



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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An Ordinance to amend Title 2 of the Metropolitan Code of Laws to create the Nashville Film and Television Advisory Board.

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, 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 Film and Television Advisory Board, 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 of intellectual property content created and owned by Nashvillians; and

WHEREAS, a Nashville Film and Television Advisory Board that can both recruit and develop projects requires membership comprised of business leaders 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 Film & Television Advisory Board

##### 2.147.010 - Established.

There is hereby established a board to be known as the "Nashville Film & Television Advisory Board", referred to in this chapter as "board."

##### 2.147.020 - Definitions.

"Film and Television Industry" means any 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. Occupations in the Film and Television Industry include, but are not limited to, 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, film/television/digital gaming composers, graphic software architects, entertainment industry marketing professionals, and other occupations not listed herein.

##### 2.147.030 - Membership and term of office.

A. The board shall be composed of 9 members. Two members shall be appointed by the mayor and confirmed by the council. Three members shall be selected by the council from nominations submitted from the film and television 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). One member shall be selected by the Council from nominations submitted by the NECAT Board of Directors. All members shall hold occupations in the Film and Television Industry and should have a minimum of five years of professional experience. All members should also 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 shall serve without compensation.

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

#### 2.147.040 - Purpose of the board

The purpose of the board shall be to:

A. Endeavor to work closely 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 Film and Television Industry endeavors to Nashville and Davidson County, including the promotion of activities that merge different sectors of the Film and Television Industry, as well as economic development and job creation related to the Film and Television Industry to local, regional, national and international companies and clients.

C. Promote gender and racial equity throughout the Film and Television Industry and establish, maintain and grow awareness of Film and Television Industry opportunities throughout all neighborhoods in Nashville, including facilitating greater awareness at high schools in Metro Nashville of potential careers in the Film and Television 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.

#### 2.147.050 - Powers and Duties.

In order to carry out the board's purposes, the board shall have authority to:

A. Elect a chair and other officers as necessary to carry out the functions and duties of the board.

B. Promulgate and maintain regulations and bylaws for the board.

C. Conduct its affairs to authorize and create select advisory committees focused on each of the following: recruitment of film and television to Nashville and Davidson County, development of local film and television opportunities, and awareness of career and business opportunities in the Film and Television Industry.

#### 2.147.060 - Staffing.

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

B. The executive director and approved staff shall provide necessary permitting, facilitation of locations for production, relations as necessary with police, fire department and security, maintenance of a directory of

production personnel, vendors, soundstages, equipment rental, and any additional 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.

### Analysis

This ordinance establishes the Nashville Film and Television Advisory Board (“NFTAB”). The NFTAB would promote the film and television industry in Nashville and Davidson County, as well as market Nashville and Davidson County for regional, national, and international opportunities and promote job creation, economic development, and general and racial equity in the entertainment industry.

The NFTAB would be composed of nine members. Two members would be appointed by the mayor, three members would be selected by the Council from nominations submitted by the entertainment industry at large, one member would be selected by the Council from nominations from each of the following: the International Alliance of Theatrical Stage Employees, the Screen Actors Guild - American Federation of Television and Radio Artists, the American Federation of Musicians, and the NECAT Board of Directors. All members would be required to hold occupation in the entertainment industry, defined to include “film, television, digital streaming content, virtual/augmented reality or within the metaverse/omniverse.” Members would be required to have a minimum of five years of professional experience. Members of the board would serve without compensation and serve staggered three-year terms.

The work of the board would be managed by an executive director appointed by the NFTAB. Staff may be provided by the Metropolitan Government upon recommendation of the NFTAB. The director and staff would be responsible for providing necessary permitting and the facilitation of locations for production and necessary relations with Metro departments.

*Fiscal Note: The pay for a Director of Music, Film & Entertainment would depend on the duties and functions of the position, whether it is Civil Service or not in accordance with the Metro Charter and other applicable provisions, as well as where and how the position is housed. If housed and employed by the Mayor’s Office as a non-Civil Service position, the pay for this position could be in the range of \$100,000 plus benefits dependent of functions and duties. There was a \$100,000 appropriation in the FY23 operating budget for a “Director of Music, Film & Entertainment” (1.0 FTE) to “support our creative class and protect Music City’s future.” The potential for other staff is speculative at this point, but for purposes of consideration, the salary range for administrative staff classed at ASO02 is \$43,647 to \$56,740 plus approximately \$22,624 - \$25,242 for benefits. The salary range for administrative staff classed at ASO03 is \$52,575 to \$68,344 plus approximately \$24,410 - \$27,562 for benefits.*