

SUBSTITUTE ORDINANCE NO. BL2022-1631

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

WHEREAS, though known worldwide as “Music City, ~~USA~~”, all of Nashville’s creative industries have grown substantially over the last ten years. While the music industry has been at the forefront, Nashville ~~has not~~ must likewise strategically nurtured relationships within the film/television, theatre, virtual reality, and other creative industries ~~with the same commitment, and there is a great need now~~ in order to embrace, support, and uplift all creative industries ~~fairly~~ across the board, and

WHEREAS, the establishment of a Nashville Entertainment ~~Creation~~ Commission (“NECC”) (“NEC”) would equitably address all of Nashville’s creative industries and build positive relationships across sectors. The ~~NECC~~ NEC would encourage the recruitment of out-of-state projects and the development of locally created content to help drive tourism and additional tax revenues to Metro Nashville and further facilitate the creation of intellectual property content owned by Nashvillians; and

WHEREAS, the ~~NECC~~ NEC would recruit and develop projects by having membership comprised of creative industry executives and lay people who have national and international relationships which would have transformational economic impacts for Nashville and Davidson County; and

WHEREAS, ~~there has been a consistent lack of attention to~~ in order to foster greater diversity in the entertainment industries of Nashville, and the ~~NECC~~ NEC would create a focused and intentional process ~~in order~~ to create and maintain cultural representation and ~~be able~~ engage students interested in entertainment careers through Metro schools as well as Nashville area colleges and universities, 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, the Nashville Entertainment ~~Creation~~ Commission, in conjunction with the new Nashville Office of Music, Film and Entertainment, shall endeavor to bring projects to the Nashville area that can capitalize on the new tax incentives created by the Tennessee Entertainment Commission and Tennessee Department of Economic and Community Development and build relationships with these two entities.

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 ~~Creation~~ Commission

2.147.010 – Established.

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

2.147.020 – Definitions.

“Entertainment Industry” means commercial activity that involves the production and sale of entertainment, whether in music, film, television, digital streaming content, and virtual/augmented reality or within the metaverse/omniverse.

Occupations in the entertainment industry include, but are not limited to, musicians, recording artists, songwriters, composers, music producers, record label executives, recording studio owners, recording engineers, music venue owners, music craftsman (such as a luthier), performing rights organizations, actors, film/television studio executives, screenwriters, directors, casting agents, film/television producers, crew members, editors, location scouts, videographers, voiceover artists, digital designers, grips, stagehands, film/television marketing professionals, entertainment related bankers, packaging/distribution financiers, managers, publicists, stylists, theatre companies, fashion design/promotion, playwrights, theater directors, film/television/digital gaming composers, graphic software architects and other ~~not listed entertainment industry marketing professionals~~ occupations not listed herein.

2.147.030 – Membership and term of office.

- A. The commission shall be composed of ~~49~~ 15 members. ~~Five~~ Four members shall be appointed by the mayor and confirmed by the council. One member shall be a council member elected by the Council’s Public Facilities, Arts and Culture Committee. ~~Four~~ Two members shall be selected by the council from nominations submitted by council members. ~~Six~~ Five members shall be selected by the council from nominations submitted from the Entertainment Industry at large. 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). One member shall be selected by the council from nominations submitted by the American Federation of Musicians (AFM).

All members shall hold occupations in the Entertainment Industry with a minimum of five years of professional experience. ~~and show substantial business relationships for the recruitment of productions both locally and out of state or country.~~ The commission shall never have more than 10 members from ~~either the film industry or the music~~ any single industry serving at any one time.

- B. Members of the commission shall serve without compensation.
- C. Commission members shall serve staggered five-year terms. Of the initial members appointed, three members shall be appointed for one year, ~~four~~ three members shall be appointed for two years, ~~four~~ three members shall be appointed for three years, ~~four~~ three members shall be appointed for four years, and ~~four~~ three members shall be appointed for five years. The appointing authorities shall equitably divide the durations of their respective initial appointments until the commission is fully appointed as described here.
- ~~D. The commission shall meet monthly. For the first six months after its establishment, the commission shall meet at least twice a month and work to establish the office of film, music and entertainment, including the hiring of the executive director of the office. The commission may schedule additional meetings as needed.~~

2.147.040 – Purpose of the commission

The purpose of the commission shall be to:

- A. ~~Create~~ Establish, develop, market, promote and ~~sustain~~ maintain relationships related to ~~recruiting the recruitment of~~ entertainment projects and endeavors to Nashville and Davidson County and the development and promotion of the entertainment industry in Nashville and Davidson County. This includes 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.
- B. ~~Increase diverse representation~~ Promote gender and racial equity across all creative sectors through multiple initiatives, including (i) the creation of a directory of services and needs for entertainment productions within Nashville and Davidson County, and (ii) facilitating greater awareness at high schools in Metro Nashville of potential careers in the entertainment industry, facilitating practical pathways and training into Nashville vocational schools, two-year colleges, and university programs, culminating in guidance to career and business opportunities in the private sector.
- C. Endeavor to work closely with, and build relationships with, the Tennessee Entertainment Commission to establish and maintain operational connectivity to franchise and excise tax incentives and other opportunities for recruitment, promotion, and development of entertainment projects.

2.147.045 – ~~Initial~~ Primary goals of the commission.

The ~~initial~~ primary goals of the commission shall be to:

- A. Create and maintain a strong brand identity for Nashville and Davidson County related to the Entertainment Industry;
- B. ~~Be in the top 10 cities and counties in the United States for Entertainment Industry~~ Pursue top-tier rankings within national and international entertainment industry publications and ratings services;
- C. Provide significant and sustained assistance and investment in the Entertainment Industry in Nashville; ~~and~~

- D. Establish means, mechanisms, and metrics to maintain diversity and inclusion within all sectors of the Entertainment Industry;
- E. Establish workforce development and education initiatives to Hhelp Nashville and Davidson County grow its own workforce for the Entertainment Industry;
- F. Address quality of life issues affecting those within the Entertainment Industry, including affordable housing, financial planning, and healthcare access; and
- G. Engage in community outreach to all citizens and residents of Nashville and Davidson County.

2.147.050 – Powers and Duties.

~~In order to~~ To carry out the commission's purposes, the commission shall have authority to:

- A. Elect a chair and other officers as necessary to carry out the functions and duties of the commission.
- B. Promulgate and maintain regulations and bylaws for the commission.
- C. Recruit and hire the executive director who shall serve as the executive director of the commission and of the Nashville Office of Music, Film and Entertainment. ~~The executive director must have experience in more than one area of the Entertainment Industry in order to be better able to address multiple entertainment needs.~~
- D. Promote, market, and support the Nashville Office of Music, Film and Entertainment, including the creation of a strategic plan for the Nashville Office of Music, Film and Entertainment that outlines the goals, purpose, and duties of the office and the creation of a diversity and inclusion plan for the office.
- E. Create ~~subcommittees~~ advisory committees to address the issues in Entertainment Industry. Members of these ~~subcommittees~~ advisory committees are to be selected by the commission. ~~Subcommittee Advisory committee~~ members are not required to be current members of the commission but must hold occupations in the Entertainment Industry and should have a minimum of five years of professional experience. ~~Each subcommittee shall meet monthly and submit a report to the commission, unless otherwise determined by the commission.~~ The commission shall create the following ~~subcommittees~~ advisory committees and may create additional ~~subcommittees~~ advisory committees as needed:
 - 1. Film and television production
 - 2. Music industry
 - 3. Diversity and inclusion
 - 4. Independent venue preservation
 - ~~1. Music production;~~
 - ~~2. Film production;~~
 - ~~3. Diversity and inclusion;~~
 - ~~4. Workforce development and education;~~
 - ~~5. Music venue preservation;~~
 - ~~6. Community engagement;~~

~~7. Quality of life issues facing those in the Entertainment Industry including affordable housing, financial planning, and healthcare.~~

F. Submit recommendations to the Metropolitan Council and mayor's office for the establishment of separate boards or commissions representing individual sectors of the entertainment industry, if deemed necessary for the effective pursuit by such sector(s) of the goals and objectives established herein.

G. Establish additional membership requirements for advisory committee members.

2.147.060 – Staffing.

The work of the commission and of the Nashville Office of Music, Film and Entertainment shall be managed by an executive director, who shall be appointed by the commission in accordance with Section 2.147.050.C and serve at the pleasure of the commission. Additional staff may be provided for by the metropolitan government upon the recommendation of the commission. The executive director and any staff shall be organized under the Mayor's Office.

Among other duties as described by the commission, ~~t~~The executive director and approved staff shall be responsible for:

- i. Managing the permitting platform;
- ii. Building relationships for community engagement;
- iii. Managing location-scouting software;
- iv. Establishment of relationships with the Metro Nashville Police Department and other security services, Metro Nashville Fire Department, Nashville Electric Service, and Metro Water Services Department; ~~Security services~~;
- v. Warehouse contacts and managing a directory of production personnel, vendors, soundstages, and equipment rental; and
- vi. Any additional ~~work~~ actions necessary to carry out the duties and responsibilities established by this chapter.

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:

Delishia Porterfield

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Members of Council