

# CITYWISE

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*“By using what is authentic and unique about our town, we’re supporting our local businesses, tourism, economic development, and our citizens.”*



**City 101** →



CITY 101



## Rustle Your Brand

If your city is considering its own DIY branding efforts, think about the following:

- **Unique authenticity** What really makes your city stand out versus others?
- **History** People have been promoting towns for years, so your city may already have a good campaign in its past. (Ours did!)
- **Partnerships** The more friends you involve, the stronger your efforts will be. Branding campaigns are made to be used and passed along.
- **Recent trends** Lucky for us, rhubarb not only evokes nostalgia but also taps into the whole foodie craze.
- **Crossover benefits** A strong destination identity sells your town as a great place to visit, live, and do business.

CARMEN PALMER, *Communications Director, Sumner*

# STALKING ALL PIE EATERS

SUMNER TAPS ITS REPUTATION FOR RHUBARB TO ENTICE VISITORS.

**THERE ARE MANY** cute little towns in Washington. Why should people visit ours? Because we want successful businesses, sales tax revenue, and good jobs? Sure, but what town *doesn't* want that? (Besides, it sounds kind of tacky on the visitor guide.)

To visit, people need a reason that sparks *their* interest, not the interest of the city they're visiting. For Sumner, that reason is rhubarb pie.

When other cities were hiring firms to do branding campaigns, we didn't have the money, so we explored the process ourselves. We found that people either loved Sumner or (more commonly) asked, "Where?" It seemed that Sumner potentially had a strong experience to offer, full of small-town charm, but we wanted to be sure.

The biggest drawback to DIY branding is that you don't get any outside perspective. You're too close to tell whether you're actually delivering the experience you think you're delivering. To overcome this challenge, Sumner invited several of my former colleagues in the Seattle marketing world to visit for lunch. None of them had ever been here before, but they all described an instant experience of Main Street USA nostalgia. We had ourselves a strong brand identity that delivered a positive, authentic experience; now we just needed a way to communicate it successfully.

Turns out, we already had that, too. We blew the dust off the "Rhubarb Pie Capital" claim our farmers were using 60 years ago. In the 1950s, Sumner's rhubarb growers had

sent someone to all the state fairs across the country with rhubarb recipes. And in 2007, 27 percent of the acreage growing rhubarb in the United States was still in and around Sumner. So we had a local designer update antique rhubarb crate labels with new graphics to evoke a fresh, retro vibe. We shared these graphics with everyone from the library

## To visit, people need a reason that sparks their interest in the city they're visiting.

to the downtown association to the local nursery, figuring that the more people we had using it, the faster the promotion would work.

And did it ever work! Since resurrecting the claim, Sumner has been featured from Sacramento to Denmark. Truck drivers reroute so they can stop in for rhubarb pie. We even served it to successfully welcome Green Mountain Coffee Roasters and hundreds of new jobs. Garrison Keillor commented, "Sumner ... isn't that the rhubarb pie capital of the world?"

By using what is authentic and unique about our town, we're supporting local businesses, tourism, economic development, and our citizens. That calls for a slice of rhubarb pie! **C**

*Carmen Palmer has been in public relations and marketing for over 16 years, the last six for the City of Sumner.*



# PARTIES STARTED RIGHT



CITY 101

PROPER PROCEDURES CAN HELP REDUCE SPECIAL EVENTS LIABILITY.

**PARADES, FARMERS MARKETS**, festivals, heritage celebrations, concerts, races (both human powered and mechanical), logger competitions, car shows, and rodeos are some of the typical special events that communities encourage to boost tourism and the local economy. These events have a tremendous upside: they bring the community together, generate additional revenue, support local businesses, and showcase your city to others. But each special event—even a wedding in a park—also has the potential for people to get hurt or even killed.

What can go wrong at a concert? Remember the stage collapse at last year's Indiana State Fair? A festival should be a safe event, but in 2010, 21 people were killed and more than 340 injured in the crush of people trying to enter a music festival in Germany.

In 2006, right here in Washington, an Indian chief died when a canoe capsized during a celebration event. And nationwide between 2003 and 2007, there were 31,069 emergency room-treated injuries from inflatable amusement rides such as bounce houses. Frustratingly common special-event exposures include death, injury, food poisoning, structure collapse, intoxication, illegal drugs, property damage, gangs, and civil disturbances.

Here are some tips to help you have safe and fun special events. For every event, no matter how small, require a permit-

ting process that involves law enforcement, fire/emergency medical services, public works, and parks department review and approval prior to the event. Designate a central point of contact between your agency and the event organizers. And take the time to develop a written event plan for each event, addressing such questions as how many people will attend and where people attending the event will park. (For more issues to consider, see "Planning Primer" below.)

Early on, consult with your city's insurance provider for risk-management assistance and insurance requirements. One of your best tools to protect your city is to transfer the risk, by requiring the event sponsor to provide adequate insurance. Special events liability coverage is insurance purchased by the organizer that provides low-cost general liability insurance for these users of your property. Require a certificate of insurance and an "additional insured" endorsement.

Special events can be both fun and safe, and they can provide an ideal venue for fostering community spirit. But they do need to be managed, so make sure you take the appropriate steps. **C**

**Roger Neal**  
spent 20 years in local government, both as an elected and as staff. He knows both sides of the fence!

## Planning Primer

Your city's written event plan should include consideration of the following issues:

- How many people will attend?
- Will streets be closed during the event?
- Where will attendees park?
- How will emergency responders access the event?
- Will responders be able to cover other emergencies not associated with the event?
- Who is responsible for hanging signs and banners?
- What will happen in the case of severe weather?



## AWARDS

## Other Notable Projects

### Arlington - Arlington-Stillaguamish Eagle Festival

Throughout winter in the Stillaguamish River Valley, bald eagles return to feed on spawning salmon and to nest. The annual Eagle Festival, held on the first Saturday in February, celebrates this beautiful creature and its habitat. The communitywide event, created by representatives from the city, the Stillaguamish Tribe, the Arlington Arts Council, the Downtown Arlington Business Association, and the Arlington Library, brings visitors to town at an otherwise slow time for events and activities.



**TOURISM  
COMMUNITY**

### North Bend - Centennial Celebration

When North Bend celebrated its 100th birthday in 2009, highly motivated volunteers allowed the city to produce events at a scale that would not otherwise have been possible. As part of the celebration, the city adopted three major goals: Help revitalize the downtown core, create a unique legacy project, and conceive an overarching brand for North Bend to include a new logo and tag line.



**TOURISM  
ECONOMIC DEVELOPMENT**

### Electric City - Dressing Up the City

In conjunction with city leaders, the community is working to make the "Gateway to the Coulee" a compelling visitor destination. Several concrete posts in front of the local bus stop that had been painted different colors were an eyesore, so citizens gathered their brushes and painted the posts to look like a flag. Other similar projects are in the works to help dress up the city.



**TOURISM  
STREETSCAPE**

WINNER, AWC Municipal Excellence Awards

# FRENZY WITH BENEFITS

A UNIQUE FILM FEST TURNS ALL OF RENTON INTO A STAGE.


**AT RENTON'S FILMFRENZY**, the three key words are location, location, location. All entrants in the competition must shoot their films, of up to four minutes in length, entirely within city limits. To add to the fun, the filmmakers are given three site-oriented "curveball" challenges that must be met in the final film. Curveballs generally include a line of dialogue specific to Renton; a specific location in the city that must be incorporated into the film; and something that represents Renton's art, culture, or history.

And the frenzy part? Participants have just 50 hours, between Friday at 5 p.m. and Sunday at 7 p.m., to write, film, edit, and submit the entire thing.

The format turns the city into one big, boisterous cinema happening throughout filming weekend, and then again on the weekend when the films are screened. An awards ceremony known as The Curvees (a direct play off the city's slogan, "Renton, Ahead of the Curve") follows the screening night, with awards crafted by local art business Uptown Glassworks, as well as cash prizes. And local businesses and restaurants in the city's historic business district continue to buzz the following evening for Downtown Renton FilmTalk, when attendees can hear from the filmmakers during Q&A sessions.

Initially conceived by the Renton Community Marketing Campaign, the film-making competition got an early boost from Lodging Tax Advisory Committee funds, which the city used to leverage other investments from private donors. The Renton Municipal Arts Commission helped develop and produce the initial FilmFrenzy, and key partners have expanded over the years to include such industry actors as Reel Grrls, TheFilmSchool, the Seattle International Film Festival, and Seattle University's new film studies program. These partnerships have helped strengthen the credibility of the program and have brought a number of additional marketing opportunities.

The unique blend of public and private interests has arguably been a key factor in the festival's success to date. In just three years, FilmFrenzy has nearly doubled in participation and attendance, drawing professional and student filmmakers from throughout the region and the state, as well as significant local and regional media coverage. But the festival benefits the city most by encouraging community participation and enhancing the visibility of local arts and culture.

In that sense, the most telling partner of FilmFrenzy has been the Renton High School Film Program. This partnership allows the city to highlight its youth while bringing more assets to the festival, including the Seattle International Film Festival's FutureWave program, which has brought film luminaries to the school to engage with students. Incorporating these young people contributes immeasurably to increasing the profile of arts and culture in Renton, and in turn, increasing related economic activity. 



# GIVING FOR THE CITY



LEGAL AFFAIRS

## CONSTITUTIONAL LIMITS ON MUNICIPAL ECONOMIC DEVELOPMENT PROGRAMS

**THE WASHINGTON LEGISLATURE** authorizes cities to engage in economic development programs, deeming such activity “in the public purpose” (RCW 35.21.703). However, the statute does not define “economic development,” and a city’s authority to engage in economic development activities may be tempered by restrictions contained in the State Constitution. Article VIII, Section 7, states: “No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation . . .”

Indeed, the State Supreme Court has not hesitated to strike down public grants made to private interests, adjudging them prohibited gifts under this provision. In 1914, for example, the Court disallowed a county grant to the nonprofit Puyallup Fair. While acknowledging the “good purpose” of the fair, the Court applied the clear provisions of the Constitution and referred to the concerns of the Constitution’s framers in 1889 that “the history of the time will show that many municipalities had become bankrupt because of liabilities incurred in aid of [private] railroads.”

Further, in *State ex rel. O’Connell v. Port of Seattle* (1965), the Court held that promotional hosting of private individuals other than pursuant to contract and without any corresponding legal obligation lacks valid legal consideration. Article VIII, Section 8 (Amendment 45, 1966) now provides ports with authority to engage in “industrial development,” including promotional hosting. But cities must still identify a fundamental purpose of government or some valid exchange of goods or services in supporting economic development.

### Fundamental Purpose of Government?

The courts have stated the test this way:

First, the court asks whether the funds are being expended to carry out a fundamental purpose of government. If the answer to this question is yes, then no gift of public funds has been made. If the answer is no, the court focuses on the consideration received by the public and the donative intent of the appropriating body (*CLEAN v. City of Spokane*, 1997).

The courts have struggled with what constitutes a fundamental purpose of government, or a public use. The ruling in *Miller v. City of Tacoma* (1963) called the words “public use” . . . neither abstractly nor historically capable of complete definition.” But one traditional area for public economic development is in urban renewal, such as the University of Washington “West Campus” and Tacoma’s Pacific Avenue redevelopment. A city may exercise urban renewal authority under chapter 35.81 RCW after adopting an ordinance or resolution finding that one or more blighted areas exist in the city and that the rehabilitation and/or redevelopment of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the city.

The most common (and defensible) example of economic development is the provision of utilities and infrastructure that supports the needs of private development. The City of *continued* →

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### Buyer Beware

The U.S. Supreme Court holds that promoting economic development is a long-accepted governmental function. In *Kelo v. City of New London* (2005), the Court upheld city condemnation of private property

and resale of the property to a private interest. In contrast, the Washington Supreme Court, in *Lassila v. Wenatchee* (1978), holds that purchase of property by a municipality “with an intent to resell it to a private party is prohibited. . . .

At acquisition a municipality must at very least intend a public purpose. . . . **A municipality is absolutely prohibited from acting as a financial conduit for private enterprise** (emphasis added).

Edmonds recently determined to create a public fiber-optic network that will allow it to convert to a wireless water-meter system. Opponents claimed that the city's intent to make excess broadband capacity available to the community for private use violated the Constitution. In affirming the city's system, the court found that the city's continued ownership of the fiber-optic network and plans to charge private individuals or businesses to use the excess broadband capacity did not violate Article VIII, Section 7.

**Is City Payment an Unauthorized Gift?**

When public use is not apparent, the courts examine whether there has been a gift (or donation). In a case affirming the City of Bellevue's right to reimburse city employees for tips expended for business meals, the Supreme Court construed the concept of "donation" under Article VIII, Section 7 as preventing the state "from assuming the attitude of the person who says: 'The cause is a good one, I will contribute to it'" (*City of Bellevue v. State*, 1979). Under this interpretation, tips were deemed not gifts, but payment for services.

Similarly, donative intent is not typically found when there is a contract for provision of goods or services to a city. In such cases, there is an exchange of consideration.

Consideration is here understood to mean the incurring of corresponding legal obligations. Although the courts employ a relatively liberal "legal sufficiency" test for determining consideration, some form of consideration must be provided. The Court of Appeals approved a contract between Pierce County and the Economic Development Board for Tacoma-Pierce County that provided for payment in exchange for specified services intended to increase capital development, stimulate employment opportunities, and enlarge the tax base (*Brigade v. Economic Dev. Bd.*, 1991). Elsewhere, the Supreme Court has upheld a program under which a city electric utility paid for installation of conservation devices in private structures, finding consideration in the expected savings to the utility (*Tacoma v. Tacoma Taxpayers*, 1987).

**Conclusion**

Cities have express statutory authority to engage in "economic development programs." But such programs are not defined under state law. In exercising economic development authority, cities must be mindful of the constraints of the Constitution: they must either find a clear public purpose or receive some form of consideration for the city's payment to a private interest. **C**



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