

# MONTANA

OFFICE OF TOURISM

## **REGULATIONS AND PROCEDURES FOR REGIONAL/CVB TOURISM ORGANIZATIONS**

### **USE OF LODGING FACILITY USE TAX REVENUE**

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# **REGIONAL/CVB TOURISM REGULATIONS FOR USE OF LODGING FACILITY USE TAX REVENUE**

## **MONTANA CODE ANNOTATED (MCA)**

### **MCA 2-15-1816 Tourism advisory council.**

- (1) There is created a tourism advisory council.
- (2) The council is composed of not less than 12 members appointed by the governor from Montana's private sector travel industry and includes at least one member from Indian tribal governments, with representation from each tourism region initially established by executive order of the governor and as may be modified by the council under subsection (5).
- (3) Members of the council shall serve staggered 3-year terms, subject to replacement at the discretion of the governor. The governor shall designate four of the initial members to serve 1-year terms and four of the initial members to serve 2-year terms.
- (4) The council shall:
  - (a) oversee distribution of funds to regional nonprofit tourism corporations for tourism promotion and to nonprofit convention and visitors bureaus in accordance with Title 15, chapter 65, part 1, and this section;
  - (b) advise the department of commerce relative to tourism promotion;
  - (c) advise the governor on significant matters relative to Montana's travel industry;
  - (d) prescribe allowable administrative expenses for which accommodation tax proceeds may be used by regional nonprofit tourism corporations and nonprofit convention and visitors bureaus;
  - (e) direct the university system regarding Montana travel research;
  - (f) approve all travel research programs prior to their being undertaken; and
  - (g) encourage regional nonprofit tourism corporations to promote tourist activities on Indian reservations in their regions.
- (5) The council may modify the tourism regions established by executive order of the governor.
- (6) The department of commerce shall adopt such rules as may be necessary to implement and administer Title 15, chapter 65, part 1, and this section.

**15-65-121. Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, or deposited in the heritage preservation and development account is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
- (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
- (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
- (d) 67.5% to be used directly by the department of commerce; and
- (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and  
(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

**15-65-122. Qualification of nonprofit entities for receipt of funds -- limitation on administrative costs. (1) The department of revenue shall provide the council with quarterly reports of regional tax proceeds and tax proceeds of cities, consolidated city-counties, resort areas, and resort area districts that qualify for disbursement of funds under 15-65-121.**

(2) Funds may not be disbursed to a regional nonprofit tourism corporation or nonprofit convention and visitors bureau until that entity has submitted an annual marketing plan to the council and that plan has been approved by the council.

(3) A maximum of 20% of the funds received by a regional nonprofit tourism corporation or nonprofit convention and visitors bureau may be used for administrative purposes as defined by the council.

## **DEFINITIONS/TERMS**

**"Council"** refers to the Tourism Advisory Council.

**"Department"** refers to Department of Commerce.

**"Organization"** refers to the nonprofit regional/CVB organizations, which meet legal requirements and guideline requirements to be formally recognized by the Council.

**"Authorized Representative"** refers to the elected president of the governing body of the regional tourism organization, and the top elected official of the governing body or the employed executive director/president of the city organization.

**"Underlined Text"** designates the most current changes to the Regulations.

**"Lodging Facility"** refers to a building, a group of buildings, or an area recognized as a single entity used for lodging accommodations. The term includes a hotel, motel, campground, resort, dormitory, condominium, inn, dude ranch, guest ranch, outfitter, hostel, public lodging house, or bed and breakfast facility.

(DOR Lodging Facility Use and Sales and Use Tax Guide 12-2003)

Note: The defined term for 'Lodging Facility' also includes vacation rentals and cabins. All lodging facilities are required to get a lodging facility use tax identification number.

## **ELIGIBLE ORGANIZATIONS**

By law, only one nonprofit organization within each tourism region or eligible city, consolidated city/county, resort area, or resort area district can be approved to receive available lodging facility use tax revenue. Organizations will submit the following documentation to the Council for approval and recognition.

- 1) Proof of registration as a not-for-profit corporation, with active standing, registered with the Montana Secretary of State.

- 2) Proof of not-for-profit exempt status from the Internal Revenue Service.
- 3) Federal identification number.
- 4) Copy of bylaws and articles of incorporation. Bylaws shall reveal that tourism is the purpose or part of the purpose of the organization.
- 5) Open access to all meetings related to any expenditures of lodging facility use tax revenue, as required by law.
- 6) CVB's shall present a duly passed resolution from the governing body of their city, city/county government, resort area, or resort area district giving support to the CVB for recognition by the TAC.

Funds are awarded only to organizations, which meet the requirements of the Lodging Tax Law and have been formally recognized by the Council.

Organizations are expected to have one representative at each Council meeting. This representative is to be the individual who works most closely with the Department.

Recognition may be revoked of any organization, which fails to comply with the law/rules/regulations governing the distribution of lodging tax revenue.

## **BUDGET PROJECTIONS**

Budget projections for marketing and administration are prepared by the Department based upon revenue generated during the previous year and anticipated growth for the coming year. The projected revenue amounts are provided only for planning purposes and are not guaranteed, therefore, up to 95% of projected annual revenue may be committed to administration and marketing projects approved by the Council.

## **MARKETING PLAN REQUIREMENTS**

### **General Information**

**Prior to the release of any funds, organizations shall receive Council approval, on an annual basis, of 1) a narrative marketing plan, 2) an annual budget and 3) marketing projects.**

Annual marketing plan, pertinent project applications and budget shall arrive at the Department at least three weeks prior to the scheduled June Council meeting.

### **1) Narrative Marketing Plan**

The following questions/topics shall be answered in the narrative marketing plan under the specific number and heading:

- 1) Purpose

- 2) Identity of the organization's area (strengths and challenges)
- 3) Goals (broad based and philosophical)
- 4) How the marketing plan supports the 5-year statewide tourism strategic plan
- 5) Measurable objectives (need to include what you expect to accomplish)
- 6) Target geographic markets (be as specific as possible city, state, region, country)
- 7) Target demographics (family, over 50 group, filming, etc.)
- 8) Marketing Methods including Advertising mediums to be used (magazines, trade shows, television, etc.)

Sample marketing plans and/or assistance are available at the Department upon request. The above information is required, but additional information may also be included.

## **2) Annual Budget**

The following Budgets may be approved by the Council as a line item only and do not require a detailed budget page or detailed project application.

- Administration
- Opportunity Marketing
- Cooperative Marketing
- Joint Ventures
- Tourism Advisory Council Meetings, the annual Marketing Plan meeting with the Department and the annual Governor's Conference on Tourism & Recreation. (transportation/mileage, food, lodging)
- Telemarketing (phone, fulfillment, postage, UPS/FedEx)
- Superhost

A detailed application and budget page must be submitted for all expense items.

### **Council Review and Action**

Prior to the full Council meeting, the marketing plan and budget will be reviewed by the Audits/Applications Committee of the Council. Committee then recommends to the full Council to:

- approve as submitted
- approve with stipulations
- resubmit with clarification
- not approve based on eligibility or feasibility

The full Council and audience will be given the opportunity to discuss committee recommendations during Council meetings.

Organizations are notified in writing by the Chair of the Council of formal action by the Council, generally within two weeks.

### **3) Marketing Projects**

#### **THE PROJECT APPLICATION PROCESS**

##### **Considerations in Review Process**

Council will first consider if project applications are complete and clearly fall within the list of eligible projects. If eligible, the project will be reviewed against criteria such as outlined below.

- 1) Does the project support the goals and objectives of the approved marketing plan?
- 2) Does the project reach potential visitors outside of the vicinity being promoted?
- 3) Does the project meet a need of the traveling public?
- 4) Does this project deliver important information to the potential traveler?
- 5) Does this project stand on its own merit? (That is, would you pursue implementing it if only private funds were available, not tax dollars?)
- 6) Does the project have the potential to create or sustain tourism-related expenditures?
- 7) Does the project complement or enhance existing projects and the approved marketing plan of the organization?
- 8) Does market research or previous experience support this type of project as viable?

**Applications for the current fiscal year will be accepted up to two weeks prior to the June TAC meeting when annual marketing plans are reviewed by Audits and Applications Committee members.**

##### **Application Compliance Information**

- 1) Project applications submitted are to have been approved by the governing body of the organization.
- 2) Cover pages are to have been signed by the authorized representative of the organization. The authorized representative for regions is the elected president of the organization; for chambers or CVBs, it is the elected president/chairman of the board or the employed president/executive director.

- 3) Project applications are to provide enough detail that those reviewing can comprehend or visualize the full scope of the project. Application should be a full overview yet explicit, concise, and to the point.
- 4) Projects that do not support the marketing plan may be denied final approval by the Council.
- 5) Applications not fully approved by the Council, including Opportunity Marketing and Cooperative Marketing, shall have approval from the Audits/Applications Committee. Five working days shall be allowed for this process.
- 6) The Audits/Applications Committee is not able to approve new categories to the plan except for time sensitive critical marketing.
- 7) Time sensitive critical marketing projects may be added to a marketing plan by the Audits/Applications Committee on behalf of the Council. A 24 hour working day shall be allowed for this process.
- 8) Project modifications, which change the intent of a previously approved project, shall be presented to the Audits & Applications committee for approval to proceed with variances.
- 9) **Lodging tax funds may be committed to projects only after Council approval.**

### **Requirements for Successful Completion of Applications**

- 1) All applications for the use of lodging facility use tax funds shall be presented to the Department using the applicable template provided by the Department.
- 2) All applications must have measurable objectives as delineated in the approved marketing plan.
- 3) Applications for **printed material** shall separate production costs from printing costs. Applications shall include print specifications:
  - size
  - quantity
  - distribution plan (areas and method)
  - percentage of advertising versus editorial
- 4) Applications for **print advertising** shall include publications and dollar amounts. Publications not listed with approved annual marketing plan and project application will require a detailed page submitted to the Audits/Applications committee for final approval.

Project applications for print advertising shall include a list of all potential publications with total production costs and total placement costs listed separately.

5) Applications for **broadcast** advertising shall include:

- stations
- area of coverage
- length of spot and/or fulfillment on pay per inquiry contract.

Broadcast media not listed with approved annual marketing plan and project application will require a detailed page submitted to the Audits/Applications committee for final approval.

Project applications for broadcast media shall include a list of all potential media outlets with total production costs and total placement costs listed separately.

- 6) Applications for **familiarization tours** not in cooperation with the Department shall include source to obtain qualified leads for participation and suggested itinerary.
- 7) Applications for **fam trips or public relations** projects shall include a list of coverage or increased groups from previously funded fam trips or public relations projects.
- 8) Application for participation in **trade shows** shall identify new qualified leads or increased business from past attendance at the show.

## **Ending Dates**

Projects, which have been approved by the Council but are not underway by June 30 within that fiscal year will be considered closed by the Department.

Automatically End June 30

- Administration
- Cooperative Marketing
- Joint Ventures
- Opportunity Marketing
- Fulfillment
- Tourism Advisory Council Meetings
- Telemarketing

**Any fund balances which remain, due to approved projects of that fiscal year being under budget, may be transferred to other projects in that fiscal year or accrued for use the following year by notifying the Department in writing. These balances will be verified by the Department at the time of the audit.**

## **DEFINITIONS OF COUNCIL ENDORSED PROGRAMS**

### **Joint Ventures**

The Department offers organizations the opportunity to partner in marketing projects (Joint Ventures) with the Department and other lodging facility use tax funded entities.

Joint Ventures with the Department do not require a project application. All Joint Venture projects require a budget page be submitted to the Department.

Organizations shall request approval of a Joint Ventures budget from the Council at the time of the approval of the annual marketing plan. Projects that are decided upon after the approval of the annual marketing plan shall be funded through Opportunity Marketing, as a new project, or by transferring funds within the approved organization's budget into their Joint Venture line item.

## **Opportunity Marketing**

Organizations may request up to 10% of their total budget for Opportunity Marketing. Up to 50% of Opportunity funds may be committed to Convention and/or Event Subsidies. These funds are then available to implement marketing projects which were unknown in sufficient time to present to the Council. These projects should maximize the goals of the organization's marketing plan.

A project application outlining the opportunity and how it enhances the marketing plan shall be submitted to the Department which will forward it to the Audits/Applications Committee for action on behalf of the Council and, if all requirements are fulfilled, organization will receive approval from the Audits/Applications Committee on behalf of the Council. Five working days shall be allowed for this process.

These projects may be approved for submission to the Department by an Executive Committee of the governing body rather than their full Board.

All established regulations and requirements shall be fulfilled for these projects.

## **Time Sensitive Critical Marketing**

The nature of the time sensitive critical marketing project responds to a sudden event or act and requires a decision to the application in less than five working days. The event or act would impact a broad base of tourism services for a community or region. Examples may include, but are not limited to a natural disaster (fires, floods, earthquakes), outbreak of a major illness (SARS), malfeasance or other forms of financial crisis (a terrorist act/border closing), accidents (plane crashes, train wrecks, infrastructure or building failures, etc.), last minute changes of scheduled events or unanticipated events.

A project application outlining the time sensitive critical marketing project and what the organization plans to do to address the time sensitive critical issue shall be submitted to the Department. Additionally the project application from the organization shall identify where the additional funds will come from in their existing budget.

The Department will forward the request to the Audits/Applications Committee for action on behalf of the Council and, if all requirements are fulfilled, organization will receive approval from the Audits/Applications Committee on behalf of the Council. A 24 hour working day shall be allowed for this process. In the event that a majority of the

Audits/Applications Committee cannot be reached within a 24 hour period, the Chair of the Audits/Applications Committee or the Chair of the Council may grant approval on behalf of the Council.

All established regulations and requirements shall be fulfilled for these projects.

### **Cooperative Marketing**

Organizations may request up to 20% of their annual projected budget for Cooperative Marketing with other nonprofit, non-lodging facility use tax funded, tourism-related organizations or associations. Lodging facility use tax funded organizations may use cooperative funds, but are not required to.

Following approval of this line item by the Council, organizations submit project applications to the Department, which will forward it to the Audits/Applications Committee for review and action on behalf of the Council.

At least 50% of the marketing and production costs for a Cooperative Marketing project shall be financed by the nonprofit partner. Administrative and/or operational costs are not eligible for a match. Projects shall meet all project regulations/ requirements established by the Council for organizations.

Please see pages 29-30 for complete details.

### **Montana Superhost Program**

Organizations shall request approval of a Superhost Program budget for the support of the program as a line item at the time of the annual marketing plan. In addition to the support of the program, for every \$100.00 of Superhost support the organization may request funding one attendee to the Superhost Program by, itemizing the number of training sessions and cost per attendee in which they plan to participate, from the Council at the time of the approval of the annual marketing plan.

### **Signature to Submit**

Projects for Joint Ventures, Cooperative Marketing, and Opportunity Marketing may be submitted under the signature of the executive director of a regional tourism or CVB organization if authorized annually to do so in writing by the president. This authorization is to be submitted with the annual marketing plan and project applications.

## **ALLOWABLE ADMINISTRATIVE EXPENSES**

Up to, but not exceeding, 20% of the organization's new annual revenue may be designated to cover administrative expenses, which are identified below. New annual revenue shall be defined as any new lodging facility use tax collections that have not had administrative expenses deducted from it.

The intent of the administrative budget is to cover costs incurred in the implementation of approved marketing projects, funded by the lodging facility use tax.

- 1) Accountant fees.
- 2) Bank charges.
- 3) Benefits (insurance, retirement).
- 4) Books and reference materials.
- 5) Commercial transportation tickets.
- 6) Equipment -- typewriter, adding machine, copying machine, phone, computer, peripheral equipment, software, postage meter, camera.
- 7) Film purchase and processing.
- 8) Janitorial services.
- 9) Legal fees.
- 10) Maintenance contracts for equipment.
- 11) Meeting rooms.
- 12) Office supplies.
- 13) Postage.
- 14) Reasonable costs for coffee breaks during meetings of the governing body (i.e. coffee, nonalcoholic beverages, doughnuts).
- 15) Registration fees for professional development.
- 16) Rent.
- 17) Salaries.
- 18) Storage.
- 19) Travel expenses -- Mileage and meals are eligible at current state rates. (*See Addendum*) Rooms are eligible at full cost.
- 20) Utilities.
- 21) Convention and/or Event Subsidies.

22) Items not included will be considered on a case-by-case basis.

## **ELIGIBLE MARKETING/EXPENDITURES**

- 1) Up to 10% of the total budget may be committed to Opportunity Marketing.
- 2) Up to 20% of the total budget may be committed to Cooperative Marketing.
- 3) Joint Marketing Ventures with the Department, Regions and CVBs.
- 4) Brochures, travel guides, image pieces, maps.
- 5) Regional or national print and electronic advertising campaigns.
- 6) Outdoor billboards.
- 7) Direct mail projects.
- 8) Familiarization tours.
- 9) Solicitation to out-of-state businesses or groups for a convention or meeting in Montana.
- 10) Promotion of special events.
- 11) Consumer travel or travel trade shows.
- 12) Marketing display or travel booth every three years.
- 13) Film/video promotions.
- 14) Strategic planning.
- 15) Visitor information center staffing and signage.
- 16) Distribution costs with non-funded chambers.
- 17) Travel, meals and lodging which are directly justifiable as a necessary component for the successful completion of an approved project.
- 18) Computer equipment may be purchased as a marketing expense.
- 19) Organization/association dues, which are required to implement a marketing project or dues which will result in a marketing savings greater than the cost of the membership.

- 20) Attendance at Tourism Advisory Council meetings, the annual Marketing Plan meeting with the Department and the annual Governor's Conference on Tourism & Recreation by the primary Region/CVB contact with the Department (transportation/mileage, meals and lodging only).
- 21) Infrastructure that has the potential to increase the number of visitors or to extend visitor stays. This shall be targeted toward visitors outside the local community.
- 22) Publicity and marketing projects can include labor costs.
- 23) Internet page/site development.
- 24) Marketing plan development.
- 25) Convention and/or event subsidies.
- 26) Montana Superhost Program.
- 27) Market research, which may include conversion studies and focus groups.
- 28) Marketing projects not identified herein will be evaluated on a case-by-case basis by the Council.
- 29) Contracted services for distribution costs.
- 30) Destination Marketing Association International (DMAI) membership and accreditation program.

## **REQUIRED CRITERIA FOR ELIGIBLE PROJECTS**

### **Printed Material**

- 1) The word Montana and locator map shall appear on regional travel guides in the format and style provided by the Department.
- 2) Organizations are encouraged to include locator maps in print projects whenever possible.
- 3) Montana, spelled out in its entirety, shall appear at first glance on all printed material.
- 4) Print costs less than \$2,000 are exempt from bidding requirements.
- 5) All printed material funded in full or in part with lodging facility use tax revenue shall include the following credit line: "Produced with Accommodations Tax Funds." This requirement includes overruns but excludes large printed outdoor advertising and print advertising.

- 6) Any printed piece, which provides a free listing of lodging facilities (i.e. hotels/motels, campgrounds), shall solicit an inclusive listing of those properties with a lodging facility use tax identification number within the identified geographic collection area. If a property is not listed, the organization shall have documentation that the facility chose not to be listed.
- 7) Organizations shall include the line "Printed in the [insert name of country where printed] for free distribution" on print publications.
- 8) Any print project, which contains paid advertising, shall maintain a ratio of at least 50% or more editorial versus 50% or less advertising.
- 9) All print projects shall include the federally mandated Americans With Disabilities Act language, "Alternative accessible formats of this document will be provided upon request." It is the responsibility of the sponsoring organization to insure compliance in cooperative projects.
- 10) As required by state law, 95% of all printing, paper and paper products shall maximize the use of recycled fiber. If the print project uses recycled material, it shall include either, "Printed on recycled paper," or the recycled symbol.

### **Print Advertising**

- 1) Montana, spelled out in its entirety, shall appear at first glance on all print advertising.
- 2) All print ads shall be coded to provide a means of evaluation through inquiry tracking.
- 3) Organizations are encouraged to include locator maps in print advertising if feasible.

### **Television and Radio Advertising**

- 1) When appropriate, the word Montana shall be stated on all audio tracks produced which include speaking.
- 2) An affidavit of media buy shall be on file at the organization upon completion of the project.
- 3) A copy of the audio/video tape shall be on file at the organization.

### **Film/Video Projects**

- 1) Montana, spelled out in its entirety, shall appear at first glance on all visual mediums and shall be stated on the sound track.
- 2) All film/video projects greater than 60 seconds in length shall fulfill bidding requirements.
- 3) Distribution plan shall be included in project application.

- 4) Any film/video project of greater than 60 seconds which is produced in full or in part with lodging tax revenue shall include the following credit line: "Produced with Accommodations Tax funds." This credit line should not be included on 30 or 60 - second television spots.

### **Convention Promotion**

- 1) Lodging facility use tax revenue will not be available for the promotion of conventions originating within the State of Montana. If tax dollars are used for the recruitment of conventions originating within the State of Montana, full restitution of project funds will be required.

### **Convention and/or Event Subsidies**

- 1) Funds may only be allocated to projects that are a prerequisite to being considered as a host. Specifications shall be identified in the organization's RFP or stated on their letterhead.
- 2) Direct cash subsidy to an organization and/or purchasing of alcohol would not be allowable.
- 3) Funds may only be used to support convention and/or events which have been provided an inclusive listing of those properties within the identified geographic collection area.
- 4) Funds are not available for conventions and/or events originating within the State of Montana.

### **Visitor Information Centers (VIC)**

- 1) All VICs requesting funding shall be non-profit tourism related organizations.
- 2) If the VIC currently exists, it shall be open at a minimum of 24 hours per week or a total of 300 hours within the Memorial Day to Labor Day time period. The lodging facility use tax revenue may be provided only to fund travel counselor manager/staffing. (For examples of travel counselor manager/staffing see Appendix A.) Requests for funding shall be accompanied by visitation figures and staffing for the previous two years or the first year of operation for the months that funding is being requested.
- 3) If a VIC is new, the VIC shall be staffed at a minimum by one travel counselor for a minimum of 24 hours per week or a total of 300 hours within the Memorial Day to Labor Day time period. Funding may be requested for travel counselor manager/staffing only. (For examples of travel counselor manager/staffing see Appendix A.) Requests for funding shall include anticipated visitation figures for the funding period and method used to estimate visitation.

- 4) The VIC will be responsible for an evaluation at the end of the staffing period if they wish to apply for funding in the future.
- 5) VIC signage shall include the words “Visitor Information.”

## **Internet Page/Site Development**

- 1) A minimum of three bids or an agency of record previously selected by the RFP process would need to be obtained for internet projects that are over \$4,999 prior to awarding a project to a particular designer. In addition to the price quotations, the designer will be required to provide the Web addresses for at least two other completed projects (this will allow an evaluation of the quality of work to be performed).
- 2) Internet site pages that are specific to categories such as film and conventions can list only businesses that service those categories. If a lodging facility fits within these categories and is not listed, the organization shall have documentation that the facility chose not to be listed.
- 3) Since the law states that revenue shall be used for “tourism promotions and promotion of the state as a location for the production of motion pictures and television commercials,” Internet pages/site shall only include activities and services that are beneficial to tourism promotion and film production/promotion as determined by the Audits/Applications Committee. However, membership listings are allowable.
- 4) All lodging facility listings must at a minimum, include the property name, address, phone number and web address if available.
- 5) Privacy Policy language is required on the organization’s website and on any correspondence that solicits Personally Identifiable Information (PII). Personally Identifiable Information (PII), as used in information security, refers to information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual. Examples of PII include but are not limited to name, address, phone numbers and email addresses.
- 6) Confirmed opt-in is required for collection of email addresses and other PII used for marketing purposes.

When a new subscriber asks to be subscribed to your mailing list a confirmation e-mail is sent to verify it was really them. Users will not be added to the mailing list unless this explicit step is taken. This can be achieved by clicking a special web link or sending back a reply e-mail. This ensures that no person can subscribe someone else out of malice or error.
- 7) Organizations are required to use the Department’s database for lodging facilities, outfitters and guides. However, the data can be customized to meet your Organization’s format.

8) Any Internet pages/sites developed for funded Regions or CVBs utilizing lodging facility use tax funds may be hosted/maintained on one of the Department's servers.

A) Organizations that host their web site with the Department will be required to follow State of Montana policy.

1. Development shall conform to Section 508 of the Americans with Disabilities Act (<http://itsd.mt.gov/policy/policies/default.mcp>), and the Montana State Internet & eGovernment policies including approved exceptions through the Department. If exceptions are granted to these policies to the Department, then the exceptions may also include the organizations. This requirement will still allow the use of local designers and developers.
2. State of Montana policy does not allow any advertising on Internet pages/sites hosted with the Department. Hot links and specific offerings will be allowable.
3. The Department will host these pages/sites at no charge. This situation saves considerable lodging facility use tax money, which would otherwise be spent on "hosting services." In addition, organizations will receive the added advantage of increased traffic since the Department continually promotes the State's WWW site, and is committed to maintaining a high quality connection to the Internet.
4. These regulations are applicable for the development of new pages/sites. Regions or CVB's who have already implemented WWW sites using lodging facility use tax monies have the option of moving their sites to the Department's server, but will not be required to do so.
5. Content created for placement on the Department's server can be placed on other servers.
6. The Department requires a minimum of 10 business days to post new page content/changes upon receipt from developers. New websites shall require a minimum of 15 business days to post.

B) Organizations that do not host their web site with the Department

1. All hosting networks will adhere to the Risk Management Framework outlined in the National Institute Standards and Technology.  
<http://csrc.nist.gov/publications/PubsDrafts.html#SP-800-39>

**Electronic Material (Electronic Newsletters/CD-Roms/DVDs/Online Advertising / Internet)**

- 1) Organizations are encouraged to include locator maps whenever possible.
- 2) Montana, spelled out in its entirety, must appear on the first page.

- 3) For electronic material that does not contain “pages” (i.e. online ads, etc.), “Montana,” spelled out in its entirety, must accompany or otherwise be integrated into the Organization’s name. For example, “Big Sky, Montana” or “Montana’s Missouri River Country.”
- 4) CD/DVD duplication costs less than \$2,000 are exempt from bidding requirements.
- 5) Any CD-Rom/DVD which contains paid advertising must maintain a ratio of at least 50% or more editorial versus 50% or less advertising.
- 6) Any electronic piece, which provides a free listing of lodging facilities (i.e. hotels/motels, campgrounds) must solicit an inclusive listing of those properties with a lodging facility use tax identification number within the identified geographic collection area. If a property is not listed, the organization must have documentation that the facility chose not to be listed.
- 7) All electronic projects shall conform to Section 508 of the Americans with Disability Act. It is the responsibility of the sponsoring organization to ensure compliance in cooperative projects.
- 8) Electronic messages that are specific to categories such as film and conventions shall list only businesses that service those categories. If a lodging facility use tax identification number property is not listed, the organization must have documentation that the facility chose not to be listed.
- 9) With the exception of online advertising, all material funded in full or in part with lodging facility use tax revenue must include the following credit line: "Produced with Accommodations Tax Funds."
- 10) Display advertising will be allowed on electronic newsletters with a maximum of two ad units per newsletter. One ad unit not to exceed 468X60 pixels and a choice of one ad unit not to exceed 234X60 pixels or 180X150 pixels.
- 11) Hot links are allowed.

### **Electronic Advertising for sites not hosted with the Department**

- 1) A maximum of two ad units per web page are allowed. One ad unit not to exceed 468X60 pixels and a choice of one ad unit not to exceed 234X60 pixels or 180X150 pixels.
- 2) Pop-ups and Cost-per-action (CPA) affiliate programs are not allowed.

Cost-per-action affiliate programs are similar to Google AdSense. They are free programs that enable website publishers of all sizes to display ads and earn revenue from clicks and impressions.

## **Trade and Consumer Shows**

- 1) Any “opt in” leads from shows attended with funding from the lodging facility use tax revenue shall be made available to lodging facilities within the identified geographic collection area, if requested, at no charge in the format currently available.

## **Marketing Personnel**

Job Description.

## **Miscellaneous**

- 1) Credit lines by publishers and printers may be included only on the inside of travel guides and the back panel of brochures. All other items are excluded.
- 2) Credit lines can include only the business name, not an address or phone number, in a point size (font) no larger than the lodging facility use tax credit line.
- 3) Any material being distributed with lodging facility use tax funds shall meet the required criteria for eligible projects.

## **INELIGIBLE MARKETING/EXPENDITURES**

- 1) Any expenditure which is made prior to Council approval or final approval from the Audits/Applications Committee on behalf of the Council, regardless of eligibility or nature of the project.
- 2) Convention marketing to in-state associations and businesses.
- 3) Alcoholic beverages.
- 4) Financial sponsorships, except as allowed under Opportunity Marketing.
- 5) Organization/association dues, which are not required for implementation of a project. Membership solicitation literature.
- 6) Purchase of land; purchase and/or construction of buildings.
- 7) Items for resale.
- 8) Operation of events, except as allowed under Opportunity Marketing.
- 9) Program booklets, entry forms.
- 10) Administration costs incurred by other organizations in the implementation of cooperative projects.

- 11) Disbursement of funds to other promotional entities.
- 12) Radio/television/newspaper advertising that is primarily limited to the community of the event is not eligible.
- 13) Relocation information and services.

Any time an organization is uncertain of eligibility of any expenditure, marketing or administrative, a representative may request approval from the Audits/Applications Committee in writing.

## **THE BIDDING PROCESS**

- 1) A minimum of three original or faxed written bids and/or responses shall be obtained for printing or CD/DVD duplication costs of more than \$2,000. The original or faxed bid requests and responses shall remain on file at the organization office.
- 2) All bid requirements shall be met for reprint projects.
- 3) All potential bidders shall receive identical project specifications in a standard format. This spec sheet is to be filed with the original bids.
- 4) The reciprocal preference shall be applied in awarding contracts. The reciprocal preference means that whatever amount of preference an out-of-state vendor may enjoy in their home state will be held against them when they submit bids in Montana. A list of applicable states is available at the State Procurement Bureau of the Department of Administration.
- 5) By law bids shall include delivery costs.
- 6) It is recommended that bids be presented to organization in a sealed envelope, to be opened at a specified time.
- 7) A bid may be rejected based upon product samples, provided that samples were requested in the request for bid. All samples shall be retained with bids, written documentation filed if low bid is not accepted, and record shall be available for public inspection.
- 8) Employee travel costs and geographic location cannot be a determining factor in selection.
- 9) Bid shall be awarded to lowest, qualified bidder after taking into consideration the Montana Reciprocal Preference Law.
- 10) Three bids and/or responses shall be obtained for the purchase of goods and equipment over \$2,000. Organizations may purchase goods and equipments using the State of Montana's term contracts, provided that they file a Cooperative Purchasing

Agreement with the State Procurement Bureau of the Department of Administration. The use of term contracts exempt organizations from obtaining three bids.

- 11) In no event may any bid be disclosed prior to the awarding of the bid.
- 12) Bid specs need to provide a closing date and time.
- 13) Organizations that choose to use an agency are required to select an agency or individual by a request for proposal process. Contract can be for a minimum of one year with an annual renewal of up to six additional years.
- 14) Organizations, which annually pay costs for individual services of more than \$4,999, are required to select an agency or individual by a request for proposal or bid process. Services purchased from sheltered workshops are exempt from competitive bidding laws; however, contracts are required. Contract can be for a minimum of one year with an annual renewal of up to six additional years.

## **DISBURSEMENT OF FUNDS**

Funds are released only for the total amount of projects approved by the Council. All available funds not committed to an approved project are held at the Department for the organization until project applications are submitted and approved by the Council. This assumes an annual marketing plan and budget have been filed and approved by the Council.

Funds are disbursed quarterly, based upon equal installments to complete all approved projects. Anticipated payment dates are the 25th of August, November, and February, and the 5th of June. Disbursements cannot exceed collections reported by the Department of Revenue.

Funds may be withheld from organizations, which fail to comply with the plan approved by the Council or with compliance/reporting regulations or fail to submit financial and project compliance reports in a timely manner.

## **BUDGET/FINANCIAL REGULATIONS**

### **General**

Funds expended in one fiscal year may not exceed the total amount approved by Council for all projects.

A separate financial account(s) and accounting record is to be established for all tax funds. Organizations shall retain at the organization office all original receipts and invoices related to approved projects. Expenditures, which cannot be substantiated by receipts, with the exception of per diem, are subject to repayment by the organization.

In order to take advantage of prepayment discounts the organizations may submit a request to the Department, which will forward it to the Audits/Applications Committee for preliminary approval pending full approval by the full Council. If these expenditures are not approved by

the full Council, they shall be repaid. Expenditures made outside of Council approval are also subject to repayment.

It is allowable to extend payments on approved projects with active status between fiscal years.

### **Transfer of Funds**

Funds may be transferred between approved projects providing:

- 1) The total budget of the organization, which has been approved by the Council is not exceeded.
- 2) The marketing plan and project concept does not change. Department shall be notified in writing if concept does change with review and recommended action given by the Audits/Applications Committee on behalf of the Council.

### **Budget Increases**

Upon notification of increased revenue, organizations may increase the currently approved budgets for Administration, Opportunity Marketing, and Cooperative Marketing, not to exceed the allowable percentages, by notifying Department in writing of decision to do so. The Joint Venture budget may be increased by notifying Department in writing of decision to do so. These projects can be increased only if previously approved by the Council and cannot be added as a new line item by the Department or the Audits/Applications Committee on behalf of the Council. The Organization shall notify the Department of intended increases. Existing approved budget line item amounts can be increased by the Audits/Applications committee.

### **Interest Monies**

Interest monies shall be retained in the tax account of the organization and can be used for eligible tourism promotion projects at the discretion of the organization. However, the organization shall present an accounting of interest monies, a delineation of expenditures, and samples of products at the time of audit. Up to 20% of interest accrued annually may be used for administrative costs.

## **COMPLIANCE REQUIREMENT AND REPORTING**

### **Contracts**

Annually each organization enters into a contractual agreement with the Department. This is necessary for the release of funds and specifies the responsibilities of each party. All state and federal laws shall be adhered to. Failure to comply with these Rules & Regulations may result in penalties as specified in the organization's contract with the Department.

## **Records Retention**

Regional/CVB organizations shall retain all records relating to the contractual agreement with the Department for a minimum of three years following the Department's receipt and acceptance of the final project completion report for the corresponding fiscal year. Organizations shall adhere to all state and federal laws to for the retention of records.

## **Letter of Intent**

Following approval of annual marketing plan, annual budget and marketing projects by the Council, the authorized representative of the organization will receive a Letter of Intent from the Council Chair. This Letter of Intent shall be signed by the authorized representative as identified on page 3 and returned to the Department. Signature acknowledges the stipulations, legal and contractual requirements, and regulations established by the Council relative to the use of lodging facility use tax revenue.

## **Financial Reports**

Organizations shall submit a quarterly report on forms provided to organizations during the months of July, October, January, and April. Completed reports shall be returned within 20 calendar days.

## **Project Completion**

Project completion reports are filed with the Department at the conclusion of the project and/or the evaluation period. Organizations may file project completion reports with their quarterly financial reports or as they complete the projects. All project completion reports for the corresponding fiscal year should be submitted to the Department no later than January 1 of the next fiscal year unless they request an extension in writing from the Department. Organizations may submit project completion reports before the deadline if they desire.

Project completion forms are provided by the Department and shall include samples, an evaluation summary, and shall fulfill the requirements specified in these regulations and other requirements specified at the time of approval.

## **Failure to Report**

Organizations, which do not file required compliance reports by the required dates, will not receive further payments until compliance reporting is current.

# **PROJECT EVALUATION**

Organizations shall evaluate each project on a form provided by the Department with the exception of Administration and Tourism Advisory Council meetings. This may include such methods as coding of ads, measuring of phone calls, traffic counts, counting out-of-state visitors, utilizing economic impact studies, informal surveys. The method of evaluation shall be measurable and quantifiable. The evaluation should have a basis to continue, discontinue, or modify the project.

An increase or decrease in lodging tax receipts as the sole means of evaluation is not acceptable since receipts cannot be measured by weeks or days specific to a campaign. Project evaluation shall also include, but is not limited to, the following:

## **Print Advertising**

- 1) Copy of actual ad placed with magazine cover or photocopy of same from every publication in which space was purchased.
- 2) Summary of inquiries generated by each publication, and cost per inquiry. Cost per inquiry (CPI) equals cost divided by number of inquiries.

## **Television**

- 1) Affidavits of media purchased on file at the organization.
- 2) If the advertising was a call-to-action or requested a response, submit an analysis of response.
- 3) If the advertising was image, describe method of evaluation used and the results.

## **Print Pieces**

- 1) One final product.

## **Trade Show Promotion (NTA, WCAE, ASAE, TIA, IACVB)**

- 1) Number of attendees.
- 2) Method used to distribute leads locally.
- 3) Qualification of contacts by level of interest in Montana.

## **Consumer Exhibiting**

- 1) Number of attendees.
- 2) List of brochures distributed.
- 3) Number of brochures distributed or inquiry cards collected.
- 4) Written report by staff concerning interest level of attendees, if repeat attendance is or is not recommended and why.

## **Familiarization Trips**

- 1) List of participants and affiliation.
- 2) Itinerary.

## **Publicity**

- 1) List of press releases and/or samples

## **Outdoor Advertising**

- 1) Photo or layout of boards.

## **Display Booths**

- 1) Photo of booth.
- 2) Listing of uses during the first year.

## **Visitor Information Centers (VIC)**

- 1) Total number of visitors during the funding period.
- 2) Number of visitors from the top 10 states or points of origin.
- 3) Funding for Visitor Information Centers shall include a summary of total hours open and hours which are funded by lodging tax.
- 4) Postage reimbursements to unfunded chambers shall include post office receipts and breakdown of mailings -- bulk, first class, etc. This is to be used in response to travel inquiries, not other chamber business. Additionally the top five states requesting information should be documented.

## **Internet Page/Site Development**

- 1) The URL [web address] for the WWW site/page that has been developed using lodging facility use tax funds.
- 2) A short description of the site/page which was developed including but not limited to: overview of the presentation, number of pages included, description of multimedia used, and the total file size of all documents and files included on the site.
- 3) Summary of user sessions and number of hits.

## **Electronic Material (Electronic Newsletters/CD-Roms/DVDs/Online Advertising /Internet)**

- 1) A printed copy of the electronic newsletter that was sent as well as the number of people it was sent to.
- 2) Summary of inquiries generated by each newsletter or CD-Rom or DVD.
- 3) One final product of the CD-Rom or DVD.
- 4) Banner ads shall include printed copies of the banner advertisements, click-through rates and number of impressions.

## **Convention and/or Event Subsidies**

- 1) Convention size.
- 2) Number of room nights.
- 2) Estimated economic impact.

## **Montana Superhost Program**

- 1) If the Organization is paying for the support of the entire program, then the total number of sessions occurring in the region or area should be included.
- 2) If the Organization is funding attendance at the Superhost Sessions, then the total number of attendees receiving scholarships, average cost of attendance and location and date of training should be included.

## **Marketing Personnel**

- 1) Summary of yearly activities not included in other completion reports.

Any additional requirements requested by the Council or Department in writing.

# COOPERATIVE MARKETING

The Regional/CVB Cooperative Marketing program is designed to allow organizations to promote an area or event on a cooperative basis with a nonprofit tourism-related organization. The intent of this program is to encourage the development of new or expanded marketing projects, thereby increasing the tourism appeal of the region or city. Organizations may commit up to, but not exceed, 20% of their total projected budget for Cooperative Marketing.

## Program Requirements

Cooperative Marketing applications shall be typed.

Cooperative partners applying for regional/CVB funds shall have an active status as a nonprofit organization with the Montana Secretary of State.

Regional/CVB organizations may provide up to, but not more than, 50% of any one line item within a project application. Under no circumstances may the Regional/CVB organization provide more than 50% of the total marketing budget or any line item within the project.

Cooperative Marketing funds are to be used solely for marketing projects. Administrative expense is not eligible.

In-kind services are not eligible to be matched.

Cooperative marketing projects shall have a total budget of at least \$500 or \$250 per participant.

All regulations/rules/contracts to which Regional/CVB organizations shall adhere are relevant and required for the cooperative partner.

Billboards may be constructed as a Cooperative Marketing project provided the following documentation has been submitted to the approved Regional/CVB organization prior to commitment of funds.

- 1) Written approval from the Department of Transportation for location.
- 2) Written permission from landowner to construct a board.
- 3) Signed agreement from the funding entity on method of maintenance.

Cooperative partners are to present original invoices to the Regional/CVB organization for payment. In the case of invoices in an amount of \$100 or less, the cooperating partner may pay the bill in full, and submit an original invoice and a copy of their canceled check documenting payment to funded organization for 50% reimbursement. Postage costs may also be reimbursed in this manner.

Cooperative Marketing projects are not to be implemented until all requirements for final approval have been met and approval is received in writing from the Department.

All Cooperative Marketing projects are subject to an annual review of compliance. Regional/CVB organizations may include additional regulations for eligibility to participate in their Cooperative Marketing program.

**BOOKKEEPING REGULATIONS  
PER THE TOURISM ADVISORY COUNCIL  
June 2001**

1. For every check have an invoice. On that invoice, write the check number and date paid and file in order of payment.
2. In some situations, an invoice just doesn't exist. Here are some options:
  - A. Conference registration -- copy your completed registration form and file.
  - B. Withholding, taxes -- copy the form you submit with payment.
  - C. Regular monthly payments, such as rent -- obtain a receipt.If you have a contract, provide a copy of it at the time of audit.
3. Up to the state allowable in un-receipted expenses is allowable per day -- for example cab/taxi fare, set up assistance costs -- if it's under the state allowable in un-receipted expenses a receipt is not needed; over the state allowable in un-receipted expenses requires a receipt. Every un-receipted expense shall be itemized with the amount.
4. On your expense voucher itemize your trips with the location, purpose and days.
5. An itemized statement from a credit card is considered a sufficient invoice for reimbursement with the exception of hotel receipts. It shall list the company name, amount, and the services provided.
6. Restaurants often do not give an itemized bill when paying by credit card. You will simply need to request this. (Applies for fams, not your per diem.)
7. All invoices for fam expenses shall include a list of name and affiliation of participants. If you have more than one invoice per fam, attach to one bill only. On additional bills simply write "Participants -- see check #xxx." This includes fams in cooperation with The Department.
8. Out of country travel -- meals and lodging are reimbursed at full rate with reimbursement in US dollars. You shall have meal receipts for out of country travel.
9. Travel advances -- for reimbursement please summarize in one area, as follows:

Advance	\$xxxxx
Itemized expenses	(\$yyyyy)
Employee owes organization	\$zzzzzz
OR Employee receives	\$zzzzzz

An itemized list of expenses with invoices shall be attached.
10. Bids -- by regulations these are to be on file in the organization's office, not the agency. Staple bids along with submitted specs and a copy of the printer's invoice to the bill. If

you hold payment until you have these items in hand from the agency or printer, it will make life easier at audit time.

11. Take extra caution to accurately categorize your expense. Example: You are approved for "Movie Promotions" by the TAC at \$1,500 to attend Locations '95 and place an ad in a trade magazine. You get a request for photos and use Fed Ex to send out. Your Fed Ex expense is not allowable within Movie Promotions because shipping and postage were never requested, but it is clearly eligible under administration or postage.
12. Be cautious, too, about production charges for ads. Did your application request space only or were production charges approved?
13. Cooperative projects between two or more funded organizations. Obviously, only one organization can have an original invoice. Please just be consistent - one organization will have all originals; other organizations will have a copy with notation "Originals on file at \_\_\_\_\_." Same procedure on bids.
14. Payment to independent contractors for fulfillment services shall include an itemization of services they provide, i.e., number of packets prepared, or hours worked, etc.
15. Deposits other than state lodging tax revenue are to be noted in the checkbook or ledger identifying the source of funds.
16. Void checks are to be filed in a consistent manner -- checkbook, bank statement, etc.
17. Per diem is reimbursed at state rate at the time the expenditure occurred.
18. Mileage is reimbursed at state rate at the time the expenditure occurred.

## AUDITS

All records shall be available for inspection at any time by authorized representatives of the Department, the Legislative Fiscal Analyst, or the Legislative Auditor. Organizations should anticipate an audit by the Department annually.

Audits will include a review of, but are not limited to, the following types of procedures:

- 1) Review of established office procedures -- signing of checks, filing of original invoices, bids, use of petty cash, filing of void checks, reconciliation of bank statements, etc.
- 2) Verification that invoices specify services received for all expenditures.
- 3) Verification that any stipulations by the Council at the time of approval have been fulfilled.
- 4) Verification that all expenditures meet regulations and are assigned to the appropriate approved project.
- 5) Review of bids on all print projects and supporting documents to verify that lowest bona fide bid was accepted.
- 6) Review of interest monies.
- 7) A complete financial summary of all lodging tax expenditures will be prepared which balances with tax revenue received, expended, and committed and uncommitted cash on hand.
- 8) Determination of committed funds and interest monies at fiscal year end. Violations or variances of regulations/contracts/requirements will be addressed by the Council.

## Appendix A

Duties considered part of travel counselor manager/staffing may include but are not limited to:

- a) Responding to tourism inquiries in person via phone, email, fax and letter.
- b) Compiling and inputting data into the computer regarding information on visitors, calendar of events, local hotels & other tourism businesses
- c) Making lists of businesses to contact about tourism concerns
- d) Researching information for guests
- e) Ordering / storing / stocking brochures and maps from attractions/hotels, etc
- f) Maintaining the VIC area
- g) Conceiving / developing area wide tours and support materials for same
- h) Serving as support staff for the Montana information computer
- i) VIC scheduling / payroll
- j) Attending Superhost training and other familiarization activities with all the attractions in their area.
- k) Studying all Montana guides and brochures which the VIC has in their rack and be able to intelligently converse with visitors of all ages. VIC staff should know road conditions any construction areas, alternate routes. Staff should also be aware of alternative things to do in case of weather conditions. Staff should be knowledgeable about all special events listed in the local newspaper and guides.

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