

Collaborative Public Management for the Acquisition and Maintenance of Capital Assets

David S. T. Matkin

Assistant Professor

Florida State University

(850) 644-7398

dmatkin@fsu.edu

Ricardo S. Morse

Assistant Professor

University of North Carolina at Chapel Hill

(919) 843-1366

rmorse@sog.unc.edu

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Introduction

The effectiveness of public organizations relies on the ability of their officials to acquire and utilize scarce resources. Over the past decade, practitioners and scholars of public administration have increasingly turned to so-called collaborative public management as a means to improve the allocation of resources and to address problems and realize opportunities that are not accessible to organizations that work independently. Much of that attention is focused on collaborative partnerships and networks in the areas of service delivery (e.g., Meier and O'Toole 2001; Provan and Milward 1995; Thurmaier and Wood 2002) and policy implementation (e.g., Agranoff and McGuire 2003; Feiock 2004; Pressman and Wildavsky 1984; Smith 2009). As yet, less attention has been given to the most expensive and permanent of public resources—capital assets—and collaborative efforts to acquire and manage them.

One reason for that oversight may be due to an expectation that such events rarely occur. In fact, interorganizational collaboration involving capital assets takes place more frequently than many realize. Examples include partnerships between as few as two organizations to construct and maintain relatively inexpensive assets, such as boating docks or softball fields. Other examples include multiple participants, expensive assets, and complex arrangements—such as a recent partnership among sixteen Utah cities to form a public authority in order to issue \$85 million in taxable bonds in 2004 and another \$30 million in 2006 to construct a fiber-optic “ring” around each of the participating jurisdictions (<http://www.utopianet.org>).

It is also possible that the lack of attention on collaboration involving capital assets is because these events do not substantially differ from collaborative activity involving service delivery and policy implementation. And, if so, they may not add to the growing body of

theoretical and administrative knowledge of collaboration. To the purpose, this research explores three important questions in a first step toward understanding collaborative public management in the acquisition and maintenance of capital assets: (1) *What* are the most common collaborative strategies involving capital assets? (2) *Does* collaboration for capital assets differ from collaboration in the areas of service delivery and policy implementations? (3) *Why* do public organizations collaborate in the acquisition and maintenance of capital assets?

In order to explore these questions, we are in the process of collecting and analyzing cases of collaborative management for the acquisition and maintenance of capital assets by local governments. This paper presents preliminary findings from that research. The results indicate substantial variation in collaboration for capital assets that is largely due to the unique characteristics of capital assets.

This paper proceeds as follows. The next section discusses the collaborative public management literature—highlighting important issues, such as the definition of collaboration, that pertain to our study. We then examine why collaborative activity in the area of capital asset management may be different than collaborative activity in service delivery and policy implementation. The next section briefly introduces our research methods and presents illustrative cases of interlocal collaboration for capital assets. The paper concludes with a discussion of our findings and some propositions to guide future empirical analysis of capital asset collaboration.

Collaborative Public Management

The “big questions” of public management in the 1990s focused on intraorganizational issues such as motivating employees (e.g., Houston 2000; Perry and Wise 1990, Rainey and Steinbauer 1999) and measuring performance (e.g., Behn 1995, Ingraham 1993, Poister and Streib 1999). A decade later we find that the big questions have shifted, or at least expanded, to matters interorganizational. Public organizations increasingly must work with other organizations in order to solve problems and provide services effectively and efficiently. Thus public management is transitioning from a focus on bureaucratic or hierarchical management toward the management of collaboration and networks. As a result, the notion of “collaborative public management” has taken center stage and an extensive literature in this area has emerged.

Thomson and Perry’s formal definition of collaboration is particularly helpful:

“Collaboration is a process in which autonomous or semi-autonomous actors interact through formal and informal negotiation, jointly creating rules and structures governing their relationships and ways to act or decide on the issues that brought them together; it is a process involving shared norms and mutually beneficial interactions.” (2006, 23)

In a public sector context, collaborative management can take many forms, from informal information sharing to more formal contractual agreements. In their study of collaboration as a tool for public policy development and management in the area of economic development, Agranoff and McGuire observe that collaborative public management “can involve developing policy, planning and carrying out projects, or managing finances” (2003, 5). Many authors have attempted to describe the range of collaborative activity as falling along continua of some sort. For example, Beverly Cigler, focusing on policy development and implementation in rural

communities, identifies a “continuum of partnerships” where at one end we find “networking” partnerships, loosely organized primarily for information exchange. Next there are “cooperative” partnerships that involve simple, low-cost agreements and linkages that range from informal to somewhat formal. Then “coordinating” partnerships require more commitment, tighter linkages, and more formality. Finally, “collaborative” partnerships are the strongest form. Collaborative efforts, according to Cigler, involve strong, often long-term and formal linkages and a significant commitment of resources (1999).

Mandell (2002) cites environmental policy development and mutual-aid in public safety services in her description of how collaborative activity is best understood as a “continuum from partnerships that are formed loosely with a narrow focus and great independence to more structured and interdependent collaborations that encompass broad systems change to accomplish a common policy goal” (2002, 36). Mandell’s continuum of “pure forms or theoretical archetypes” progresses from intermittent coordination to temporary task force to permanent and/or regular coordination to coalition to network structure (2002, 36-37).

Although the terminology certainly differs across different treatments of collaboration, the important point to understand here is that collaborative activity varies in many ways. Even when the focus is narrow, there is still a wide range of collaborative possibilities. Variation includes several factors including the number and intensity of relationships, formalness of agreements, length of time, extent of resources committed, and complexity of arrangements.

Much of the literature on collaborative public management has focused on the factors that influence collaborative activity. Cigler’s research on “multicommunity collaborative organizations” (1992; 1999) identifies nine “preconditions”:

1. A “disaster occurrence,” similar to Kingdon’s notion of a “focusing event” stimulating the opening of a “policy window” (2002).
2. Perceived or actual “fiscal stress.”
3. A “political constituency for cooperation.” Cigler’s case studies revealed that “local governments were not the initiators of the partnership organizations” due to “lack of a natural supportive political constituency” for promoting collaborative action (1999, 93).
4. “Supportive capacity building,” or in other words, “incentives such as technical or financial assistance.” Cigler found that “outside” support of local collaboration efforts was very important to the emergent organizations she studied.
5. “Early and continued support by elected local officials.”
6. “Visible advantages of cooperation for participating governments.”
7. “Existence of a policy entrepreneur” or “sparkplug” who provides “energy and commitment to organizational emergence and development.”
8. “Early focus on visible, effective strategies” suggests that early successes stimulate interest and build collaborative “constituencies.”
9. “Emphasis on collaborative skills-building” usually developed by “external capacity building organizations.”

Agranoff and McGuire’s study of interlocal collaboration for economic development identifies several variables influencing the variation in collaborative activity across cities. These factors include perceived internal and external barriers, local economic conditions, variations in cities’ policy approaches (in this case, to economic development), changes in policy and institutional context, administrative arrangements, and the presence of strategic planning (2003, 29-33). Shared learning and the presence of social capital are also evident in successful interlocal collaborations (2003, 179-181).

Myrna Mandell’s research on collaboration and networks also identifies factors “which affect relationships in collaborations” (2002, 37). Her work identifies commitment of members, perceptions and values of members, imposition of rules and regulations, relative power of members, and impact of political/cultural context as key factors affecting collaborative relationships (2002). A more recent study by Mandell and her colleagues (Keast et al, 2004) identifies common mission, interdependence of members, and unique structural arrangements as the three primary characteristics of networks structures. These characteristics require a range of

new behaviors or attitudes that correspond in interesting ways to Cigler's preconditions (1999) and the factors identified by Agranoff and McGuire (2003). Common mission requires "seeing the whole picture; new values—around the issue, not the service; and new attitudes." Interdependence requires changing perceptions and "stepping into others' shoes." Unique structural arrangements require "actively doing something; systems change; members [representing] their own organization and the network structure; and new ways of thinking" (Keast et al 2004, 368).

An earlier study by Janet Weiss, which looked at collaboration within school districts to obtain grant funding and improve programs, also provides an integrated model of interagency cooperation that shows "how the context of multiple constraints shapes the behavior of public agencies" (1987, 109). Specifically, Weiss specifies "three conditions that must be met" and "an external directional force that propels the agency from one condition to the next" (1987, 109). The external direction force can come in a variety ways but it is essentially new demands on agency performance. This external pressure can help move the agency along the three conditions that lead to cooperation. The first condition is a perceived problem shared across agencies. The second condition is the "availability of resources to address problems through cooperation." The third condition is "institutional capacity to mount cooperation" (1987, 111). Interagency cooperation occurs as partner agencies move from condition to condition, toward cooperation, by the external forces placed on their agencies.

An important conceptual treatment of collaborative public management is Frederickson's (1999) theory of administrative conjunction, which asserts that the highest levels of interjurisdictional cooperation in the metropolis are a function of administrative interdependence. While politics is mostly still jurisdiction-based in the metropolis, administration is more

functionally-based. Administrative professionals operate in transjurisdictional “epistemic communities” that facilitate administrative conjunction--a condition that others have called picket-fence regionalism (Thurmaier and Wood 2002). Administrative conjunction describes the “systematic patterns of cooperation and coordinating among and between administrative operations.” The key point here is that formal and informal agreements between jurisdictions are “organized, maintained, and operated voluntarily by public service professionals” (Frederickson and Smith 2003, 223). Interlocal collaboration and networks evolve primarily out of informal professional networks. Thus Frederickson concludes that “insofar as there is a regional polity, then, it is an administrative polity” (1999, 710). Yet these findings do not mean that political leaders are of no consequence. Indeed, more recent research suggests that elected executives may be equally important to metropolitan governance (Matkin and Frederickson 2009).

What stands out in all of this literature is that the focus on defining and categorizing collaborative activity is largely based on the analysis of collaboration involving policy implementation and service delivery. Do the same success factors and preconditions apply when the nature of the collaboration is not collaborative action but rather collaborative investment and risk-sharing?

Capital Assets and Collaboration

A central motivation to this paper is an expectation that collaborative activity in capital asset management is different from the collaborative processes in service delivery and policy implementation. Of course, there is wide variation in the service delivery and policy implementation arrangements and it is likely that any broad characterization of these activities is

likely to have several exceptions. The purpose of this section is to highlight several characteristics of capital assets that are likely to differentiate collaborative efforts in capital asset acquisition and maintenance from other forms of collaboration. We begin with a brief definition of capital assets and then present six characteristics of capital assets that may affect collaborative partnerships

Capital assets are resources with objectively identifiable monetary values that are used to further organizational purposes and have a useful lifespan of more than one year. The most recognizable types of capital assets in public organizations are large, expensive tangible resources, such as roads, buildings, equipment, and water and sewer systems, though capital assets also include intangible resources, such as right of ways, investment securities, and computer software.

Ownership

One of the most important characteristics of capital assets that separates them from service delivery and policy implementation is that assets are owned. Generally-accepted-accounting principles (GAAP) allow entities to recognize an asset when the resource is legally owned by the entity and the resource has a clear, objectively determined, monetary value. Capital assets can be “shared” in a colloquial sense, but accounting rules require that only one entity is identified as the owner of the asset and, therefore, the owner of the long-term liability for the asset (Gauthier 2008). If governments want to jointly own an asset, they will likely look to create or employ a third-party as the owner of the asset, such as by creating a public authority or a not-for-profit entity or by recruiting a for-profit corporation to lease the asset back to the participating entities. When a third-party is created or employed to facilitate the partnership,

further collaboration requires the inclusion of another entity that is likely to have its own interests in the use of the asset. Consider, for example, the creation of a port authority by multiple governments. Even if the governments retain governance positions on the port authority's board of directors, the governments may be faced with a challenge to align the interests of the port authority's executive leadership with their own.

Useful Lifespan

Another important feature of capital assets is that their useful life spans extend over several years—the useful lifespan of a vehicle may be five to ten years, while the useful lifespan of land is generally indefinite. Of course, collaboration in the acquisition of capital assets, such as buildings, need not include a commitment that extends over the entire lifespan of an asset. But, unlike service delivery commitments which can often be adjusted over time to meet changing preferences and financing conditions, once the capital asset is created, it is often more difficult and expensive to alter the quality of the asset or to walk away from the asset if preferences change. This may create challenges for future elected and appointed officials when the lifespan of the asset extends beyond the tenure of the public officials that acquired the asset. Also, unlike service delivery commitments which can continue as long as they are beneficial to the participants, most capital assets will eventually exhaust their usefulness and the partnership will effectually end without a decision to reinvest.

Costs

Capital assets are often costly to acquire and can be equally expensive to maintain. The high cost of capital assets means that opportunities to collaborate on the acquisition of capital assets may occur infrequently and, when they do, they are likely to involve substantial financial

risk. If events occur infrequently, those participants who decide whether to participate may be different for each event—which may affect whether decisions to collaborate will be influenced by the same norms of reciprocity and “shadow of the future”(Axelrod 1984) that occur in other collaborative contexts. The risks associated with high costs are also likely to reduce the use of informal agreements in capital asset management compared to the informality of many partnerships in service delivery collaboration. Of course, the financial cost of capital assets may also motivate collaboration because of opportunities to share significant financial burdens with other organizations.

When capital assets are very costly to acquire and when their benefits are expected to occur over an extended period of time, the best option to finance capital assets may be through bonds. If debt financing is necessary, collaborative activities may be influenced by the necessity to satisfy debt limitation and voter approval requirements. Debt limitations place a cap on the amount of debt an entity is able to hold, usually in proportion to their assessed value of property. Voter approval processes require majority or super-majority approval of bond issues by voters before governments can obligate their tax revenues to the repayment of a bond. These requirements create incentives for intergovernmental collaboration in order to avoid jurisdictional constraints. Some have suggested that the increased prevalence of public authorities over the past quarter-century is, in large part, due to efforts to avoid debt limitations (Bunch 1991). Such constraints, may, therefore lead to increased collaboration by borrowing on the debt capacity of other jurisdictions (this may also occur if other jurisdictions are able to issue bonds at a lower cost) or by collaborating in the creation and management of a public authority to issue the debts.

Purpose

Capital assets are resources that indirectly facilitate the accomplishment of policy objectives. As such, participants may be less concerned about differences in policy objectives in the decision to collaborate as may occur in collaboration involving service delivery, which is usually expected to directly achieve a common purpose.

Of course, capital assets are not only functional resources. Capital assets—particularly highly visible, expensive capital assets—also have symbolic value. Elected officials are often quick to cite the construction and improvement of capital assets, such as buildings, bridges, and roads, among their notable accomplishments. The symbolic benefits of capital assets may lead public officials to resist collaboration if the partnership negates those benefits.

Capital Budgeting

Because they involve long-term commitments and significant costs, the decision-making process for capital assets is often separate from the day-to-day decisions and budgeting processes of service delivery. The capital budgeting process is intended to improve strategic decision making. Governments use that process to plan for future capital expenditures several years before capital expenditures are expected. This creates disincentives for intergovernmental collaboration for capital assets because each participant must accommodate the capital asset into their own respective plans. Capital improvement plans can be changed, of course, to facilitate new opportunities, but such changes must compete with the political and technical effects to other planned asset improvements.

Technical Participants

Service delivery collaboration often involves formal agreements that are likely to involve legal consultation on behalf of the participants. The high costs, long-term obligations, and financial risks of capital assets create the need to include a variety of technical experts to ensure that partnerships are properly formed and liability is clearly assigned. Like in the creation of service delivery contracts, lawyers are likely to be involved in drafting the necessary agreements. Accountants and auditors also likely to be included in ensuring that participants properly record their assets and liabilities involved with the investments. When capital asset collaboration involves issuing bonds, under-writers, credit raters, financial advisors, bond counsel, and bond insurers are also likely to be involved. The inclusion of these technical professionals is likely to reduce the likelihood of informal forms of collaboration that are commonly found in service delivery. However, the activities of these technical professionals may greatly reduce the likelihood of conflict among participants once investment is approved.

Research Method

This research is still in progress. We have identified over 40 events of collaboration involving capital assets and local governments in the Southern region of the United States. Anecdotal evidence suggests that these events are common. The events identified for case study analysis include:

- The creation of regional utility authorities to finance the investment of infrastructure, such as water and sewer pipes and treatment facilities and solid-waste disposal centers.
- The creation of a regional authority to construct and manage a convention center.

- The construction of arts and recreation facilities, such as arenas, gymnasiums, performance arts center, swimming pools, sporting venues, and golf courses.
- The construction of buildings, such as libraries, office buildings, parking garages, affordable housing units, and emergency management centers.
- The development of property for industrial parks, landfills, and beaches.
- The development of dams and reservoirs.
- The development of information systems, such as global positioning services for emergency response and planning.

The cases are developed through detailed semi-structured interviews with public officials who are knowledgeable about the events. The interviews are designed to obtain information on Thomson and Perry's (2006) five dimensions of collaboration (i.e., governance, administration, autonomy, mutuality, and reciprocity). Once the interviews are completed, we expect to have approximately 20 in-depth cases studies for analysis.

Based on initial results of identifying cases to select and on preliminary interview results, we are able to provide some initial answers to our first research question: What are the most common collaborative strategies involving capital assets? The next section presents those initial findings.

What are the Most Common Collaborative Strategies?

Our preliminary results indicate that partnerships for capital assets tend to include two general approaches. In the first approach, one of the partners owns the capital asset of interest, and the other partners participate as customers, cost-sharers, or purchasers. A county, for

example, may construct an office building with other local governments as its tenants. They may include short-term contracts that are regularly renegotiated. Or, they may involve long-term agreements where the owner expects the partnership to continue for many years, and that expectation may have been essential in the decision to acquire the asset in the first place. When one partner owns the asset, each partners' claim to the asset is usually clearly outlined in the contractual documentation. The process for acquiring the assets is usually no more complex than it would be if only one entity was involved in the acquisition of the asset.

The second approach involves an arrangement where more than one of the partners exercises joint-ownership of the asset. Because of accounting principles, shared ownership is usually accomplished through the creation of a new organization--typically a not-for-profit or a public authority--that owns the asset and the liability but in which the partnering organizations have some governance and administrative oversight. In contrast to single-owner arrangements, these forms of collaboration are often complex and involve more costly investments. The complexity of these arrangements is likely to delay the acquisition of the capital asset. A common example of this type to collaboration occurs in the formation of public authorities to erect and manage utility infrastructure and transportation facilities, such as port and harbor authorities.

The following table summarizes the two approaches.

	One Partner Owns the Asset	Multiple Partners Own the Asset
Forms of Collaboration	Buyer-Seller Cost-sharing contracts Customer- Owner Donor-Recipient	Financing through not-for-profit component unit Financing through public authority Lease from third party (for-profit or not-for-profit) Shares ownership in for-profit corporation
Time Frame	Short-term to Long-term	Medium-term to Long-term
Cost	Small to High	Medium to High
Asset Claims	Relatively clear and simple	Complex May be ambiguous
Acquisition Process	Routine	Complex arrangements

Illustrative Cases

In this section, we provide four illustrative cases of collaborative activity in the acquisition and maintenance of capital assets. The first is a rural sewer system, funded by three local partners in addition to external grants and acquired by a water authority after the partners guarantee to underwrite the operating costs for the first three years. The second is a landfill partnership between a county and several cities that involves a law suit with a disaffected partner and hiring a private firm to manage the asset on behalf of the partners. The third is a regional water authority that was created by several local government who each maintain a share of the governing authority of the water authority. The fourth is a donated federal building that is owned by a rural city government and shared with a county fire department.

Rural Sewer System

An unincorporated, Southeastern rural community was in need of sewer system for a variety of reasons. A river running through the community was being polluted due to leaky septic systems and several homes "straight-piping" their sewage directly into the river. An adjacent Indian reservation owned property that it wanted to develop but needed sewer capacity in order to do so. An elementary school was already well beyond capacity for its septic system (meaning the county had an interest). Finally, a large church campus was also at capacity with its septic system and was looking to expand its summer programs but could not without sewer service.

The small community was within the jurisdiction of a regional water and sewer authority, but the prospect of extending sewer service to the area was cost prohibitive. A regional council of governments' director, however, who was aware of the shared interests and need (environmental, economic, and otherwise) and assembled the stakeholders to explore options. A feasibility study was funded by the Indian tribe, the county, the water authority, and an economic development agency, and determined that at a cost of about \$3 million, a new sewer plant could be located in the community. A grant application was developed and awarded with the condition that the tribe, county, and water authority each contribute an additional \$40,000. The permitting process (literally) unearthed several issues that inflated the cost of the project. While some additional grant monies were obtained, a \$750,000 funding gap remained. After much discussion and negotiation, the three primary stakeholders each agreed to contribute \$250,000 to the project.

After reaching the agreement, more setbacks occurred and costs continued to rise. In the end the three primary partners agreed to fund \$500,000 each. The authority agreed to own and maintain the asset after construction under the condition that the project partners underwrite

expected operating losses in the first three years. Through many years of delays and escalating costs, the partners held together around the shared goal of sewer service in this small, rural community. The sewer plant adds a great deal of value to the community now, providing opportunities for development that never before existed, allow the church campus to expand, securing the needs of the school, and providing a healthier environment for residents.

Landfill Partnership

In the late 1980's a landfill operated by a large metropolitan county began to reach capacity. In an attempt to develop a solution, county officials formed a committee consisting of representatives from each of the twelve municipalities in the county. The committee considered a wide range of options including disposing of the trash out of state or constructing a new landfill within the county.

The committee ultimately decided to construct a new landfill within the county and selected one of the smaller towns as the site. Following the decision, the committee formed a partnership consisting of the twelve municipalities and the county, to make decisions on the design, funding, and operations of the new landfill. The county purchased land for the landfill and sought to acquire additional land surrounding the site in order to adequately achieve long-term waste disposal.

The town where the landfill was to be located subsequently backed out of the partnership. The remaining eleven municipalities went ahead with the plan and began the process for permitting and eventual construction of the landfill. A lawsuit was filed by the one town challenging the partnership's requested permit for construction. Eventually, after many years of planning, permitting, and litigation, a settlement was reached in U.S. District Court that allowed

permitting and construction to continue for the landfill. In the early 2000s, the partnership decided to utilize a private vendor to manage the asset. A vendor was selected and a long-term interlocal agreement between the county and twelve municipalities to have the private vendor construct and operate the facility. In 2008 the new landfill was completed and fully operational.

Regional Water Authority

In the late 1980s, five municipalities and a county comprising a medium-sized metropolitan region created a regional water authority organized based on a mutual recognition for the need to share water resources regionally. The authority's board is comprised of representatives from the member local governments. Agreements currently in place require each member government to provide some operating funding for the authority.

The major project of the authority has been construction of dam to create a reservoir (lake) that is projected to meet the water needs of this growing region for at least the next 50 years. Currently the authority is constructing a new water plant to treat the water. An interlocal agreement specifies each authority member's capacity and percentage for the water to be extracted for municipal use from the water treatment plant. The agreements in place remain integral in the water resource usage of the dam, water lines, and eventual water treatment plant.

Joint Firehouse and Police Station

A recent natural disaster swept through a rural area in a southern state and destroyed several public buildings. Among the affected facilities were a city police station and a county firehouse. Neither the county nor the city had the resources to rebuild their own facilities. The Federal Emergency Management Agency (FEMA) constructed a building that housed the two services temporarily. FEMA then gave ownership of the building to the city. The city offered to

allow the county fire services to remain in the facility as a tenant. The city maintains the building and does not currently receive any direct compensation from the county. The city residents, however, benefit from the location of the fire services in their community. The original firehouse was in a different city. The new location has lowered response times for fire services and, as a result, has improved the insurance grading within the city and substantially lowered insurance premiums for city residents.

Looking Forward

This paper is a preliminary report on an ongoing study on interlocal government collaboration involving capital assets. The research questions are: (1) *What* are the most common collaborative strategies involving capital assets? (2) *Does* collaboration for capital assets differ from collaboration in the areas of service delivery and policy implementations? (3) *Why* do public organizations collaborate in the acquisition and maintenance of capital assets? These questions are not fully answered in this paper. However, the initial findings indicate that the most common forms of collaborative strategies for capital assets involve shared resource needs that affect residents of multiple jurisdictions. The research also supports our claim that capital assets have unique characteristics (ownership, useful-lifespan, purpose, costs, capital budgeting process, and technical participants) that are likely to affect the process and institutions of capital asset collaboration--these include the creation of new organizations in order to solve problems of shared ownership and liability. We have yet to address our third question, the important why question, that question will be answered as we continue to develop our cases.

Of course, just because processes and institutions of capital asset collaboration is different from those involved in service delivery and policy implementation, that does not mean that there are theoretical differences. The ongoing research will focus in on testing Thomson and Perry's five dimensions of collaboration (i.e., governance, administration, autonomy, mutuality, and reciprocity) in the area of capital asset collaboration in order to add to the general theoretical discussion of collaboration.

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