

SUBSTITUTE ORDINANCE NO. BL2022-1250

An Ordinance to amend Title 2 of the Metropolitan Code of Laws to create the Nashville Entertainment Commission.

WHEREAS, Tennessee's entertainment sector includes more than 28,000 workers at 1,500 businesses. Over the last decade, motion picture and video production has grown by 57 percent and music production has grown by 37 percent; and

WHEREAS, in order to manage and foster this growth, the Metropolitan Government desires to create a dedicated commission to assist and support the entertainment sector in Nashville and Davidson County; and

WHEREAS, a dedicated entertainment commission would help support and promote the entertainment industry, including its workforce, business services, and talent, by recruiting new entertainment projects to the state; and by helping local productions grow and enhance business; and

WHEREAS, an entertainment commission would foster Nashville and Davidson County's entertainment economy, including film, music, television, commercials, ~~video games and virtual reality projects~~ applied design, interactive media, and video games; and

WHEREAS, further, an entertainment commission that reflects the diversity of the residents of Nashville and Davidson County is important to the success of the entertainment industry in our community; and

WHEREAS, in 2006, the State of Tennessee, via the Tennessee Film Commission, passed the Visual Content Act to compete with cities and states that already had or would soon create film incentives in the form of rebates, and/or transferable tax credits; and

WHEREAS, the Tennessee Film Commission subsequently changed its brand to the Tennessee Entertainment Commission to include other entertainment industries; and

WHEREAS, in 2018 the Tennessee Entertainment Commission and Tennessee Department of Economic and Community Development ("ECD") proposed and secured the passage of legislation for an expansion of the Visual Content Act to enable incentives to include feature films, television, video games, animation, digital entertainment and music scoring; and

WHEREAS, in 2021 the Tennessee Entertainment Commission and ECD proposed and secured passage of legislation for a new Franchise and Excise ("F&E") Tax Credit that could be applied to all entertainment industry categories served by the Tennessee Entertainment Commission; and

WHEREAS, it is the desire of the Metropolitan Government for a newly created Nashville Entertainment Commission (NEC) ~~to be temporarily staffed by the Mayor's Office of Economic and Community Development while endeavoring to establish a permanent~~ that will work with the newly created Office of Music, Film and Entertainment ~~in the future~~; and

WHEREAS, the creation of an entertainment commission is to the benefit of the citizens of Nashville and Davidson County by recruiting out of town projects and utilizing local talent, as well as creating and staffing local projects that can contribute to tourism and tax revenue and allow our local talent to work in state.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 2 of the Metropolitan Code of Laws is hereby amended by creating a new Chapter 2.147 as follows:

Chapter 2.147 – Nashville Entertainment Commission

2.147.010 – Established.

There is hereby established a commission to be known as the “Nashville Entertainment Commission”, referred to in this chapter as “commission.”

2.147.020 – Definitions.

“Music industry” means commercial activity that involves the production, distribution, and sale of music. Occupations in the music industry include, but are not limited to, recording artists, musicians, songwriters, composers, music producers, record label executives, recording studio owners, recording engineers, music venue owners, performing rights organizations, and music marketing professionals.

“Film industry” means commercial activity that involves the production, distribution, and sale of film and television. Occupations in the film industry include, but are not limited to, actors, film and television studio executives, location scouts, screenwriters, directors, casting agents, film and television producers, crew members, editors, and film and television marketing professionals.

“Entertainment industry” means commercial activity that involves the production, distribution, and sale of entertainment, including the music industry and film industry. Occupations in the entertainment industry include, but are not limited to, occupations in the music industry, occupations in the film industry, managers, publicists, stylists, theatre companies, playwrights, theater directors, ~~location scouts~~, videographers, voiceover artists, video game designers, and video game developers, and other entertainment industry professionals.

2.147.030 – Membership and term of office.

A. The commission shall be composed of ~~15~~ 11 members. ~~Six~~ Three members shall be appointed by the metropolitan council, ~~four~~ three members shall be appointed by the mayor, and five members shall be nominated by members of the public and selected by the metropolitan council. Of the five members nominated by the public, one member shall be selected by the council from nominations submitted by the International Alliance of Theatrical Stage Employees (IATSE), one member shall be selected by the council from nominations submitted by the Screen Actors Guild - American Federation of Television and Radio Artists (SAG-AFTRA), and one member shall be selected by the council from nominations submitted by the American Federation of Musicians.

B. All members of the commission, including those members nominated by the public, shall hold occupations in either the film industry, music industry, and/or entertainment industry and must have at least five years of experience in their occupation. The five years of experience shall be representative of regional, national, and international work. Each member must demonstrate that they are able to recruit and/or market new productions to Nashville. No more than six members on the commission may be representatives from either the film industry or the music industry at any one time. ~~One member must be a representative of an entertainment~~

~~industry union, five members must be representatives of the music industry, five members must be representatives of the film industry, and four members must be representatives of the entertainment industry.~~

C. The commission shall be comprised of members that represent the diversity of the residents of Nashville and Davison County.

D. Members of the commission shall serve without compensation.

E. Except for the initial appointees, commission members shall serve staggered five-year terms. Of the initial members appointed, ~~three~~two members shall be appointed for one year, three members shall be appointed for two years, ~~three~~two members shall be appointed for three years, ~~three~~two members shall be appointed for four years, and ~~three~~two members shall be appointed for five years.

2.147.040 – Purpose of the commission.

The purpose of the commission shall be to:

- A. Create, market, promote and sustain relationships related to recruiting entertainment projects to Nashville and Davidson County and the development and promotion of the entertainment industry in Nashville and Davidson County. This will include promoting projects that involve multiple sectors of the entertainment industry; projects that promote economic development; and projects that create jobs related to the entertainment industry to local, regional, national and international companies. Promote the production of music, television, film, commercials, documentaries, music videos, and video games in Nashville and Davidson County;
- B. Promote an entertainment industry in Nashville and Davidson County that is diverse, inclusive, and welcoming to residents and businesses. Market Nashville and Davidson County to regional, national, and international opportunities;
- C. Assist with establishing and maintaining operational connectivity to franchise & excise tax incentives and other opportunities for recruitment, promotion, and development of entertainment projects. Promote job creation and economic development related to music, television, film, documentaries, music videos, and video games in Nashville and Davidson County; and
- D. ~~Promote gender and racial equity in the entertainment industry.~~

2.147.045 – Initial goals of the commission.

The initial goals of the commission shall be to:

- A. Create a strong brand identity for Nashville and Davidson County, TN related to the creative economy;
- B. Be in the top 10 cities and counties in the United States for creative industries;
- C. Provide significant and sustained investment in the creative industries in Nashville; and
- D. Help Nashville and Davidson County grow its own workforce for the creative industry.

2.147.050 – Powers and duties.

In order to carry out and facilitate the commission's general purposes, it shall have authority to:

- A. Elect a chair and such other officers as it may deem necessary to carry out the functions and duties of the commission;
- B. Promulgate and maintain its own regulations and bylaws; and
- C. Conduct its affairs and select advisory committees including, but not limited to: the recruitment of entertainment to Nashville and Davidson County, development of local entertainment opportunities, and awareness of career and business opportunities in the entertainment industry and build educational partnerships with local and regional institutions. ~~or panels of experts as necessary to assist in the discharge of its duties.~~

2.147.060 – Staffing

~~The director of the mayor's office of economic and community development shall serve as executive director to the commission.~~

The executive director of the commission shall be appointed by the commission. Staff for the commission shall be provided for by the Metropolitan Government.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Joy Styles
Member of Council