cumulative and are not exclusive of other rights or remedies provided by law.

Section 14. Paragraph Headings. The various paragraph headings are inserted for convenience of reference only and shall not affect the meaning or interpretation of this AGREEMENT or any section thereof.

Section 15. Attorney Fees. In any lawsuit concerning this AGREEMENT, the prevailing party shall be entitled to recover reasonable attorney's fees from the non-prevailing party, plus all out-of-pocket expenses such as deposition costs, telephone calls, travel expenses, expert witness fees, court costs, and their reasonable expenses, unless otherwise prohibited by law.

Section 16. Severability. If any of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants or conditions of this AGREEMENT are for any reason held to be invalid, void or unenforceable, the remainder of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants or conditions of this AGREEMENT shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 17. Venue. The parties agree that all disputes that arise of this AGREEMENT are governed by the laws of the State of Texas and venue for all purposes herein shall be in Bastrop County, Texas.

IN **WITNESS WHEREOF**, Visit Bastrop and ORGANIZATION make and execute this AGREEMENT this day ____ of _____ 20__.

Susan Smith
VISIT BASTROP

ORGANIZATION, Printed Name

VISIT BASTROP, Signature

ORGANIZATION, Signature

HOT FUNDING POST EVENT REPORT FY 2022 - 2023



Date Submitted: _____

Organization Information

Name of Organization: _____

Address: _____

City, State, Zip: _____

Contact Name: _____ Contact Phone Number: _____

Event Information

Name of Event: _____

Date of Event: _____

Primary Location of Event: _____

Amount Requested: \$ _____

Amount Received: \$ _____

Balance Due: \$ _____

HOT FUNDING POST EVENT REPORT FY 2022 - 2023



Event Information

- 1) How many people did you **predict** would attend this event? (number submitted with application for hotel occupancy tax funds): _____
- 2) What would you estimate as the **actual** attendance at the event? _____
- 3) Did you negotiate a special rate or hotel/event package to attract overnight stays? _____ If yes, what was that rate? _____
- 4) How many room nights were generated at Bastrop hotels by attendees of this event? _____
- 5) What method did you use to determine the number of people who booked rooms at Bastrop hotels (e.g., room block usage information, survey of hoteliers, etc.)? **PLEASE ATTACH VERIFIED and DETAILED DOCUMENTATION OF ROOM NIGHTS or agreed upon documentation within your application.**
- 6) Did you include a link and/or logos on your promotional, advertising or marketing materials and in your website for booking hotel nights during this event? _____
If yes, please provide the following:
 - a. Samples (photocopies are acceptable) of your promotional, advertising or marketing materials, showing the Visit Bastrop logo and/or link, website screenshot is acceptable.

Sporting Related Events (complete only if applicable)

1. If the event funded by hotel occupancy tax was a sporting-related function/facility, how many individuals participated in this event? _____
2. If the event was a sporting-related function/facility, how many of the participants were from another city or county? _____
3. If the event was a sporting-related function/facility, quantify how the activity substantially increased economic activity at hotel within the city or its vicinity?



I affirm and certify that all the information and answers to questions herein are complete, true and correct to the best of my knowledge and belief. I understand that any misrepresentation, falsification, or omission of any facts called for in the application may render this application void, whenever discovered.

I have reviewed the Post Event Report for HOT Funds, and I hereby certify its accuracy.

I agree to cooperate fully with Visit Bastrop, or authorized agents of Visit Bastrop, with information which reasonably relates to the payment of benefits from the HOT Fund and this application. I hereby agree to indemnify and hold harmless Visit Bastrop against any and all claims, demands, or causes of action of any kind or nature resulting from or in connection with Visit Bastrop.

Signature HOT Fund Recipient

Date

Printed Name HOT Fund Recipient

Date