

RESOLUTION NO. R-051-2010

A RESOLUTION OF THE LAFAYETTE CITY-PARISH COUNCIL ESTABLISHING A FILM INDUSTRY INCENTIVE POLICY AND OTHERWISE PROVIDING WITH RESPECT THERETO

BE IT RESOLVED by the Lafayette City-Parish Council, that:

WHEREAS, the film industry represents a tremendous opportunity for economic development in the City of Lafayette, but is in a highly competitive field, and, therefore, industry incentives are important to encourage growth.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Lafayette City-Parish Council, that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this resolution.

SECTION 2: The following film industry incentive policy is hereby adopted, to read as follows:

FILM INDUSTRY INCENTIVES

1. Incentives

- a. The Lafayette City-Parish Consolidated Government ("LCG") offers economic incentives to the film industry in the form of rebates of sales taxes paid on lodging, lease, rental and other production expenditures made in the City of Lafayette, including but not limited to soundstage or location leases, and post-production costs.
- b. For the purposes of this resolution:
 - 1. The term "film industry" shall mean film and television productions, television commercials, and music videos.
 - 2. The term "post production" shall mean work required for creating the final product, including but not limited to editing, sound, audio, music, special effects, and other related activities.
- c. Incentives are subject to the production company entering into a contract with the LCG relative to the incentive payments.

2. Incentive Funding Caps

- a. Basic Cap--\$150,000.00 total to any individual project or production for new productions by a production company which has not previously received any City of Lafayette incentives, or which has not done a production in the City of Lafayette within the last twelve (12) months.
- b. Subsequent Productions--\$165,000.00 for a production company which brings a subsequent production to the City of Lafayette within twelve (12) months of completion of the prior project.
- c. The funding cap shall be as increased by \$10,000 for productions which utilize a *bona fide* City of Lafayette-based post production company.

3. Requirements for Rebate

In order to qualify for the enhanced subsequent production cap, both the original and the subsequent production must meet the following criteria, to-wit:

- a. Production must either:

1. Have its production office located within the City of Lafayette, or
 2. Utilize a soundstage located within the City of Lafayette.
- b. Have acceptable expenditures of the type listed in paragraph 4, paid within the City of Lafayette, amounting to at least \$300,000.00 during the tenure of the project.
4. Productions meeting the above requirements will be eligible for incentive payments equal to the City of Lafayette sales taxes paid on the following expenditures:
- a. LODGING for cast and crew incurred in the City of Lafayette.
 - b. LEASE OR RENTAL EXPENSES, all lease or rental expenses for equipment, automobiles, sound stage, location or production offices paid for a site in the City of Lafayette.
 - c. OTHER PRODUCTION AND POST PRODUCTION EXPENSES, including purchases of materials and supplies, related to the production of the project and post production.

For the purposes of this section, the term "City of Lafayette sales taxes" means sales taxes levied by the City of Lafayette, excluding the portion of the sales taxes dedicated by law or debt obligations to another purpose.

Payment and eligibility of incentives shall be subject to such reasonable rules and regulations as determined by the LCG Office of Film & Digital Media.

5. Application Process
- a. Upon executing a lease or rental agreement, applicant should contact the City of Lafayette Film Office to begin the prequalification process. Film industry incentives are administered by, and all determinations of eligibility will be made by, the LCG Office of Film & Digital Media.
 - b. The application shall include all information required by the City of Lafayette Film Office, included but not limited to:
 1. Total projected budget.
 2. Estimated total of expenditures eligible for the sales tax rebate.
 3. Estimated room nights.
 4. List of vendors and services likely to be utilized.
 - c. If the application is approved by the LCG Office of Film & Digital Media, the production company shall enter into an agreement with the City of Lafayette for the incentives payments.
 - d. When the production efforts in the City of Lafayette are completed, applicant may apply for payment. Payment must be requested no later than 180 days from the completion of production. Payment will be made after the City has reviewed and, if necessary, audited the expenses in the application.
 - e. Payment of incentives is subject to funding as follows: The City of Lafayette will appropriate funds for incentive payments in an amount determined by the Lafayette City-Parish Council and adopted in a budget ordinance. The Lafayette City-Parish President will be authorized to execute agreements for incentive payments up to the amount of the incentives authorized herein, until all appropriated funds have been expended or encumbered by the execution of agreements. Once funds appropriated in a fiscal year have been expended or encumbered, no further incentive agreements will be executed for that fiscal year, unless additional funds are appropriated by the Lafayette City-Parish Council for that purpose. In the event an agreement is entered into for a production extending into a future fiscal year, the agreement will include a non-appropriation clause, making incentive payments in future years for that production subject to the appropriation of funds for that purpose.

- f. This incentive program applies to expenditures in the City of Lafayette for productions begun after the effective date of these provisions. For the purposes of the enhanced, subsequent cap, the original production may have already begun, but must still be ongoing, at the time of the adoption of these provisions.

SECTION 3: This resolution shall become effective after a budget ordinance has been adopted appropriating the funds for the incentive payments.

SECTION 4: All resolutions, or parts thereof, in conflict herewith are hereby repealed.

This resolution having been submitted to a vote, the results were as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

AND the resolution was declared adopted on the 2nd day of November, 2010.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL