

SUBSTITUTE ORDINANCE NO. BL2022-1379

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

~~WHEREAS, while it is recognized that the Music Recording and Live Event Industries have historically generated billions of dollars annually, and have prospered from industry focused Commissions and Boards over the past 25 years, the Nashville motion picture and television industries are in a completely different situation, because unlike music focused business's, the motion picture and television industry has been substantially and critically impacted and challenged by the advent of film incentives enacted by competing cities or states.; and~~

~~WHEREAS, the Nashville Film Office that was originally formed in 1993 was substantially impacted through six different incarnations across three different Mayoral Administrations, where each new Administration used its incoming prerogative to reconstruct the Office, from its own independent entity, to a department under the Mayor's Office of Economic and Community Development, with increasing instability and limited effectiveness, ultimately eroding the Office in function and budget until 2007, when it was disbanded completely and the film permitting function moved the Parks Department; and~~

~~WHEREAS, in 2001 a group of film & television industry executives and production companies formed FilmNashville to collectively solicit out of state business and to foster a relationship between a Nashville Film Office and the Tennessee Film Commission, the group set up offices within the then Convention and Visitors Bureau in 2004, and to its credit, succeeded in compiling the first film/television Location and Production directory; and~~

WHEREAS, though known 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 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 to embrace, support and uplift all creative industries fairly across the board, and

WHEREAS, the establishment of a Nashville Entertainment Creation Commission (NECC) would equitably address all of Nashville's creative industries and build positive relationships across sectors. The NECC 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 Nashville Entertainment Creation Commission would recruit and develop projects by having membership comprised of industry executives and lay people who have national and international relationships that have transformational economic impacts; and

WHEREAS, there is a lack of diversity in the entertainment industries of Nashville, and there needs to be a focused and intentional process to be established in order to have 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, any entertainment industry entity within Nashville will need to work with, and be in alignment with, the Tennessee Entertainment Commission in order to optimally utilize the new F&E tax incentive to generate much greater levels of entertainment industry activity in the Nashville area; and

WHEREAS, with the establishment of a Nashville Entertainment Industry Board Creation Commission, both the recruitment of out-of-state projects and development of locally created content would help drive tourism and additional tax revenues to Metro Nashville and further facilitate the packaging, financing, and global distribution creation of intellectual property content created and owned by Nashvillians; and

WHEREAS, a Nashville Entertainment Industry Board Creation Commission that can both recruit and develop projects requires membership comprised of business leaders and lay people who have national and international relationships that can have bona fide transformational economic impacts; ~~and~~

~~WHEREAS, there is a lack of diversity in the motion picture and entertainment industries of Nashville, not due to employer mandates, but because more thorough training and aspirational information is necessary at high school levels in all neighborhoods, with a coherent process established to flow students interested in entertainment careers upward to Nashville vocational colleges and universities, such a strategy for diversity would enrich the content created in Nashville; and~~

~~WHEREAS, the Tennessee Entertainment Commission has indicated that it would officially recognize an Entertainment Industry entity positioned in the Nashville Chamber of Commerce, the Nashville Convention & Visitors Corporation, or the Mayor’s Office.~~

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 Industry Board~~Creation Commission

2.147.010 – Established.

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

2.147.020 – Definitions.

“Entertainment industry” means commercial activity that involves the production, ~~distribution~~, and sale of entertainment, whether in music, film, television, digital streaming content, 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.

2.147.030 – Membership and term of office.

A. The ~~board~~commission shall be composed of ~~9-19~~ members. ~~Two-Five~~ members shall be appointed by the mayor and confirmed by the council. ~~Two-Four~~ members shall be elected by the council. One member shall be a council member elected by the Council's Public Facilities, Arts and Culture Committee. Two-Six 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 (as defined herein) and should have 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, ~~or have existing relationships with project packaging entities, equity and lender financiers, world wide sales agents, domestic and international distributors, merchandising specialists, and revenue collection companies for monetizing intellectual properties created in Nashville.~~

B. Members of the ~~board~~commission shall serve without compensation.

C. ~~Board~~Commission members shall serve staggered ~~three~~five-year terms. Of the initial members appointed, three members shall be appointed for one year, ~~three~~four members shall be appointed for two years, ~~and three~~four members shall be appointed for three years, four members shall be appointed for four years, and four members shall be appointed for five years.

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.

- E. The commission shall never have more than 10 individuals from either the film industry or the music industry serving at any one time.

2.147.040 – Purpose of the ~~board~~commission

The purpose of the ~~board~~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.
- B. Increase diverse representation across all creative sectors, including the creation of a directory of services and needs for entertainment productions within Nashville and Davidson County.
- A-C. Endeavor to work closely with and build relationships with the Tennessee Entertainment Commission to establish and maintain operational connectivity to franchise & excise tax incentives and other opportunities for recruitment, promotion, and development of entertainment projects.
- ~~B. Establish, promote, develop, market, maintain and grow business relationships related to the recruitment of entertainment industry endeavors to Nashville and Davidson County, including the promotion of activities that merge different sectors of the entertainment industry, as well as economic development and job creation related to the entertainment industry to local, regional, national and international companies and clients.~~
- ~~C. Promote gender and racial equity throughout the entertainment industry and establish, maintain and grow awareness of entertainment industry opportunities throughout all neighborhoods in Nashville, including 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.~~

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 the ~~board's~~ commission's purposes, the ~~board~~commission shall have authority to:

- A. Elect a chair and other officers as necessary to carry out the functions and duties of the ~~board~~commission.
- B. Promulgate and maintain regulations and bylaws for the ~~board~~commission.
- C. ~~Conduct its affairs to authorize and create select advisory committees focused on each of the following: recruitment of entertainment to Nashville and Davidson County, development of local entertainment opportunities, and awareness of career and business opportunities in the entertainment industry.~~ Recruit and hire the executive director of the office of film, music, and entertainment. The executive director of the office of film, music, and entertainment must have experience in more than one creative industry in order to be better able to address multiple entertainment needs.
- D. Promote, market, and support the office of film, music, and entertainment, including the creation of a strategic plan for the office of film, music, 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 to address the issues in entertainment industry. Members of these subcommittees are to be selected by the commission. Subcommittee members are not required to be current members of the commission, but must hold occupations 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 and may create additional subcommittees as needed:
 - 1. Music production;
 - 2. Film production;
 - 3. Diversity and inclusion;
 - 4. Workforce development and education;
 - 5. Music venue preservation;
 - 6. Community engagement;
 - 7. Creative quality of life issues (including affordable housing, financial planning, and healthcare).

2.147.060 – Staffing.

The work of the ~~board~~commission shall be managed by an executive director, who shall be appointed by and serve at the pleasure of the ~~board~~commission. Additional staff shall be provided for by the metropolitan government upon the recommendation of the ~~board~~commission.

The executive director and approved staff shall ~~provide necessary~~ be responsible for: ~~managing the permitting, facilitation of locations for production, relations as necessary~~

platform, building relationships for community engagement, managing location scouting software, establishment of relationships with police, fire department and, maintenance of Metro Nashville Police Department, Metro Nashville Fire Department, Nashville Electric Service, Metro Water, security services, warehouse contacts, managing a directory of production personnel, vendors, soundstages, equipment rental, and any additional work 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:

Joy Styles
Kyonzté Toombs
Sandra Sepulveda
Members of Council