

SECOND SUBSTITUTE ORDINANCE NO. BL2022-1631

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

WHEREAS, the Fisk Jubilee Singers first put Nashville on the map as a great city of music while travelling the world during the 1870s in support of Fisk University, performing for Queen Victoria and many famous audiences; and

WHEREAS, WSM's Grand Ole Opry radio show became increasingly popular in the 1920s and helped solidify Nashville's brand as "Music City" when a radio program of that name showcased Nashville's talent further cemented Nashville as a musical center becoming the birthplace of country music; and

WHEREAS, over the last 60 years, the music industry has created dynamic and innovative opportunities to both creatives and entrepreneurs in addition to being a major economic generator for the region; and

WHEREAS, Nashville has also been a growing destination for the film and television industry over the past few decades, beginning with Robert Altman's iconic film *Nashville* in 1975; and

WHEREAS, such films as *Coal Miner's Daughter*, *The Green Mile*, *Walk the Line*, and *Country Strong* have been shot in Nashville; and

WHEREAS, airing on ABC and CMT from 2012 through 2018, the television show *Nashville* was filmed and produced in Nashville; and

WHEREAS, the Nashville Film Office, 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 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, especially in the digital age, any music, film, and entertainment 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 industry activity in the Nashville area; and

WHEREAS, there is a lack of diversity in the music, film, and entertainment industries of Nashville, and thorough training and aspirational information is needed and necessary at high school levels in all neighborhoods, with a coherent process established to flow students interested in music, film, and entertainment careers upward to Nashville vocational colleges and universities, such a strategy for diversity would enrich the content created in Nashville; and

WHEREAS, the establishment of a Music, Film, & Entertainment Commission would both recognize the specific needs of Nashville's creative industries while synergizing and sustaining those efforts broadly into a cohesive Commission.

~~WHEREAS, though known worldwide as "Music City", all of Nashville's creative industries have grown substantially over the last ten years. While the music industry has been at the forefront, Nashville must likewise strategically nurture relationships within the film/television, theatre, virtual reality, and other creative industries in order to embrace, support, and uplift all creative industries across the board, and~~

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~~WHEREAS, the establishment of a Nashville Entertainment Commission ("NEC") would equitably address all of Nashville's creative industries and build positive relationships across sectors. The 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~~

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~~WHEREAS, the 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~~

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~~WHEREAS, in order to foster greater diversity in the entertainment industries of Nashville, the NEC would create a focused and intentional process to create and maintain cultural representation and engage students interested in entertainment careers through Metro schools as well as Nashville area colleges and universities, and~~

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WHEREAS, ~~the Nashville Entertainment 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 Music, Film, & Entertainment Commission

2.147.010 – Established.

There is hereby established a commission to be known as the “Nashville Music, Film, & Entertainment 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~~ including the music industry, film and television industry, fashion industry, video game industry, and all other creative industries.

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 occupations not listed herein.

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

“Music industry” means commercial activity that involves the production, distribution, and sale of music.

2.147.030 – Composition, Membership, and term of office.

A. The commission shall be composed of three councils, to be known as the Music City Music Council, the Film and Television Advisory Council, and the Diversity and Equity Council. The Music City Music Council shall be focused on the music industry, the Film and

Television Advisory Council shall be focused on the film and television industry, and the Diversity and Equity Council shall be focused on the promotion of diversity, equity, and inclusion in the entertainment industry. Members of the commission shall serve on the councils at the discretion of the commission chair.

B. The commission shall be composed of 15 members. 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. Two~~ Three members shall be selected by the council from nominations submitted by council members. ~~Five~~ Four 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) from its membership and confirmed by the council. 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) from its membership and confirmed by the council. One member shall be selected ~~by the council from nominations submitted~~ by the American Federation of Musicians (AFM) from its membership and confirmed by the council. One member shall be selected by the Recording Academy Nashville Chapter from its membership and confirmed by the council. The executive director of the Metropolitan Arts Commission, the director of visual and performing arts for Metropolitan Nashville Public Schools, a representative of the Nashville Education, Community, and Arts Television Corporation, and a representative of the Nashville Convention and Visitors Corporation shall serve as ex officio members.

~~All members shall hold occupations in the Entertainment Industry with a minimum of five years of professional experience. The commission shall never have more than 10 members from any single industry serving at any one time.~~

BC. Members of the commission shall serve without compensation.

CD. Commission members shall serve staggered ~~five~~ four-year terms. Of the initial members appointed, ~~the three members selected by the council from nominations submitted by the council shall be appointed for one year, the three members appointed by the mayor shall be appointed for two years, three~~ the members appointed by AFM, SAG-AFTRA, IATSE, and the Recording Academy Nashville Chapter shall be appointed for three years, and the members selected by the council from nominations submitted by the Entertainment Industry at large shall be appointed for four years, three members shall be appointed for four years, and 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.

2.147.040 - Purpose Mission of the commission

The ~~purpose~~ mission of the commission shall be to create policies to:

A. ~~Establish, develop, market, promote and maintain relationships related to the recruitment of entertainment projects and endeavors to Nashville and Davidson County and the development and promotion of~~ Promote the entertainment industry in Nashville and Davidson County and recruit projects and employment related to the entertainment industry. 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. Promote gender and racial and gender equity and establish mechanisms and metrics to maintain diversity and inclusion within the entertainment industry. ~~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. Work to address quality of life issues facing individuals in the entertainment industry in Nashville and Davidson County.~~
- ~~D. Support small and independent businesses within the entertainment industry in Nashville and Davidson County.~~
- ~~E. Promote education initiatives and programming related to the entertainment industry.~~
- ~~F. 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 achieve this mission.~~

2.147.045 – Primary goals of the commission.

The 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. 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;~~
- ~~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 help 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.

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.
- 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. Meet no less than once per quarter. The Music City Music Council, the Film and Television Advisory Council, and the Diversity and Equity Council shall meet on an as needed basis, at the discretion of the chair of the commission.
- F. Establish councils in addition to those listed in Section 2.147.030.A, including to address other creative industries and issues facing the entertainment industry.
- ~~E. Create advisory committees to address the issues in Entertainment Industry. Members of these advisory committees are to be selected by the commission. 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. The commission shall create the following advisory committees and may create additional advisory committees as needed:~~
 - 1. Film and television production
 - 2. Music industry
 - 3. Diversity and inclusion
 - 4. Independent venue preservation
- ~~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 – Office of Music, Film, and Entertainment.

- A. There shall be an Office of Music, Film, and Entertainment, led by an executive director, to carry out the duties and mission of the commission.
- B. Among other duties as described by the commission, the executive director and approved staff shall be responsible for:
 - i. Assisting the entertainment industry with securing necessary permitting;
 - ii. Building relationships for community engagement;
 - iii. Assisting with location scouting;
 - iv. Establishment of relationships with Metropolitan Nashville departments and non-governmental partners;
 - v. Any additional actions necessary to carry out the duties and responsibilities established by this chapter.

2.147.060-065 - 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.

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:

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Members of Council