

Film Incentive Program

The Film Incentive Rebate Program of Fremont offers a performance-based incentive that can rebate of the qualified local expenditures incurred by a production company. Funds are available on a “first come, first served” basis, subject to availability.

All production companies seeking to participate in the Program must submit, with all supporting documents a Local Option Economic Development Plan Grant application at least 30 days before an expenditure occurs. Productions must be 100% funded and all submissions should be prepared to offer proof of funding. The filming entity (Film Production Company) cannot be a non-profit organization.

Qualifying projects must be intended for exhibition and reasonable commercial exploitation. Regional and national commercials will qualify with proof that they will be broadcasted nationally or regionally.

The following productions are not eligible:

- (a) Productions of a producer that has, or whose principals have, a verifiable history of previous production problems that create significant doubt, as determined by the City, regarding the producer’s ability to complete a production in Fremont, Nebraska successfully. The production problems may include, but are not limited to:
 - (i) Unpaid financial obligations;
 - (ii) Crew mistreatment; and
 - (iii) Damage to locations the producer did not repair upon completion of the production.
- (b) Productions with respect to which the producer withdraws its application for eligibility determination.
- (c) Productions that pay any employee less than minimum wage.
- (d) Productions of one or more segments of a newscast, live broadcast or sporting event.
- (e) Productions that employs any individual as an “intern” without that individual receiving academic credit.

Based on the information provided in the production company’s application, the City will make an initial determination of whether the production company will be eligible to receive a performance-based incentive. If a production is not selected for the Program, the production company will be notified in writing within 30 days.

If a production company is eligible, the City will determine the maximum rebate amount that can be reimbursed to the production company. Upon approval of the Fremont City Council, the City shall grant conditional written approval to the production company, and an incentive contract will be issued. Failure to obtain written approval and sign an incentive contract prior to beginning significant production activities may result in a forfeiture of eligibility for the performance based incentive.

Qualified local expenditure (**Taxable Sales**) means a payment made by a production company operating in Fremont to a person or business in Fremont in connection with production activities in Fremont. Qualified local expenditure shall include, but not be limited to:

- (a) Payments made in connection with developing or purchasing the story and scenario to be used for a film;
- (b) Payments made for the costs of set construction and operations, wardrobe, accessories, and related services;
- (c) Payments made for the costs of photography, sound recording and synchronization, lighting, and related services;
- (d) Payments made for the costs of editing, post-production, music, and related services;
- (e) Payments made for the cost of renting facilities and equipment, including location fees;
- (f) Payments for other direct costs incurred by the film production company that are deemed appropriate by the City;
- (g) Leasing of vehicles: not including the chartering of aircraft for out-of-state transportation, however including Fremont based chartered aircraft for in-state transportation directly attributable to the production shall be considered a direct production expenditure provided that only the first one hundred dollars (\$100) of the daily expense of leasing a vehicle for passenger transportation on roadways in the state may be claimed; and
- (h) Food and lodging: provided that only the first one hundred fifty dollars (\$150) of lodging per individual per day is eligible to be claimed.

The following does not qualify:

- (a) Tobacco products and alcoholic beverages;
- (b) The value of a gift greater than twenty-five dollars (\$25.00);
- (c) Artwork or jewelry except when a work of art or a piece of jewelry is used as set dressing or a prop in the film production (on-camera), then it will qualify for up to \$2,500;
- (d) Entertainment, amusement or recreation (this includes wrap parties);
- (e) Fringes for non-residents, including actors/performers;
- (f) Chartering of Fremont based aircraft for out-of-state transportation;
- (g) Purchases made on the internet unless the seller is located in Fremont (proof of residency required);
- (h) Cell phone reimbursements when the billing address is outside of Fremont, Nebraska;
- (i) Expenditures incurred and paid by a third party and claimed by the qualified film production company will not qualify – only expenditures directly incurred and paid by the qualified film production company (approved and on file with the City) to the vendor of the services or property will qualify;
- (j) Expenditures made to non-profit organizations do not qualify.

Scoring Matrix Used for Film Production Incentives

\$1,000 - \$5,999	=	10%
\$6,000 - \$10,999	=	12.5%
\$11,000 - \$20,999	=	15%
\$21,000 - \$30,999	=	17.5%
\$31,000+	=	20%

All companies entering into a contract with the City of Fremont must E-verify through a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

Additional requirements: Projects that have scrolling end credits shall contain an acknowledgement the production was filmed in “Fremont, Nebraska”. A long-form narrative film production (e.g. feature) shall also include a city logo provided by the City office in the end credits. The Production shall agree to pay all obligations the film production company as incurred in Fremont, Nebraska. The Production Company will submit the most current draft of the complete script as well as the anticipated MPAA rating of the film and a synopsis.

Not every project will qualify for the grant. The City of Fremont is not required to grant projects that include “inappropriate content” or “contains material that violates city code or ordinances”.

Applications can be dropped off to:

City of Fremont
Attn: Lottie Mitchell
400 E. Military Ave.
Fremont, NE 68025

**CITY OF FREMONT, NEBRASKA
REQUEST FOR ASSISTANCE**

THIS REQUEST, is made on this ____ day of _____, 20____, by _____
_____, located at _____
_____ (hereinafter referred to as the "Applicant") to
the City of Fremont, Nebraska (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, Applicant has requested the City to investigate the feasibility of obtaining a Local Option Economic Development Plan Grant in connection with the financing of a project to be undertaken by Applicant.

NOW, THEREFORE, in consideration of the request the following may be done:

1. City agrees to work with the Applicant to investigate the feasibility of obtaining financing through a Local Option Economic Development Plan Grant for the Project. City will investigate the financial condition of Applicant and determine whether or not a Local Option Economic Development Plan Grant Application is appropriate. City will submit the needed paperwork for a Local Option Economic Development Plan Grant for the Applicant to the appropriate committees and City Council, if:

a. Applicant and the Project are within the eligibility criteria of the Local Option Economic Development Plan.

2. If the City determines, in its sole discretion, that the Applicant is eligible for a Local Option Economic Development Plan Grant, then, and in such event, City will advise and consult with the Applicant in the preparation by the Applicant for a complete set of Grant documents together with supporting exhibits, for the purpose of making applications for a Local Option Economic Development Plan Grant (hereinafter referred to as the "Grant Package").

3. Applicant hereby acknowledges that the Applicant is charged with the actual responsibility of preparing the Grant Package, and that the City's sole responsibility in connection with the preparation of the Grant Package shall be to consult with and advise the Applicant as needed. The Applicant further acknowledges that the Applicant will be required to promptly and accurately supply required information concerning the Project. Applicant also further covenants and agrees that City shall not be liable for any of the debts or obligations incurred in and for the assistance of benefit of the Applicant. Applicant further agrees that Applicant will hold the City harmless, and pay all costs and expenses, including attorney's fees, in the event that any claim is made or lawsuit is filed by or against the City arising out of any transaction with or assistance to the Applicant which may in any way be connected with the Agreement.

IN WITNESS WHEREOF, the Applicant hereto have executed, caused to be duly executed this Request, and have affixed or caused to be duly affixed hereto there seal, this ____ day of _____, 20____.

Applicant

BY: _____



Local Option Economic Development Plan Grant Application
(Application is an Official Public Document)

A. Business Information:

Name of Business: _____

Address: _____

City State Zip

Contact Person: _____ Phone No. _____

Email: _____ Company website: _____

Phone No. _____ FAX No. _____

Project Title: _____ Total Budget: _____

- Business Classification (Mark One):
[] Film/Theatrical [] Film/Documentary
[] Television/Series [] Television/Reality
[] Video/New Media [] Student Films
[] Commercials [] Misc./Other

Federal ID#: _____ (Attach W-9 form) State
of Incorporation or Formation _____

Business Type (Mark One): [] Proprietorship [] Corporation [] Partnership [] L.L.C

Does the Company have a Parent or Subsidiaries? [] Yes [] No

If Yes, Identify Name: _____

Address: _____

City State Zip

B. Personel Information:

Director: _____ Phone No. _____

Email: _____

Line Producer: _____ Phone No. _____

Email: _____

Accountant: _____ Phone No. _____

Email: _____

Location Manager: _____ Phone No. _____

Email: _____

Legal Representation: _____ Phone No. _____

Email: _____

C. Budget Information: (Fremont Spend of City Taxable Sales Only)

Categories:	Projected Spend
Location Site Fees	\$ _____
Production Facilities	\$ _____
Construction Facilites/Expenditures	\$ _____
Equipment Rental	\$ _____
Purchases/Rentals	\$ _____
Housing/Living Expenses	\$ _____
Other	\$ _____

D. Schedule Breakdown: (Fremont Schedule Only)

Estimated Start: _____

Prep/Wrap Period (Days/Weeks): _____

Shoot Period (Days/Weeks): _____

Project Location:

_____ Within the City Limits ofFremont

_____ Outside of City Limits, but within the Zoning Jurisdiction of Fremont

_____ Unincorporated Area (Dodge County)

E. Estimated Production Workforce

_____ Total Number of workforce (estimated number of people on the ground in Fremont)

_____ Total Number of Fremont resident workforce

_____ % of Fremont residents included in entire productionforce

Complete the attached Financial Statement Form. All Financial Statement information will be kept confidential.

I certify that the above information constitutes a total and complete listing of all information for the above company. Pages 1 and 2 of this application are public information and are subject to public disclosure during the application process.

Name: _____ Signature: _____

Title: _____ Date: _____

**Return application to:
City of Fremont
Attn: Lottie Mitchell
400 E. Military
Fremont, NE 68025**

**REQUEST FOR PROTECTED RECORD STATUS
(Business Confidentiality Claim)**

Name and Address of business and representative making this confidentiality claim (please print or type):

I request the attached/enclosed information (record) provided to the City of Fremont, or any of its agencies (divisions or programs), be considered confidential and given protected status.

Description (optional) of the information (record) which is to be covered by this confidentiality claim and which you believe qualifies for protected status _____

The following reasons support this claim of business confidentiality. Please check all of the following which apply:

1. The record provided is a trade secret.
2. The record is commercial or non-individual financial information and disclosure of the information could reasonably be expected to result in unfair competitive injury to the provider of the information.
3. The record is commercial or non-individual information and disclosure of the information could reasonably be expected to impair the ability of the City of Fremont, or its agencies, to obtain necessary information in the future.
4. The record is commercial or non-individual financial information and the interest of the provider in prohibiting access to the information is greater than the interest of the public in obtaining access.
5. The information would reveal negotiations regarding assistance or incentives offered by or requested from the City of Fremont for the purpose of encouraging a person to expand or locate a business in Fremont, but only if disclosure would result in actual economic harm to the person or place the City of Fremont at a competitive disadvantage. **NOTICE:** Records evidencing a final contract may not be classified protected under this section.

Statement (a concise written statement supporting a business confidentiality claim is required, use reverse side of this sheet or attach additional sheets if necessary).

NOTE: Claimant shall be notified if a record claimed to be protected is classified public or if the determination is made that the record should be disclosed because the interest favoring access outweighs the interest favoring restriction of access. Records claimed to be protected under this business confidentiality claim will be reviewed by the City Attorney for the City of Fremont for final determination. The City attorney will notify applicant if any documents would be deemed public records.

By _____ Date _____

**FINANCIAL STATEMENT FORM
(Confidential Document Information)**

The following shall be submitted with separate Financial Package. Financial Package to include detailed preliminary budget for entire production; detailed preliminary budget for Fremont portion of production; copy of insurance policy for production including agent and location, insurance company(s) and location and policy amounts; if project is a "work for hire", a copy of the agreement showing that the applying company is authorized to receive the incentive; distribution plan; and assurances currently in place that ensure financing to complete the production is available, such as completion bond (if available. Written explanation for no Completion Bond if necessary), financial guarantees, etc.

F. Banking Information:

Financial Institution: _____

Address: _____

Account No: (Checking) _____ (Savings) _____

Bank Contact: _____ Email: _____

Phone No: _____ Fax No: _____

G. PAYROLL SERVICE:

Payroll Company: _____

Address: _____

City

State

Zip

Contact: _____ Email: _____

Phone No.: _____ Fax No.: _____

H. INSURANCE:

Insurance Company: _____

Location: _____

Agent: _____ Phone No.: _____

I. COMPLETION BOND:

Bond Company: _____

Address: _____

City

State

Zip

Contact: _____ Email: _____

Phone No.: _____ Fax No.: _____

J. PROFESSIONAL INDUSTRY REFERENCES:

Company: _____

Address: _____
City State Zip

Contact: _____ Email: _____

Phone No.: _____ Fax No.: _____

Company: _____

Address: _____
City State Zip

Contact: _____ Email: _____

Phone No.: _____ Fax No.: _____

Company: _____

Address: _____
City State Zip

Contact: _____ Email: _____

Phone No.: _____ Fax No.: _____

Film Incentive Payout Procedure

Regardless of whether the production is otherwise a qualifying film or television production or whether the City of Fremont has determined the production eligible, rebates from the City of Fremont will only be paid pursuant to and upon the terms and conditions of a contract entered into between the City of Fremont and producer. If no contract is entered into, no rebates will be paid.

In order to receive the Film Production Incentive money at the end of production in Fremont the following items must be verified by the City.

The financial information and all backup documentation provided in the Film Incentive Application including:

- (1) Total Fremont Expenditures (detailed ledger)
- (2) Total Fremont Payroll Amount and proof of Nebraska income tax withholding (excluding/obscuring individual social security numbers)
- (3) Total Fremont Vendor Spend (paid to Fremont vendors)
- (4) Total Fremont Pre-Production Spend
- (5) Total Fremont Production Spend
- (6) Total Fremont Post-Production Spend
- (7) Total Final Budget (entire production, including non-qualified local expenditures)
- (8) Written certification by the production company the amount of the production company's actual qualified local expenditures equals or exceeds the minimum amount required to be eligible for the performance-based incentive, and that amount of actual local expenditures submitted is true and accurate.
- (9) Authorization for the City of Fremont to deduct from the rebate the costs reasonably incurred by the City in verifying the production expenditures in Fremont, Nebraska, including but not limited to, the costs incurred by the City of Fremont in obtaining an outside accounting review, audit, or both, of the financial and other records evidencing the expenditures. The City of Fremont will usually submit the expenditure documentation to an outside accounting firm for a review after the City of Fremont has completed its review. Based on the advice of the outside accounting firm, the City of Fremont may require an audit of the production's financial records.
- (10) Crew call sheets
- (11) List of all locations used in Fremont (include addresses and contact information for locations)
- (12) Final crew list
- (13) Final vendor list – include addresses and contact information
- (14) The production company must provide the City of Fremont proof of completion of the production in the form of a rough cut either of the film/television/media production, or submission of a selection of dailies, either of which will demonstrate original script synopsis. Other proof of completion is subject to approval by the City of Fremont.
- (15) Promotional materials (such as photos, trailers, and electronic press kits) to the City of Fremont. The City may use such materials strictly for its own archival, governmental relations and marketing purposes. The City shall not grant usage to any other entity or charge for any such usage and shall request additional permission prior to any use other than those listed.
- (16) At least one poster for promotion of the project (feature film only, due upon completion)
- (17) Production Company must provide a list of interns and the academic institutions, including contact information, from which such interns are receiving academic credit.

If, after review of the financial information and the backup documentation the City determines that all requirements have been met, the City will issue an incentive payment to the production company.

The City of Fremont may require the company to pay an administrative fee of no more than .5% of the estimated amount of the incentive or \$500, whichever is greater.