

RESOLUTION NO. 19 - 35

A RESOLUTION ESTABLISHING RULES FOR THE CITY OF COMMERCE HOTEL TAX ALLOCATIONS AND AUTHORIZING THE CITY MANAGER TO ENSURE COMPLIANCE PRIOR TO DISTRIBUTION OF FUNDS

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall, on the 16th day of July 2019, at 6:00 p.m.; a majority of council members being present and constituting a quorum, the following resolution was adopted:

WHEREAS, the City of Commerce collects a tax of 7% for every hotel room night stay of less than 30 days in a hotel within the city limits;

WHEREAS, utilization of funds received through the Hotel Occupancy Tax are required by Chapter 351 of the Tax Code to (1) put “heads in bed” and (2) meet at least one of several categories, including

- **Convention and Visitor Information Centers:** The acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation and maintenance of convention center facilities or visitor information centers or both.
- **Registration of Convention Delegates:** The furnishing of facilities, personnel and materials for the registration of convention delegates of registrants.
- **Advertising and promotional programs to attract tourists and convention delegates:** Advertising and conducting solicitations and promotional programs to attract tourists and convention delegates of registrants to the municipality or its vicinity.
- **Promotion of the arts:** Includes instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, TV, and other arts related to the presentation, performance, execution and exhibition of these art forms.
- **Historical restoration and preservation projects or activities:** Historical restoration and preservation projects or activities of advertising and conducting solicitation and promotional programs to encourage tourists to visit preserved historic sites or museums.
- **Sporting event expenses which substantially increase economic activity at hotels in counties of under 1 million in population:** Includes promotion expenses directly related to a sporting event in which the majority of participants are tourists.
- **Funding transportation systems for tourism:** Often with conventions and large meetings, there is a need to transport the attendees to different tourism venues. In 2007, the legislature authorized the use of city hotel tax for any sized city to cover the costs for transporting tourists from hotels to and near the city to any of the following destinations:
 - The commercial center of the city

- A convention center in the city
 - Other hotels in or near the city
 - Tourist attractions in or near the city
- **Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality**

WHEREAS, the City of Commerce receives requests for funding from several organizations that host events supporting the hospitality and tourism in Commerce; and

WHEREAS, the City of Commerce has a history of allocating funds to support the efforts of these organizations

THEREFORE, BE IT RESOLVED, that the City Council of the City of Commerce will require the form in Exhibit A be submitted to the City Manager at least 7 calendar days prior to the time funds are to be disbursed; and

BE IT FURTHER RESOLVED, the recipient will utilize at least one of the forms in Exhibit B to collect data during the event or with the associated project;

BE IT FURTHER RESOLVED, that the recipient must submit at least one of the completed forms in Exhibit B and the completed form in Exhibit C within 30 days of the event or project; and

BE IT FURTHER RESOLVED, the City Manager may withhold funds if the associated project or event does not fit into one of the statutorily approved categories or if the award recipient has not submitted all required forms associated with a previous project or event; and

BE IT FURTHER RESOLVED, the City Manager may not withhold funds for any reason other than those previously stated but may choose to request an opinion from the City Council for reasons other than those previously stated;

BE IT FURTHER RESOLVED, the recipient may use the form in Exhibit D to appeal to the City Council if funds are withheld by the City Manager for non-compliance with the requirements stated above;

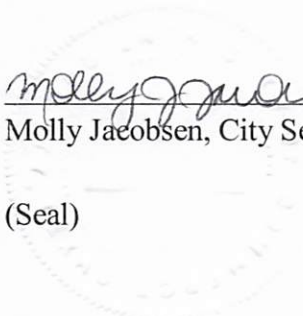
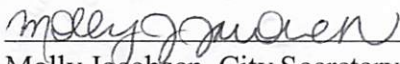
BE IT FURTHER RESOLVED, City Staff shall make every reasonable effort to resolve any dispute related to the disbursement and/or use of funds without requiring a meeting of the City Council;

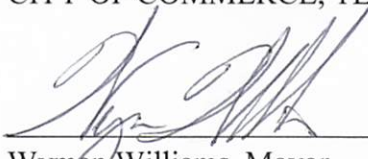
AND BE IT FURTHER RESOLVED, all appeals must be reviewed at the next regular meeting of the City Council unless a resolution or an opportunity for a special session of the Council can be reached prior to the next regular meeting;

PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas, on the 16th day of July 2019.

ATTEST:

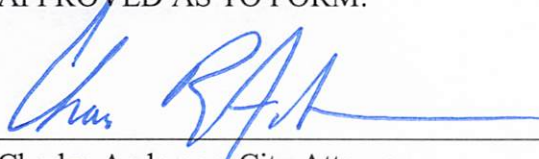
CITY OF COMMERCE, TEXAS



Molly Jacobsen, City Secretary


Wyman Williams, Mayor

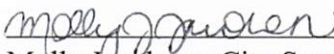
(Seal)

APPROVED AS TO FORM:


Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution and that the same has not been repealed and is in full force and effect.

(Seal)



Molly Jacobsen, City Secretary
City of Commerce, Texas

Date: _____

Amount Awarded: _____ **Balance of Award Prior to Request:** _____

Anticipated Attendance: _____

Award Recipient

Date _____

HOT Allocation Resolution

Exhibit B-1 – Event Participant Survey Results Documentation

Prior to completing this form, the event participant will need to develop a means by which

Date of Project or Event: _____

Award Recipient: _____

Project or Event: _____

Participant Survey Method

Please describe the method(s) by which the information below was obtained

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Participant Survey Results

Description	Response
Number of guests surveyed	
Number of guest attending (estimate)	
How many confirmed they stayed in a hotel to attend the event?	
How many confirmed they stayed in a hotel IN COMMERCE to attend the event?	
On average, how many nights did the guests say they stayed in a hotel to attend the event?	
On average, how many nights did the guests say they stayed in a hotel IN COMMERCE to attend the event?	
What is the farthest distance traveled by anyone surveyed at the event?	
In what ways did survey participants indicate they heard about the event?	

Award Recipient

Date

Exhibit B-2 – Hotel Survey

Welcome to Commerce, Texas

Thank you for visiting our community. We would greatly appreciate your feedback about your time in our town.

Where did you stay?		
☐ Magnuson	☐ Commerce Inn	☐ Other
If Other, Please Tell Us Where:		
What was the reason for your visit? (If for a specific event, please let us know the event.)		
Is there anything you would like us to know about your visit?		

If you would like us to contact you, please share your information with us. It will not be sold or distributed by the City.

Name	
Address	
City	
State	
Zip Code	
Phone	
Email	

To Reach us at City Hall, you can:

 **Call**
(903) 886-1100

 **Email**
info@commercetx.org

 **Stop By**
1119 Alamo Street,
Commerce TX 75428

 **Visit**
www.commercetx.org

Exhibit B-3 – Signage Metrics

If the HOT Allocation is used to pay for signage, please complete the information below

Date of Sign Placement: _____

Award Recipient: _____

Location of Sign: _____

Sign Description

Please describe the sign, including size, colors, design, and other relevant features

Where is the sign located		
☐ State Highway	☐ City Street	☐ Other
If Other, Please Tell Us Where:		
What is the traffic (auto, pedestrian) count passing by the sign? Please include a source (TxDOT, observation, etc...) and a period of time (24 hours, 1 hour, etc..).		

Award Recipient

Date

Exhibit C – Use of Fund Report

Date: _____

Award Recipient: _____

Description of Project or Event (include attachments as necessary):

Total Amount Awarded: _____

Amount Used for this Project or Event: _____

Please itemize your expenses below and provide receipts or invoices as attachments. Any unused funds that were approved for this project will be returned to the balance available for future projects

Amount Requested for this Project or Event		
Description	Amount	Project Balance Remaining
Amount Actually Utilized for This Project or Event		
Amount to be Returned to Total Awarded Funds		

Award Recipient

Date

Date Received by City Staff: _____

City Staff Signature: _____

Exhibit D– Request to Appeal a Decision of the City Manager

Attach the Request for Funding from Previously Approved Hotel Tax Allocation Form for the associated project.

☐ Additional Explanation Provided by the City Manager (Attachment Included)

Please explain the basis for your appeal

Award Recipient

Date

Date Received by City Staff: _____

City Staff Signature: _____

This appeal will be reviewed at a meeting of the Commerce City Council on _____ at _____ AM/PM unless a resolution can be reached prior to the meeting. All meetings of the City Council are required to comply with the Texas Open Meetings Act, and agendas will be posted at least 72 hours prior to the meeting.