



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9 Ordinance/Resolution# 16-105

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of November 2, 2015
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS CRUCES AND FILM LAS CRUCES RELATED TO LOCAL JOINT FILM ENDEAVORS.

PURPOSE(S) OF ACTION:

Approve Memorandum of Understanding.

COUNCIL DISTRICT: N/A		
<u>Drafter/Staff Contact:</u> Cruz A. Ramos	<u>Department/Section:</u> Administration/ Economic Development	<u>Phone:</u> 541-2140
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Under this proposed resolution, the City of Las Cruces (City) and Film Las Cruces (FLC), formerly the Regional Film Development Advisory Committee (RFDAC), propose to work collaboratively to promote and develop film and entertainment arts industries in Dona Ana County. Shared goals are detailed in the attached Memorandum of Understanding (MOU) between the City and FLC to include the development of film and entertainment arts assets including a film office, film liaison staff, production infrastructure, trained film and entertainment arts production workforce, and educational training. The City proposes to provide \$95,000.00 a year to FLC for a period of three years to support the achievement of stated responsibilities as outlined under the MOU.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Memorandum of Understanding (MOU) between City and FLC.

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input checked="" type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

In the FY2016 Budget, \$70,000.00 was established in the Legislative portion of the General Fund for this purpose. The additional \$25,000.00 in funding will be included in City Council's consideration for mid-year.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
General	10100040-772290-10945	\$70,000.00	\$70,000.00	\$0	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the MOU between the City and FLC.
2. Vote "No"; this will not approve the MOU between the City and FLC.
3. Vote to "Amend"; this could delay the resolution and requires direction of City Council to staff.
4. Vote to "Table"; this could delay the resolution and requires direction of City Council to staff.

REFERENCE INFORMATION:

N/A

RESOLUTION NO. 16-105**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS CRUCES AND FILM LAS CRUCES RELATED TO LOCAL JOINT FILM ENDEAVORS.**

The City Council is informed that:

WHEREAS, film production in New Mexico has seen considerable growth over the last five years, with an estimated \$1.5 billion in production spending and 12,000 people employed; and

WHEREAS, film production may make a meaningful contribution to the City of Las Cruces (City) local economy in the future; and

WHEREAS, the City and the region possess numerous film location possibilities not available in other areas of New Mexico; and

WHEREAS, Las Cruces has a talented and skilled film industry workforce available; and

WHEREAS, the City is proposing a Memorandum of Understanding (MOU) to formalize a collaborative relationship between the City and Film Las Cruces (FLC) as a means of promoting and developing film and entertainment arts industries in Dona Ana County.

NOW THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the MOU between the City and FLC is hereby approved, as shown in Exhibit "A", attached hereto and made part of this Resolution.

(II)

THAT the City Manager is hereby authorized to sign the MOU on the City's behalf.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 20 ____.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney

Memorandum of Understanding**Between**

City of Las Cruces, hereinafter called the "City"

And

Film Las Cruces, hereinafter called "FLC"

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the City and FLC in order to develop and promote the film and entertainment arts industries in Las Cruces and Doña Ana County (DAC). The benefits include, but are not limited to, jobs and local small businesses development; gross receipts tax from film/media productions that are filmed in the area; development of the creative economy—film, visual, performing, and culinary arts and entrepreneurial development; and tourism and regional promotion.

Background

The business of the film industry in New Mexico has generated \$1.5 billion in direct spending in the last five years. It has created thousands of direct and indirect jobs related to the industry—actors, directors, set design, catering, transportation, construction, and hotel usage. To assist in bringing the film industry to NM, the state offers one of the most competitive film production incentive packages in the industry; however these benefits have been concentrated primarily in Northern New Mexico.

FLC has submitted the necessary paperwork to the New Mexico Secretary of State to become a New Mexico non-profit corporation. The development of FLC started three years ago with a group of some 30 individuals as the Regional Film Development Advisory Council (RFDAC). RFDAC included professionals in the film industry, business, arts, and educational leaders, elected officials, and community members and was renamed FLC in October 2015. It was started to bring film industry income and investment, creative economy, and job creation opportunities to Southern New Mexico.

FLC researched the need for a film industry in Southern New Mexico, toured existing film studios and businesses in Northern New Mexico, spoke and interviewed film liaisons across the state, met with New Mexico State University (NMSU) Creative Media Institute, Dona Ana Community College (DACC) Creative Media Technology, and the Las Cruces Public Schools (LCPS) staffs on the academic importance of creative learning

through film and entertainment arts industries in order to develop the film/entertainment arts industries needs in Southern New Mexico.

Because of the research and knowledge acquired on the potential film job development in Southern New Mexico, the New Mexico State Legislature approved \$957,000 to assist in the construction of a film studio/and or film infrastructure development in Las Cruces. In addition, the Las Cruces City Council, with recommendation from the Economic Development Committee of Las Cruces, approved the adoption of hold harmless gross receipts tax guidelines and recommendations that suggested the development of a sound stage in Las Cruces.

Purpose and Scope

The mission of FLC is to promote and develop the film and entertainment arts industries in DAC. FLC will work to develop film and entertainment arts assets in DAC including a film office, film liaison staff, production infrastructure, trained film and entertainment arts production workforce, and educational training. Production opportunities include, but not limited to, major motion pictures, television series and pilots, visual effects and motion control, motion capture and stunts, gaming, independent regional productions, student education and training productions at DACC, NMSU, and LCPS.

Responsibilities Under MOU for FLC

The primary responsibilities of FLC include:

1. Employ a film liaison exclusively focused on the development and promotion of the film and entertainment arts industries in Las Cruces.
2. Promote, assist in the development, and when appropriate manage film and entertainment arts production infrastructure in Las Cruces and DAC.
3. Collaborate with regional academic institutions, professional film workforce development organizations, and the community to develop and sustain a trained film and entertainment arts workforce in DAC.
4. Develop and maintain a comprehensive location, crew, and vendor support database.
5. Educate the community about the film and entertainment arts industries to facilitate successful production and positive community interaction.
6. Partner with the City and other regional entities to streamline permitting and other issues critical to the process of film making.
7. Undertake endeavors that promote local filmmaking and entertainment arts and enhance the reputation of Las Cruces and DAC as an attractive film production center.
8. Give a progress report to the City four times a year. The report shall be addressed to the City Council and City Manager.

Responsibilities under MOU for the City

The primary responsibilities of the City include:

1. As soon as possible after the approval of this MOU, City staff will identify potential opportunities for use of a public building or space for use by FLC for their offices. The estimated square footage needed is _____ square feet. Upon identification of potentially viable locations for office use, the City will identify all costs associated with the proposed space utilization including monthly lease value as well as on-going operating and maintenance responsibilities and cost. An addendum to this MOU will be developed to outline the specific location, costs, and deliverables proposed to offset the facility use proposed.
2. Provide funding to FLC for \$95,000 a year to support the achievement of stated responsibilities of FLC, represent the City's film industry opportunities and develop and promote the film and entertainment arts industries in Las Cruces and DAC. Payment will be made monthly in equal 1/12 increments (\$7,916.67) upon receipt of an invoice for the preceding monthly period.
3. Assign a City staff member who will be an ex-officio member of the FLC board to work in concert with FLC on assistance and access to the permit process and other City offices needed for the infrastructure of film and entertainment arts production.
4. Consider a further amendment to this MOU to utilize FLC to provide facility facilitation or management services in connection with developed film infrastructure.

Reporting

FLC will comply with the City's financial reporting system in regards to contracts for "services rendered." In addition, FLC will meet, as needed with the City Manager and other City staff for collaboration and partnership in establishing the film and entertainment arts industries in Las Cruces and DAC and will present an annual report to the City Council at a public meeting.

Duration

The MOU will run for three years from 2015 to 2018 with continuation dependent on mutual interest, benefits and services completed, and subject to the availability of appropriated funds by the City.

Execution

The MOU will be executed and dated by the City Manager on behalf of the City and by the appropriate corporate officer once FLC becomes a New Mexico non-profit corporation.

Effective Date

This MOU shall be effective when fully executed and dated by the City Manager and by the appropriate corporate officer on behalf of FLC. It shall be in force for three years

from the last date of execution subject to the limitations set forth above in the section entitled "Duration".

Signatures and Dates

City of Las Cruces:

Approved as to Form:

Rusty Babington, City Attorney

Date

Approved by:

Robert L. Garza / City Manager

Date

Las Cruces Film

Name / Title

Date



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of November 2, 2015
 (Adoption Date)

TITLE:

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS CRUCES AND FILM LAS CRUCES RELATED TO LOCAL JOINT FILM ENDEAVORS.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact Cruz A. Ramos		541-2140	
Department Director			
Other			
Assistant City Manager /CAO		541-2078	10/28/16
Management & Budget Manager		541-2106	10/23/15
Assistant City Manager/COO			10/23/15
City Attorney		541-2128	26 OCT 2015
City Clerk - Interim		X 2115	10-23-15