

HYBRID GOVERNANCE AND NETWORK MANAGEMENT IN THE
GLOBALIZING METROPOLIS:
A COMPARATIVE CASE STUDY EXAMINING THE IMPACT OF LAW ON THE
BUSINESS IMPROVEMENT DISTRICT MODEL IN CAPE TOWN AND NEWARK

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Hybrid Governance and Network Management in the Globalizing Metropolis:
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This is a transnational, socio-legal, comparative embedded case study of four business improvement districts (BIDs), two in Cape Town, WC, RSA and two in Newark, NJ, USA in the context of globalization, metropolitan regionalization, and urbanization. Contemporarily, urbanization is a global phenomenon. Already with more than half the world's population living in urban settings, two thirds are expected to be urbanized by 2030. The city is a long-time contested terrain. Who and what form of governance and management technologies will facilitate our urban future? Recently, global diffusion of local revitalization policy has led to the proliferation of BIDs across multiple continents. BIDs are generally self-financed organizations providing district-specific supplemental services with the power of government behind them. Using OECD's urban entrepreneurial governance analytical framework, this study comparatively investigates BIDs in different continents. The study internationalizes the dependent variable of the network model to explore sub-local BID interaction with independent variables of an entrepreneurial municipal government, BID transnational discourse, and national legal systems.

Embedded in the case study design are the BID, stakeholder segments, and individuals as units of analysis. Data collection was by semi-structured interviews, focus

groups, documentary evidence, archival records, observation, and physical artifacts. Data analysis encompassed template and data matrix analysis, explanation-building, and legal research and analysis.

Findings indicate that BIDs are products of neoliberal localization mechanisms; and that the BID movement is starting to emerge as a transnational discourse community, suggesting global governance implications. Global and local forces driving BIDs appear to be mutually constitutive, not oppositional. In the transformation and reconfiguration of geographical and governance scales where regionalism and urbanism figure prominently into the global political economy, the nation-state remains the legal architect and arbiter enabling the worldwide advancement BIDs. However, public and private legal implications of BIDs extend beyond enabling legislation.

Dedication

This dissertation is dedicated to my loving parents, Nathaniel Caulder Ruffin (1904-1986) and Louise Jones Ruffin (1911-1989) who raised seven independent thinking children each of whom grew into civically engaged public administrators and public managers. It is also dedicated to my brother Joseph (1940-2002) whose passing made me stop and think about whether I am living out my destiny – encouraging me to become more involved in global affairs. During my graduate studies my sister Bettye (1933-2008) and my brother Nathaniel (1934-2009) also moved on into the spirit realm. I truly appreciate their love, mentoring, and good-will, they too share in this dedication and my accomplishments.

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Yale Ferguson, who we students call our “global governance guru”, has given me all that I returned to school for after nearly 20 years in the private practice of law, and more. I wanted to know what ‘globalization’ is all about and what is going on in the world. Dr. Ferguson’s insistence upon the Division of Global Affairs being ‘militantly’ multidisciplinary, interdisciplinary and transdisciplinary has truly filled an intellectual and socio-political need for me, whetting my appetite to be a living anchor in global change and governance.

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List of Abbreviations

ASPA	American Society for Public Administration
ATCM	Association of Town Centre Management
AU	African Union
BIA	Business Improvement Area
BID	Business Improvement District
BCDC	Brick City Development Corporation
CCID	Central City Improvement District
CDB	Central Business District
CID	City Improvement District
CID	Community Improvement District
CPF	Crime Prevention Forum
CTP	Cape Town Partnership
CTT	Cape Town Tourism
CUEED	Center for Urban Entrepreneurialism and Economic Development, Rutgers Business School, Newark, USA
DMC	District Management Corporation
EU	European Union
GCP	Grand Central Partnership
GRC	Government Records Council
ICT	Information and Communication Technology
IBID	Ironbound Business Improvement District
IDA	International Downtown Association
IGO	International Governing Organization
IIAS	International Institute of Administrative Sciences
IMF	International Monetary Fund
IPM	Institute of Place Management
ISA	International Studies Association
LDC	Local Development Corporation
LEED	Local Economic and Employment Development
LIFE	Local Initiative for Urban Environment
NA	Newark Alliance
NAPA	National Academy of Public Administration
NDD	Newark Downtown District
NGO	Non-Governmental Organization
NPO	Non-Profit Organization
NJ	New Jersey
NRBP	Newark Regional Business Partnership
OECD	Organization for Economic Co-operation and Development
OMB	Office of Management and Budget, United States of America

List of Abbreviations/continued

OPRA	Open Public Records Act
PUMA	Progressive Urban Management Associates
RPA	Regional Plan Association
SA	South Africa, Republic of
SACN	South African Cities Network
SAPOA	South African Property Owners Association
SAPS	South African Police Services
SID	Special Improvement District
SPAA	School of Public Affairs and Administration, Rutgers-Newark, USA
SPCID	Sea Point City Improvement District
SSA	Special Services Area
TDC	Transnational Discourse Community
UEZ	Urban Enterprise Zone
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
US	United States
WC	Western Cape
WB	World Bank

Hybrid Governance and Network Management in the Globalizing Metropolis: A Comparative Case Study Examining the Impact of Law on the Business Improvement District Model in Cape Town and Newark

Chapter 1: Introduction to the Study

In an ever-globalizing society, urbanization becomes more than a local concern. Rather, the urban problematic becomes a global phenomenon (Lefebvre, 1968). Forty years ago Lefebvre hypothesized that “society has become completely urbanized,” indicating that urbanization was virtual at that time and would become real in the future. Today, an evolving globalism brings to the forefront a worldwide focus upon regionalism and urbanism – more closely manifesting the urban revolution about which Lefebvre opined. Globalism is a state of the world with ancient roots, involving networks of interdependence at multi-continental distance becoming thick or thin through the process of globalization (Keohane & Nye, 2002). Nor is regionalism new, given for example, the more than century old convergence of Manhattan, Brooklyn, Queens, Staten Island and the Bronx into the New York City regional metropolis (Katz, 2000). Embedded in globalization and regionalization is urbanization – with more than half of the world’s population being located in urban settings early in the second millennium (Luke, 2003, UN Global Campaign on Urban Governance, 2002), and two thirds of the world’s population expected to live in urban areas by 2030 (Rosenau, 2003). Already seventy-five percent (75%) of Europe’s and seventy-nine percent (79%) of the U. S. population is urbanized. The fastest growing urban population is in Africa and Asia.

In the multi-scalar context of globalization, metropolitan regionalization, and urbanization, this dissertation investigates the sub-municipal public administration innovation of the business improvement district (BID) model. National states are being rescaled and redefined in conjunction with processes of reconfiguration of geographical scales rather than being eroded (Brenner, 1998). During this reconfiguration of state scaling, urban governance technologies such as business improvement districts are emerging (Stokes, 2006; Mitchell, 2001) across the globe, often as a matter of urban revitalization policy ((Hoyt, 2006; Lloyd, et al., 2003). BIDs are publicly sanctioned yet privately directed polities self-generating assessments to help fund supplemental public services that improve shared and geographically defined outdoor public spaces (Hoyt, 2005). As a public-private partnership, BID models are contextual and provide such supplemental sub-local services to the district as capital improvements, consumer marketing, event-planning, sanitation, security, and urban tourism with the underlying intent of attracting customers as well as foreign and national/local investment to the business district.

While BIDs vary jurisdictionally by enabling laws, nomenclature, size and operation, fulfilling different development functions (Gross, 2005; Segal, 1997); they all engage in a type of co-operative capitalism with the power of government behind them (Houston, 2004,; Justice 2003). As local power relations and inequalities become inscribed in urban planning projects like BIDs (Schaller & Modan; 2005, Pack, 1992), BIDs continue to alter the urban landscape (Symes & Steel, 2003; Briffault, 1999). While underrepresented groups raise concerns about private sector organization expansion into performance of local government activities (Steel & Symes, 2005),

BIDs redefine borders between public and private; promising in the U.S. to rewrite the rules of politics (Briffault, 1999). BIDs generate public policy (Justice & Goldsmith, 2006) but not in an isolated fashion (Levy, 2001). Rather, urban revitalization policy entrepreneurs deliberately transfer the innovatory polity around the world (Hoyt, 2006; Ward, 2006; Lloyd 2003; World Bank Forum, 2002).

The focus of this study is the manner in which BID stakeholders work across networks to manage business districts and the impact of the rule of law and informal agreements upon that multi-sector network management. At the same time, the study makes two additional inquiries of stakeholders. First, to what extent is translocal sharing of ideas, identities, values, policies, and the use of diverse communication modes leading to the emergence of BIDs as a transnational discourse community? The second inquiry arose in the field after conducting interviews. On numerous occasions respondents reported how BID relationship building and network construction is connected to participation of local government. Since this study uses OECD's framework on urban entrepreneurial governance and one of the four elements hinges on public-private partnerships to create competitive cities, the extent to which the municipal governments in Cape Town and Newark are entrepreneurial was factored into the research equation.

A number of intersecting changes and developments in society underlie the importance of these questions including the new public administration problem, place management of outwardly competitive yet inwardly contested cities all over the world, and the global/local nexus of network-driven managerial technologies. Globalization, metropolitan regionalization, and urbanization have all witnessed the multi-level shift

from government to governance. In a post-Westphalian society, government focus is no longer a vertical, bureaucratic, top-down, command control approach. Rather, it is a horizontal, cross-section, de-centered network type of governance and management. Sharing public authority with commercial, non-profit, and non-governmental entities creates a public administration problem requiring fundamental changes in our thinking about how government works (Morçöl & Zimmermann, 2008; Goldsmith & Eggers 2004; Vigoda-Gadot, 2003; Salamon, 2002), how relationships are built and performance measured (Mandell, 2008; Mandell, M. P. & Keast, R., 2007; Mandell, M. P. 2001). Studying the network management of BIDs provides an opportunity to rethink distinctions drawn between the public and private realm while shedding light on changes in public administration (Morçöl & Zimmermann, 2008; Wolf, 2006).

Developments in the world city or global city hypotheses and resulting empirical research have generated a heightened interest on place-making and place management. The world city hypothesis emerged not as a theory but as a starting point for political enquiry into the link between urbanization processes and global economic forces as well as a spatial organization of a new international division of labor (Friedmann, 1986). Global city theory, however, advances an urban hierarchy where high tier cities such as London, New York and Tokyo have more in common with each other – such as deterritorialized digital networks sustaining command and control centers for finance and specialized services – than they do with their respective national governments (Sassen, 2001). The global city theory draws attention to location-specific aspects of a contested urban terrain inhabited by highly valorized, exceptionally well paid professionals on one hand and devalued low-wage earning and often immigrant

workers supporting the economic globalization enterprise on the other – not growing a middle class (Sassen, 2001). While the postulation of urban tier, socio-spatial, division of labor, and income stratifying characteristics of a global or globalizing city is controversial (Marcuse and van Kemp, 2000; Fainstein, 2001; Smith, 2001), the need for place-making and place management given the globalization of urbanization is evident. These developments make BIDs worth studying since the BID model is a managerial form deeply embedded in urban governance processes (Stokes, 2006; Mitchell, 2001) while being deliberately and increasingly diffused worldwide as a matter of urban revitalization policy (Hoyt, 2006; Lloyd, et al. 2003). Neither the world city hypothesis nor global city theory is directly applied to Cape Town or Newark. Instead, each locale is approached as a globalizing metropolis on their respective merits and not hierarchically compared with other cities.

Through globalization, the local and the global are increasingly interconnected (Bislev, et al., 2002), greatly fluid and complex processes (Twining, 2002). The global proliferation of BIDs bespeak its unfolding local/global nexus as a managerial technology that is transnationally implementing urban revitalization policy. Policy transfer is the transborder sharing of knowledge and ideas about institutions, programs, policies and how they work in other jurisdictions (Dolowitz & Marsh, 2000). Hoyt's (2005) investigation found that, through the efforts of policy entrepreneurs, BID organizations existed in eight countries: Canada, the United States, New Zealand, South Africa, Serbia, Albania, Jamaica and the United Kingdom. Her investigation further revealed BID policy at the transfer stage in: Japan, Austria, Germany, Lithuania, the Czech Republic, Poland, and Romania. The international transfer of urban

revitalization policy underlies the local/global nexus of BIDs and intersects with societal developments intensifying place management needs and facing administration changes warranted by shared public authority.

In view of these intersecting societal changes and developments, this study investigates the extent to which BIDs engage relationships and manage network actors to implement urban revitalization policy in the globalizing metropolises of Cape Town, Western Cape, South Africa and Newark, New Jersey, United States of America. It inquires not just of operative network management but also into the impact of the rule of law on network management of the subject BIDs. The rule of law takes on added significance where network management through a public-private partnership is generally self-regulating. The problem is whether the law is translating into the desirable public-private partnership for sub-local service delivery in the business district? Further, how do legal mandates vary in the jurisdictions under study? How do legal variations impact performance in these case studies of the BID movement? Central to network arrangements is not just the joint delivery of services but also the building of new types of relationships and new ways of working (Mandell, 2007). Therefore, the question becomes one of the extents to which social capital and relationship-building both bind and embed participants in the network structural mechanism?

Relationship-building among network actors is place-based requiring local crafting and mediations. At the same time, diffusion of urban revitalization policy is global in character. When urban revitalization policy is diffused and the BID model adopted; how are local inhabitants involved in absorbing and emitting ideas, identities,

loyalties, and values, implicit in the policies promulgated for a given BID? Do these urban stakeholders view themselves as connected to other stakeholders similarly situated in globalizing metropolitan areas hosting the transfer of urban revitalization policy through BIDs elsewhere? Does the transfer of BIDs as an institutional design signal the globalization of this managerial technology? To get at these questions this research project elicited stakeholder perceptions regarding the extent to which the sharing of ideas, identities, values, policies and the use of diverse communication modes among BID stakeholders suggest the emergence of BIDs as a transnational discourse community.

It is hoped that the professional significance of this study will be multi-fold. First, the study has the potential to contribute in some small way to developing network management and complexity theory. This may increase evaluative evidence of how public administration accommodates shared public authority. Next, findings seem to suggest relationships between BID performance across networks and legal mandates, helping to ground socio-legal theory concerning BIDs. Finally, results of the research project may extend existing knowledge of the local/global nexus prevalent in global governance. Generally, global governance theories postulate from the international organization perspective such as the United Nations conglomerate, Organization of Economic Cooperation and Development, the World Bank, International Monetary Fund, multi-national corporations and non-governmental organizations all demonstrating a local presence through a myriad of standpoints in economic development, good governance, human rights, environmental issues, security, the capitalist expansionism project, and so on. In this case, conversely, BIDs are studied as

a local phenomenon of global import, proliferating at an accelerated rate given the multi-continental diffusion of urban revitalization policy within metropolitan regions that participate or seek to participate in a global, national, regional, and urban economy. The globalization of urbanization arguably supports the local/global nexus of the BID movement in urban transformation.

This dissertation research design combines social science qualitative research with legal research and analysis. Given the exploratory nature of the research questions, this researcher employed the case study strategy and used a constructivist paradigm to examine the operation of the BID in its real-life context to make the boundary between phenomenon and context more evident (Yin, 2009). Data collection methods were semistructured interviews, focus groups, natural observation, documents, archival records, and physical artifacts. A total of 123 individuals participated in the study. The researcher conducted an aggregate of sixty-six (66) semi-structured personal interviews with local BID managers, BID board members, public officials and managers, property and business owners, and residents of or near each BID. Semistructured personal interviews were also conducted with nine (9) transnational experts on the globalization

of urbanization generally and the global proliferation of BIDs in particular. The researcher convened a total of three (3) focus groups in Newark and four (4) focus groups in Cape Town. In total forty-eight (48) individuals participated in the seven (7) focus groups across the subject terrain. Direct observation entailed walking tours of the subject BID, attending BID coordinated events and spending time at the respective BID offices. Secondary sources consulted include national constitutions of South Africa and

the United States, BID enabling legislation, governing documents and budgetary and performance reports, BID marketing literature, BID websites and blogs, Newark and Cape Town municipal websites, newspaper and magazine articles, local economic development and transportation studies as well as arts and cultural heritage packets along with the built environment in each city. Data collection and content analysis strategies are more fully discussed in the chapter on methodology. Questions for local and global informants as well as focus group guides are annexed to this dissertation.

As with any doctoral dissertation research, there are delimitations. This is an international comparative public administration study across two continents, Africa and America. There are similarities that may exist between the selected cities which are untrue of other cities in these or across other continents. The study of BIDs is contextual, so any further study will need methodological adaptation to the particular BID model(s), cities, countries and continents under investigation. Cape Town and Newark each lie in urbanized metropolitan regions therefore findings may be inapplicable to BIDs in smaller towns, suburban BIDs, industrial park BIDs or other forms of managed community benefit or business districts. Recruitment of respondents was not solely random selection. Rather, given the time constraints of the researcher, some participants came as referrals from relevant community or business leaders or organizations to accomplish purposive sampling. Governmental stakeholder recruitment was in accordance with the position the individual occupied in the town as it relates to the BID and most but not all relevant public officials, administrators, and managers elected to participate in the study.

As to the content and organization of this research report, the report is organized into seven chapters, as follows. Next is Chapter Two which provides a convergent literature review of (1) BIDs in the context of globalization, metropolitan regionalization and urbanization, (2) the rise of the BID movement through transnational discourse and policy transfer, and (3) hybrid governance and network management. Chapter Two concludes with a convergence of the literature review followed by the research questions that emanate from the convergence of these theoretical foundations. Chapter Three describes the comparative case study design, data collection, content analysis and legal analysis used in the research project. Next, Chapter Four quickly considers the national context of the case studies: South Africa and the United States. Chapter Five then reports on the two cases in Cape Town while Chapter Six reports on the two cases in Newark. Chapter Seven presents the findings through a comparative intra-city cross-case analysis of the BIDs and a translocal cross-case analysis of all four BIDs across the two continents. Internationalizing the dependent variable of the network model, the study presents findings from the exploration of sub-local BID interaction with independent variables of an entrepreneurial municipal government, BID transnational discourse, and national legal systems, ultimately examining the impact of the law on BIDs. Subsections of the findings explain how the methodology chosen sheds light on the findings. Finally, Chapter Seven provides as well lessons learnt from the dissertation research study along with visions of future research.

Chapter 2: Literature Review

I. Overview

Chapter Two provides the theoretical and conceptual framework for this transnational cross-case socio-legal study of four business improvement districts in the context of globalization, metropolitan regionalization and urbanization. The guiding proposition is that cities turn to hybrid governance and network management modalities, such as business improvement districts (BIDs), to compete in a global political economy. The nation-state territorially and governmentally plays an enduring role in a global political economy. However, nationally bounded territory is no longer privileged above the metro-region and urban geographical scales as was the case in earlier periods of capitalist socio-spatial restructuring. Governmentally, the nation-state continues to transform as one among other actors – public and private in global and domestic administration and politics. With the current socio-spatial restructuring and reconfiguration of territories unfolding under globalization, the urban political economy as well as metropolitan governance figure prominently into the equation. BIDs are sub-municipal public-private partnerships (short of privatization) that have emerged on the urban landscape across the globe as mechanisms for place management and as network actors in metropolitan governance.

This chapter synthesizes streams of the scholarly literature that builds the metatheoretical framework underlying this dissertation research study. The Organization of Economic Development and Co-operation (OECD) provides the overarching contextual analytical framework for urban entrepreneurial governance.

The OECD framework is complemented by Brenner's theory of sociospatial reconfiguration of territories and Smith's transnational urbanism to place BID organizations and stakeholders in the context of globalization, metropolitan regionalization and urbanization. Brown and Keast's analytical continuums for relationship-building and network arrangements help describe and explain the hybrid governance of and network management by BIDs. As a managerial form, BIDs have proliferated greatly over the last decade or so, likely in view of the globalization of urbanization. Bislev et al.'s framework for transnational discourse communities is used to evaluate whether the BID movement amounts to a transnational discourse community. Finally, against this social science background, keeping in mind the state's role as legal architect even in a global era, enabling legislation for BIDs in Cape Town and Newark is introduced to briefly examine the impact of law on the hybrid governance and network management of BIDs in the context of globalization, metropolitanization, and urbanization.

II. BIDs in the Context of Globalization, Metropolitanization, and Urbanization

BIDs can be defined as publicly sanctioned special districts and the organizations that provide a wide range of services to these districts, most commonly relying upon self-assessments as a major revenue source (Morçöl and Zimmerman, 2008, 30). BIDs are a sub-municipal public administration innovation (Mitchell, 2001), and take shape in a variety of geographical environs – urban, industrial, suburban, business parks, residential neighborhoods and others. BIDs are public-private partnerships but do not amount to privatization (Grossman, 2008) (cf. Mallet, 1995). This dissertation research study is about four urban BIDs, two in Newark, NJ, USA and

two in Cape Town, WC, SA. According to OECD (2007, 7), economic globalisation and the subsequent intensification of inter-city competition have caused a profound change in the governance of cities – from urban managerial governance to urban entrepreneurial governance. This study considered the role of BIDs in furthering a competitive city as the BID builds relationships and manages networks for supplemental service delivery. These BIDs were studied in the context of globalization, metropolitanization, and urbanization because contemporarily global and regional governance organizations are involved in local economic development and urban management.

Globalization is a contested and even contentious term. Most scholars agree that it is a differentiated and multifaceted process and not a singular condition (Held, et al. 1999; Ferguson & Mansbach, 1999); Langhorne, 2001; Brenner, 2004). As “globalization intensifies it generates pressures towards a reterritorialization of socio-economic activity in the form of subnational, regional and supranational economic zones, mechanisms of governance and cultural complexes. It may also reinforce the ‘localization’ and ‘nationalization’ of societies. Accordingly, globalization involves a complex deterritorialization and reterritorialization of political and economic power (Held, 1999, 28) and a sociospatial reconfiguration of geographical scales that is no longer privileging but is instead transforming the role of the nation-state (Brenner, 2004, 30, 54). The power of national governments is not necessarily diminished by globalization but on the contrary being reconstituted and restructured in response to the growing complexity of processes of governance in a more interconnected world (Rosenau, 1997). Globalization is not new but the latest stage of a long accumulation

of technological advance enabling humans to conduct their affairs without reference to nationality, government authority, or time of day - whether characteristics of those affairs are commercial, economic, financial, ideological, religious, social, political, cultural, human development, identity, loyalty, and mobility (Langhorne, 2001, 2).

The original human beings walking out of their locale to populate the globe is an example of globalization – thin globalization. Contemporarily we experience ever thickening globalization where its myriad of characteristics develop and accelerate sporadically and unevenly. It is more than the skeptic’s thesis of heightened levels of international interaction among national economists (Held, et al., 5). Globalization is transformational, an unpredictable, contradictory, historically unprecedented “central driving force” behind rapid social, political, and economic changes that are reshaping modern societies and world order (Ibid, 7). A thinner globalization is evident in the very framing and political transference of the Westphalian nation-state as a governing polity – globalization of governance technology. In contrast, thicker globalization finds would-be local non-state authority gaining ground in global governance as private security companies defy the ‘state-territory-authority’ triptych, drawing legitimacy from the state as part of public-private partnerships for security across multiple continents (Abrahamsen & Williams, 2007, 238) . Hence, politics, administration, and management can be globalized, not just economies.

Economic globalization, nonetheless, is advanced through neoliberalization – also a contested concept. “Neoliberal ideology is the belief that open, competitive, and unregulated markets, liberated from all forms of state interference, represent the optimal mechanism for economic development” (Brenner & Theodore, 2002, 2).

Brenner and Theodore, however, distinguish neoliberal ideology from the “neoliberal political practice that has generated pervasive market failures, new forms of social polarization and a dramatic intensification of uneven development at all spatial scales” (Ibid, 5). Outcomes of neoliberal political practice, for example, generated the U. S. market failure of 2008 which was experienced throughout the global economy, requiring U. S. governmental intervention through *inter alia* The American Recovery and Reinvestment Act of 2009 (Pub.L. 111-5).

Just as the process and force of globalization has plural dimensions, so does neoliberalism. According to Cerny (2008a, 2007) plural neoliberalisms (including multi-level, multi-nodal actions of economic, political, and social agents) are reshaping and reconstructing the spaces and places of world politics in innovative ways requiring an increasing focus on new institutional strategies and institutional entrepreneurs as well as new policy strategies and policy entrepreneurs. Through globalization, neoliberal or otherwise, interaction between the local and the global are greatly fluid and complex process (Twinnings, 1999) – likewise experienced unevenly and sporadically by individuals and organizations as well as on interactive geographical spaces – which is considered beneficial by some and detrimental by others.

Localization parallels and is yet mutually constitutive with globalization. Grasping “world affairs today requires viewing them as an endless series of distant proximities in which the forces pressing for greater globalization and those inducing greater localization interactively play themselves out”; to do otherwise one would “risk overlooking what makes events unfold as they do” (Rosenau, 2003, 4). Localization is where we execute and embody the above-stated dimensions of globalization in

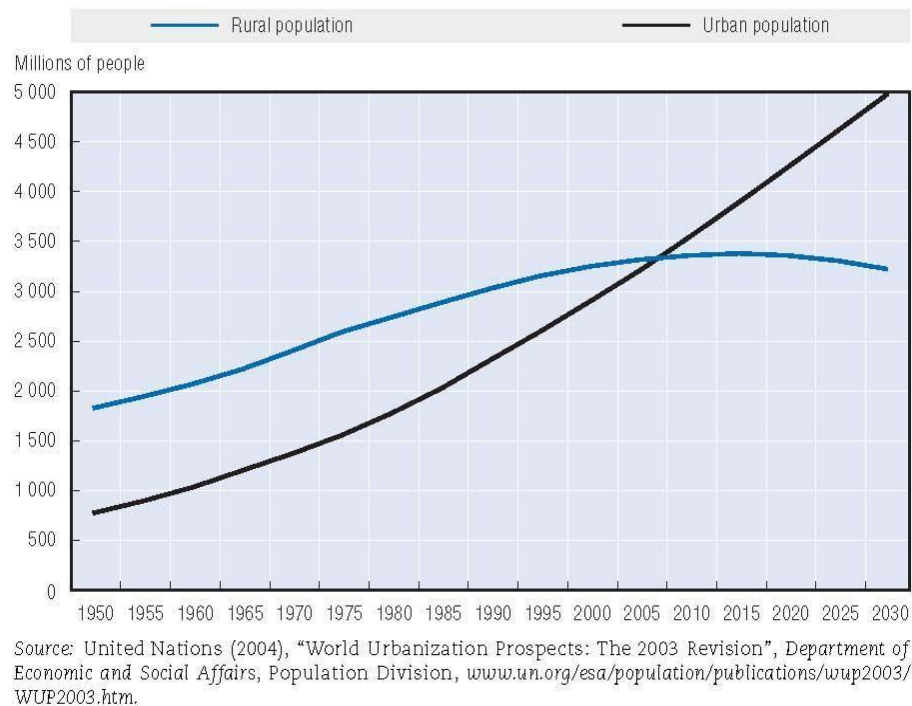
subnational places – where we live, work, play, recreate, and otherwise survive and thrive. “The local/global interplay of contemporary restructuring processes amount to a single, combined process with two inherently related, albeit contradictory movements and as a process which involves *de facto* recomposition of the articulation of the geographical scales of economic and of social life (Swyngedouw, 1992, 40; Brenner, 2004, 45). On numerous fronts and across many fields, public or private and public-private sector governing networks generate an interactive and interdependent global/local nexus. Besides finance capital and trade, the global/local nexus pervades technological communication, natural and built environment, health, security, transportation, migration, labor, education, human mobility, culture, politics, public policy, and administration and management. Governing networks, be they for administration, management, service delivery, policy or profit; are increasingly becoming at once global and local through joined up international intergovernmental organizations and local governmental entities. Non-governmental organizations – think globally and act locally (Arts, 2004). Multinational firms seek competitive advantage via geographical locale (Porter, 1998).

Intersecting with the global and local yet in uneven and unpredictable fashion is the metropolitan region or metropolitisation scale. Metropolitan regions are large concentrations of population and economic activity that constitute functional economic areas, typically covering a number of local government authorities (OECD, 2006, 31). Metropolitan regionalism means a consolidated or polycentric focus by a group representative of urban, suburban, or rural areas, on the need for social and economic integration if not political or jurisdictional solidarity, particularly in a globalizing

society. Metropolitan regionalism is a process of two or more local governments or communities working in conjunction on issues of public policy and service delivery. Metropolisation has yielded the most important functional unit of economics and social life in almost all modern society (Miller, 2002), often involving the private sector and NGOs as well. Promulgating and implementing public policy in the United States, for example, at the block club, precinct, ward, municipal, state, or national level do not necessarily meet our needs in a networked society. The U. S. Office of Management and Budget redesigned and redefined metropolitan statistical areas resonating from an urban core (Daniels, 2003). Newark, for example, given its urban core properties, is a principal city in one of the largest metropolitan regions in the world. Cape Town, for instance, is a “uni-city” reflective of consolidated metropolitan government.

Urbanization, partner to localization, is a process that for centuries has been connected with capitalist accumulation and international division of labor to further the capitalist project (Lefebvre, 1991). Urban areas have always been a contested environ given the divergent values, beliefs, goals and sheer will power of different people that at times can be lined up along national, ethnic, racial, gender, and classist lines. The city as a real site concentrates social difference (Sassen, 1994, 122). Today, more than half of the world’s population are urbanites (Luke, 2003, UN Global Campaign on Urban Governance, 2002), and two thirds of the world’s population is expected to live in urban areas by 2030 (Rosenau, 2003). Figure 1 shows worldwide projections between 1950 and 2030.

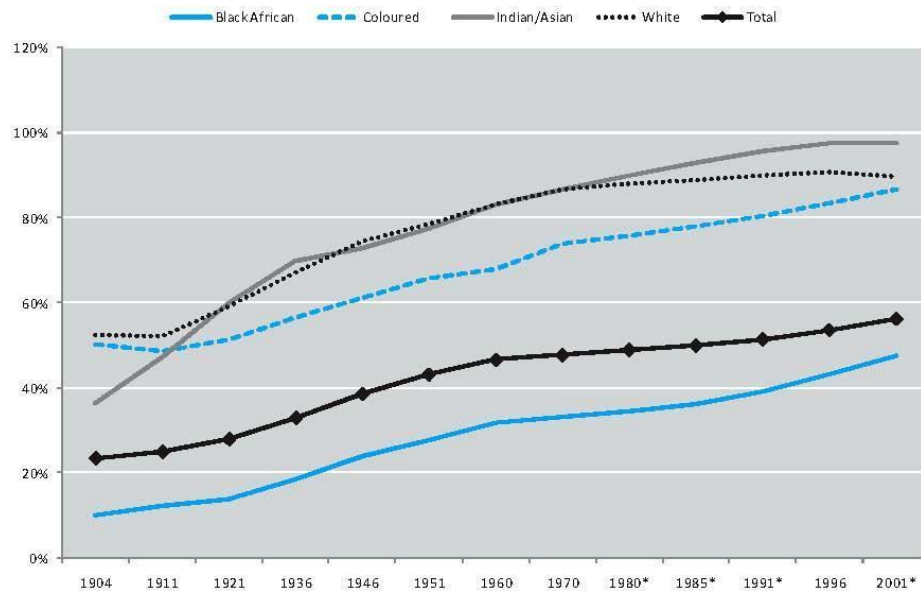
Figure 1. Worldwide population projections (1950-2030)



The fastest growing rate among urban populations is in Africa and Asia.

Already sixty percent (60%) of South Africans, seventy-five percent (75%) of Europeans and seventy-nine percent (79%) of the U. S. population is urbanized (Population Bulletin, 2007, 10). Figure 2 shows South Africa's urbanization trends. The urbanization process is being consolidated, intensified and accelerated under contemporary conditions of globalization; and we are experiencing the globalization of urbanization (Brenner and Keil, 2006, 5).

Figure 2. South Africa's Urbanization Trends



Source: Statistics South Africa, *Migration and Urbanisation in South Africa*, 2006.

To be sure, the urban terrain is not a solitary spatial unit. Rather, it is a scale interacting with and embedded in yet distinguishing itself from spatially broader territorial scales; namely regional, national, and even global scales. With the shift from government to governance (Rhodes, 1997), from managerial governance to entrepreneurial governance (Harvey, 1989), the role and function of territorial distinctions is likewise changing given the interconnectedness, interdependencies and interrelationships of the local, the regional, the national, the international, and the global (Brenner, 2004). These geographical scales and changing relationships singularly, collectively, and between each other is important for the analytical framework of this study because understanding (1) the process of globalization sheds light on whether BIDs are a globalizing (neoliberal) sub-local managerial form; (2)

metropolitisation helps explore BIDs as network actors in metropolitan governance; and (3) urban entrepreneurialism may illuminate the place management qualities of BIDs in the delivery of supplemental public services such as sanitation, security, economic development, capital improvements, destination marketing, and social development.

I now turn to more specific literature about OECD's framework for urban entrepreneurial governance and Brenner's framework on sociospatial reconfiguration of geographical scales which together seemingly contextualize the review of the BID movement. I next consider the rise of the BID movement through the transnational discourse and policy transfer literature followed by a review of hybrid governance and network management literature pertinent to BIDs. A convergence of the literature review is then concluded by the research questions and theoretical propositions which guide this study.

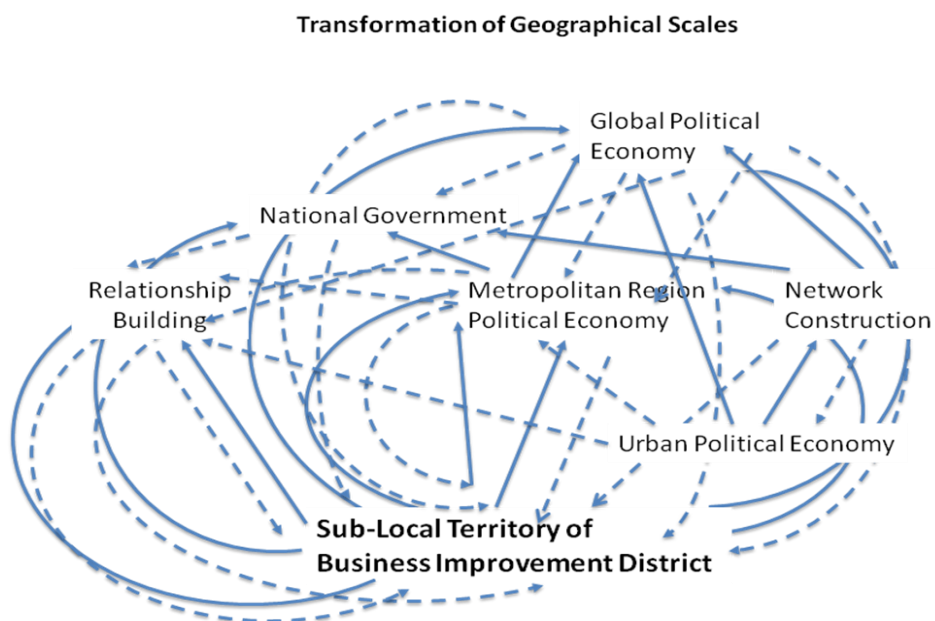
A. BIDs and Urban Entrepreneurial Governance

Economic globalization pushes and pulls, fuses and fissions (Ferguson & Mansbach, 1999), change in governance of cities (OECD, 2007, 7). Emerging developments during the 1970's found municipalities facing inner city problems that elicited a policy planning and managerial response to direct additional public service provision to people with special needs while focusing upon infrastructure and transport development and management. For example, while Newark, NJ was the site of a variety of ineffective 'anti-poverty' programs, its infrastructure development and management has helped establish it as a transport hub by its port, through its airport, publically via bus or train, and by private vehicle. During the 1980's policies of the

Ronald Reagan regime in the U.S. and the Margaret Thatcher administration in the U.K. furthered the capitalist project of a global economy; while generating momentum for privatization and contracting out, withdrawing local governmental funding from urban areas and phasing out the Keynesian welfare state as we knew it.

Generally, capitalist socio-spatial organization is intertwined with uneven development that systematically privileges some locations, places, territories and scales to the marginalization and exclusion of others. During eras of industrialization of the 19th and 20th century, the Westphalian nation-state was privileged over supranational and subnational scales. Urban areas were industrial sites for labor pools to drive the capitalist accumulation project. However, in a post-industrial society with global restructuring, state transformation de-privileges the national regulatory level lending new importance to the supranational and subnational forms of governance meted out by globalization, regionalization and urbanization (the trilogy). Figure 3 below conceptualizes the transformation of geographical scales in contradictory and unpredictable fashion in the midst of relationship-building and network construction on multiple levels.

Figure 3. Transformation of geographical scales

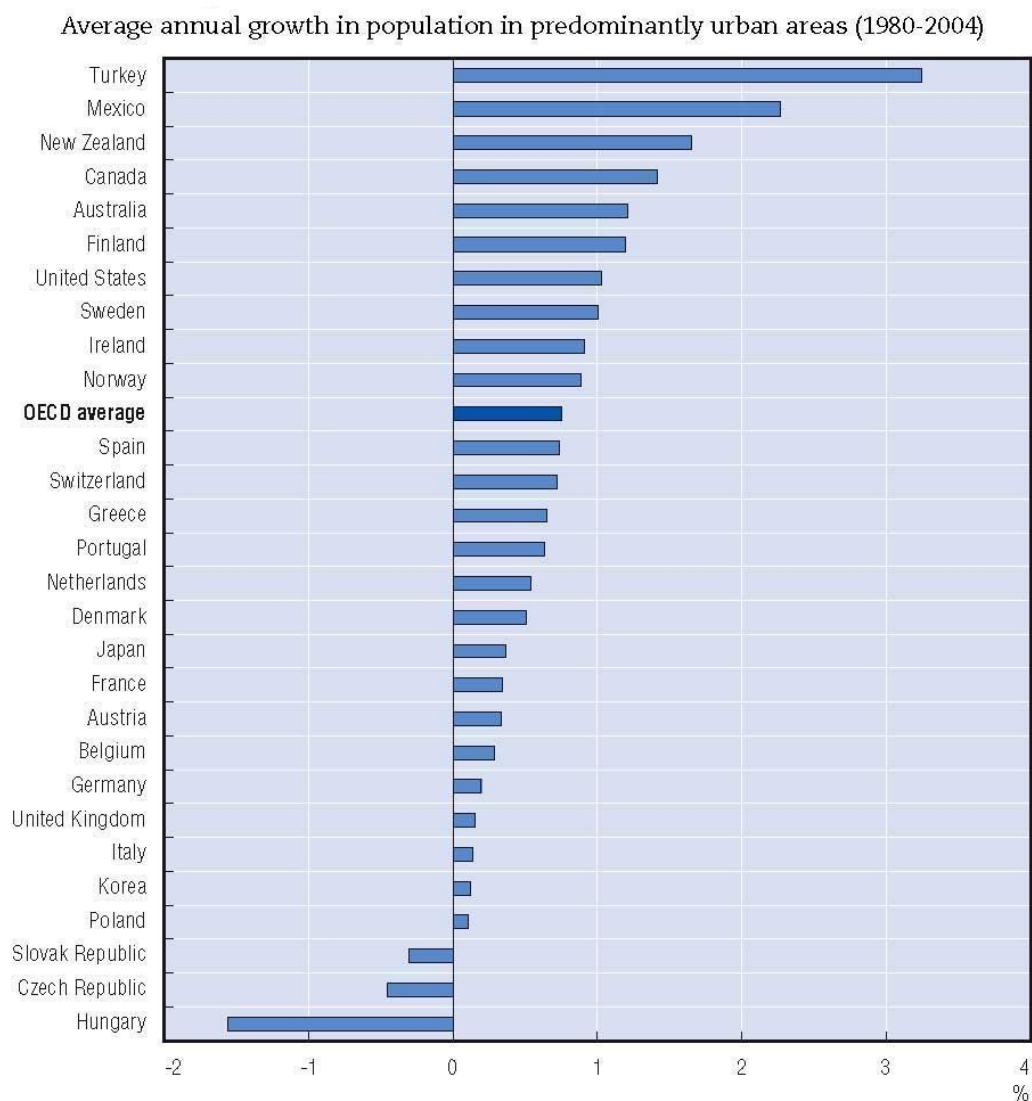


As Brenner indicates:

Contemporary processes of global restructuring are unfolding simultaneously upon multiple, intertwined geographical scales-not only within global space, but also through the production and reconfiguration of diverse subglobal spaces such as supranational blocs, national states, regions, cities, localities, and neighborhoods. (Brenner, 2004, 36)

This transformation of the state does not hollow it out. Rather, the state is being transformed into more of a facilitator, manager, mediator, and redirector of processes of geo-economic restructuring (Brenner, 2004, 61). The contemporary change in urban governance moves from a managerial approach under the welfare state to an entrepreneurial approach under the 'competition state'. The central priority in 'competition states' is to create a favorable investment climate for transnational capital within their borders (Brenner, 2004, 61; Cerny, 1995, 620). Brenner reminds us that the consolidated metropolitan governments in Western Europe during the Keynesian welfare national state period served as an important institutional platform for the new types of state spatial strategies at urban and regional scales that have evolved since urban locational policies promulgated during the 1980's and 1990's were key catalysts and expressions of state rescaling under globalization (Brenner, 2004, 26, 139).

Figure 4. Urbanization grown in OECD countries



Source: OECD (2005g), *Regions at a Glance 2005*, OECD publications, Paris, France.

Figure 4 reflects the growth in urbanization among OECD countries and Figure 2 depicts urbanization trends in South Africa, by race.

As the population in urban and metropolitan areas has grown, significant literature has emerged on transnational urban systems. Theorists opine about hierarchically driven global cities, global city-regions, (Sassen, 2001, 2000; Borja and Castells, 1997, Brenner, 1998; Eade, 1997) or world cities (Boyle, Lelievre, et al., 1996; Chua, 1998; Godfrey, 1996; Friedmann, 1998; King, 1995; Wallerstein, 2004). The terms ‘world cities’ or ‘global cities’ have come to denote upwards of thirty urban centres which are connected in a network that spans the globe as the skeleton of the globalized economy (Keil, 1998, 617). However, the economy is not the only globalizing component of the human experience. Other scholars argue that the global era requires a sociospatial focus of not just where a city is counted in a world hierarchy but rather an exploration of the nature and extent of the influence of the globalization processes upon a city matters, hence, the term “globalizing metropolis” (Marcuse & van Kemp, 2000, xvii, 270-271).

In contrast to the global city analysis, still other scholars contend that there is no single object known as the global city appropriate for grounding research. Instead, the research optic of “transnational urbanism” better captures “distanciated yet situated” subjects and the historicized socio-spatial processes and place-making by which social actors and their networks forge the translocal connections that create the translocalities which increasingly sustain new modes of being-in-the-world (Smith, 2005). Smith’s “distanciated yet situated” concept is similar to Rosenau’s (2003, 4) “distant proximities.” Likewise, Smith’s “transnational urbanism” is aligned with Rosenau’s framework which brings a human face to the global, local, and private worlds within which individuals and organizations exist and through which they criss-cross with

simultaneity, making-meaning and making-place in a disordered ever globalizing society (Rosenau, 2003). Further, Bislev, et al. identify “transnational discourse communities” (TDCs) as emerging from the socio-spatial changes under globalization whereby managerial forms based upon substantial use of private-sector rationales are transnationally diffused; and that TDC’s are rendered unmediated by conventional nation-state politics thereby demonstrating a potentially globalizing force. Whether the research analytic is global city, world city, globalizing metropolis, the multiple worlds of transnational urbanism or TDCs, each transnational urban system includes some element of entrepreneurialism across the urban terrain.

Before exploring OECD’s framework on urban entrepreneurial governance it is worth mentioning a few factors about OECD. Established in 1961, OECD evolved from the Organization for European Economic Cooperation which formed in the post-WWII environment, 1947. It is a unique forum and broad network where the governments of 30 democracies work together to address the economic, social and environmental challenges of globalization. OECD is further involved with more than 70 additional countries with developing and transitioning economies. The organization helps governments respond to new developments and concerns, providing a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies (p. 2). The OECD is at the forefront of policy transfer. It’s Working Party on Territorial Policy in Urban Areas (WPURB) operates under the auspices of OECD’s Public Governance and Territorial Development Directorate and is considered a leading global source of information on urban affairs. The United States is an OECD member

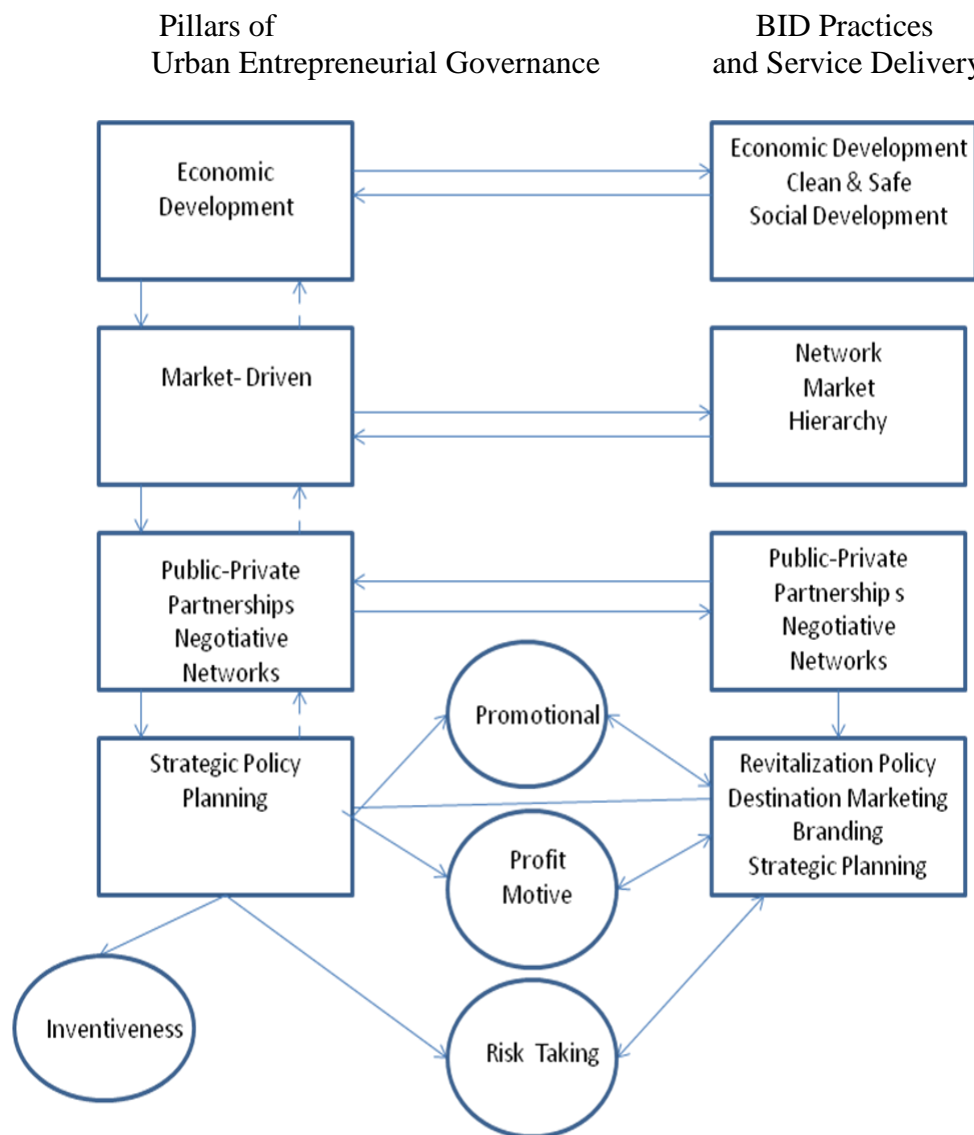
country. As to South Africa, OECD recently published a territorial review on Cape Town.

OECD (2007a, 8) provides four defining characteristics of urban entrepreneurial governance: (1) it fosters and encourages economic development; (2) it is market driven; (3) it invokes strategic alliance and willing collaboration between the public and private sector; and (4) at its backbone is strategic policy planning that involves risk-taking, inventiveness, promotional, and profit motivation. “Public-private partnership provides the essential institutional framework for cities to compete in the global market by combining private resources and expertise with the local governmental powers” (Ibid). Negotiative networks comprised of governments, governmental agencies, the private and third sectors are key participants in entrepreneurial urban governance (Ibid, 13-14).

Pivotal to urban economic revitalization policy is “image-enhancing” and “place-marketing initiatives” that promote cities as an attractive place to live, work, invest, and recreate (Ibid, 9). An entrepreneurial economy requires an active nurturing of entrepreneurial culture among residents, business executives, and government officials alike. Local government plays a crucial and coherent leadership role in urban entrepreneurial governance not as “providing governments” but rather, as “enabling governments” that stimulate multi-sector actors. Enabled by government, BIDs are an innovative investment tool for local financing (OECD 2007b, 4) that advance urban entrepreneurialism from service delivery of sanitation and security to its pragmatic approach to destination marketing and branding of the special district in urban spatial development. Urban entrepreneurialism and network management are essential to BID

growth and capacity-building. The district, and by extension, the city cannot compete in the global economy unless and until it is clean and safe; and then perceived regionally and internationally as an attractive place to live, work, invest and recreate. Against the backdrop of the sociospatial reconfiguration that is rescaling the state under neoliberal globalization and the urban entrepreneurial governance that has emerged, it is unsurprising that the self-help oriented BID movement which began in the mid to late 1960's in Canada, took root in the U.S. in 1974, and grew exponentially during the 1980's and 1990's (Morçöl and Zimmerman, 2008; Hoyt, 2005; Lavery, 1995). As shown in Schematic 1, pillars of urban entrepreneurial governance parallel BID practices and service delivery.

Schematic 1. Urban entrepreneurial governance and business improvement district practices



I turn now to an overview of the BID movement and its institutional, legal and regulatory framework.

B. The BID Movement: Its History and Institutional and Legal Framework

Discontent in 1963 with reliance upon voluntary contributions to the Canadian Business Men's Association that he chaired, Neil McLellan initiated the dialogue that would span another six years before culminating in the birth of a BID. McLellan formed a committee of business and government leaders in Canada to explore the feasibility of a business district with a self imposed tax on local property owners as a means for collective improvements to protect their individual investments, that is, value satisfaction. Enabling legislation in 1969 and a municipal by-law in 1971 gave rise to the world's first BID (Grys, 1972; Ling, 2000; Hoyt, 2006). Resolving the business-persons' discontent at that point in time paves the way for local business owners and property owners to undertake self-help during the changing urban landscape of the 1970's – 1980's.

Contextually, the support of centrist and right coalitions by the Thatcher regime in the UK and the Reagan regime in the US (Wallerstein, 2004) led to deregulation so as to further the free flow of global financial capital. A new transnational logic of multinational firms in a post-Fordist society (Sassen, 2000) emerges and amounts domestically to a momentum for privatization and contracting out (Holzer, et al. 2004). In the United States, New Orleans is home to the first assessment-financed BID being authorized by the Louisiana legislature in 1974 and called the Downtown Development District (Morçöl, 2006).

Unlike the evident circumstances surrounding the origin of BIDs, a definition for BIDs is not so easily discernible and its nomenclature varies and assessment formulae is non-uniform. For Mallett (1995) BIDs are the privatization of government

services. Mitchell (1999) defines BIDs as entities that impose an added tax on all properties or businesses in the specified district. Houston (1997), on the other hand, includes as BIDs even entities that rely solely upon voluntary donations. Hoyt (2005a) terms a BID a publicly sanctioned yet privately directed organization that supplements public services to improve shared geographically defined, outdoor public spaces. BIDs are part of public affairs and administration at the municipal and broader metropolitan levels. They are deeply embedded in urban governance processes on the sub-municipal level and, as nested organizations, are part of intergovernmental systems (Hawkins, et al., 1996). BIDs officially sanction intergovernmental agreements involving local and state government (Briffault, 1999). Mitchell (2001b) shows in a national survey of the U. S. conducted in the 1990's, 264 independently managed BIDs operating in 43 states. However, BIDs are increasing at an accelerated rate. By the late 1990's there were as many as 1200 BIDs in North America alone (Morçöl and Zimmerman, 2008; 31; Houston, 2003, 2; Ross and Levine, 2001, 244). During her international study, Hoyt (2006) identifies 398 non-American organizations on three continents. Hoyt's (2005a) final report indicates that BID enabling legislation was pending in at least the UK and Japan.

Historically, BIDs have evolved through combined elements of special assessment governments and special district governments (Houston, 1997) as well as special zoning districts (Briffault, 1999; Hoyt, 2001). In the standard BID model, assessments are imposed by municipalities upon benefited properties and/or upon businesses. Those funds are then returned to the BID and used by its management corporation to provide services and improvements such as sidewalk cleaning,

streetscape enhancements, promotional events, and capital improvements within the district. There is generally a narrow set of purposes, a public-private partnership approach to district operations and management, and attention to social as well as physical construction of place (Justice, 2003; Stokes, 2002). These polities provide such value satisfaction as consumerism, cleanliness, and safety in metropolitan areas and elsewhere.

As intergovernmental organizations, BIDs are often delegated tremendous power by state statutes and local ordinances. While legislation may grant BIDs specific powers it may also grant governing authority to “do everything necessary to effectuate the plan of improvement” (Arkansas §14-184-115). The rule of law may confer broad powers for BIDs to provide services in furtherance of the district’s goals (Connecticut Gen. Stat. §7-339n). Or it may have an encompassing provision permitting any project that would benefit the public facilities of the managed district (Nebraska Rev. Stat. §19-4019). In locations such as Washington, D. C., enabling legislation is amended to create each BID, and its powers appear to lie in its own by-laws (D. C. Code § 2.215.08). New Jersey statutes (Section 40:56-83) empower municipalities to confer a far ranging set of powers from a list of seventeen. A state statute need not be uniform even within its own boundaries as in Maryland where the statute varies by county (Maryland Code Ann. 24 §9-1301 (US state survey by Justice and Goldsmith 2007)). It is the rule of law that likewise gives the BID its name, legal structure, and generally its assessment formula.

Since state statutes determine BID nomenclature, names differ nationally and internationally. In New Jersey they are called special improvement districts (SIDs); in

Georgia, community improvement districts (CIDs); for Pennsylvania, neighborhood improvement districts and downtown improvement districts; in Illinois BIDs are known as special services areas (SSAs). Toronto, CA calls them business improvement areas and in Western Province, SA, these entities are known as city improvement districts (CIDs). This discussion uses the term “business improvement district” for those all those entities meeting Hoyt’s definition.

The nature of the BID as to duration, management, powers, accountability, and other obligations and entitlements varies, flowing from its enabling statute and particularized by the city ordinance (Meek and Hubler, 2006). Enabling statutes can be complex and confusing when compounded by multiple successive state laws. In Pennsylvania, for instance, new laws supersede certain provisions of existing laws, but those earlier provisions are not repealed in their entirety. This adversely impacts comprehending legal classifications and day-to-day operation of BIDs (Morçöl and Patrick, 2006, 146).

In Pennsylvania alone there are four forms of BID creation: as sub-units of local governments, as municipal authorities, as non-profit neighborhood improvement district management associations, and as nonprofit charitable organizations (Morçöl and Patrick, 2006, 149). In the globalizing metropolis of Washington, D.C., for example, upon creation, the BID is managed by a non-profit organization, however, the existing enabling legislation has to be amended each time a new BID is created; and that law provides a 25 year sunset provision for BIDs (Wolf, 2006). New Jersey law entitles SIDs to adopt the typical BID model or to pattern itself differently. The district management corporation (DMC) may self-govern as e.g. a non-profit corporation either

under New Jersey law or as ‘created by municipal ordinance;’ or the DMC may take the form of a municipal commission or a non-profit governed by municipally appointed boards (Justice and Goldsmith, 2006).

Uniquely, Georgia CIDs are constitutionally established autonomous local governments with their directors and boards serving as de facto local policymakers and public administrators for metropolitan Atlanta while leveraging large sums of state and federal monies for substantial infrastructure construction and improvements (Morçöl and Zimmermann, 2006). In Illinois, the Chicago establishing ordinance provides for the creation of a commission specific to the management of each SSA. More broadly, the Illinois enabling statute even determines the kinds of real estate that can be taxed, the manner in which it can be taxed, as well as the municipal powers to govern SSAs (Caruso and Weber, 2006).

Assessment formulae for BIDs nationally and internationally are non-uniform. Some states require that the basis for assessment be whether the property is improved or otherwise benefits from the special improvement (Hawaii Rev. Stat. §46-80.1; Michigan Comp. Laws §125.985). The formula may be fixed by ad valorem taxes upon the assessed value (Louisiana Rev. Stat. Ann. §33:2740.80); or per front foot or per square foot analysis (Maryland Code Ann. 24 §9-1301, Mississippi Code Ann. §21-43-123). Or the formula may be in proportion to benefits received among the properties assessed (Delaware 22 Del. Code §1505, Montana Code Ann §7-12-1133); or any combination of these or other equitable means (U.S. state survey in Justice and Goldsmith, 2006b). California state law requires the assessment formula to be fair, balanced, and commensurate with benefits received however, the assessments of BIDs

cannot be based on a percentage of the assessed valuation of property given the tax initiative Proposition 13 (Meek and Hubler, 2006). Some statutes leave the fixing of formulae for assessments charged BIDs to the governing municipality (e. g. Nebraska, Oklahoma, South Dakota, and West Virginia). In Cape Town, Western Cape Province, South Africa the BID levy is calculated as a cent-in-the-rand of the valuation base (a property database prepared by the municipality) and the BID budget (www.capetownpartnership.co.za).

Both theorists and practitioners recognize BIDs not just by name, legal structure, and assessment formulae but also by function. The exponential proliferation of BIDs over the latter part of the last decade is generating study and amassing literature in this regard. Bradley (1995) examines the historical functions of BIDs, and along with (Mitchell, 2001), the BID's new roles in beneficially enhancing downtown and commercial districts. These polities are functionally known as, special district governments (Hudson, 1996), public-private governments (Mallet, 1995), private governments (Justice and Goldsmith, 2006; Baer and Feiock, 2005; Pack, 1992), privatization by the back door (Lavery, 1995) or the front door (Steel and Symes, 2005). BIDs are deemed by theorists to function as a source of urban governance and/or metropolitan governance (Briffault, 1999; Wolf, 2006; Morçöl, 2006; Morçöl and Zimmermann, 2006a; Morçöl & Zimmerman, 2006b; Morçöl & Patrick, 2006).

BIDs have been termed by some theorists, self-help capitalist tools (Houston, 2004), as agents of urban regeneration (Symes & Steel, 2003; Stokes, 2006; Lloyd, et al., 2003), tools for economic development (Segal, 1997), and tools of public policy

(Justice & Goldsmith, 2006). Others see the subject polity as a functional source of policy transfer (Hoyt, 2005a, 2005b, 2006; Lloyd, 2005; Ward, 2006). Still other theorists see BIDs as land-use planners and authorities (Deutsch & Tarlock, 2000; Morçöl & Zimmerman, 2006), exercising influence and control over their domain to satisfy BID values. Stark (1998) explores them in terms of their juxtaposition to rising gated communities in the globalizing metropolis and the dual social segregation emanating therefrom. Baer & Feiock (2005) as well as Justice (2003) use transaction resource theory and institutional analysis to each shed light on the problems of collective action to deliver public goods and how certain communities resolve those problems.

BIDs are not without critics. Steel & Symes (2005) argue that although BIDs are successful in regenerating and improving city centers, some community groups raise concerns about too much expansion by private sector organizations into what should be the responsibility of elected local government. Pack (1992) contends that outside the property owners and residents external to the BID complain about city resources being diverted to the BID and that the onset of security within the district simply pushes crime across the border into the surrounding community. She argues that a potentially high cost of BIDs may be perceived social inequity. Moreover, BID creation may lead to cycles of inequality where areas with better services attract more business and profits while underserved areas may continue to deteriorate (Warner, et al., 2002). Through privatization of public space, BIDs arguably dislocate less desirable citizens who detract from the commercial goals of the BIDs (Traub, 1996; Warner, et al., 2002; Schaller & Modan, 2005). In many global cities such as New York, and Los Angeles;

and globalizing cities such as Philadelphia, Newark, and Cape Town once the BID is formed there is no governmental review of activities. Nor is there is a requirement in most states of approval for improvements or programs so with a majority of property or business owners on its board, BID decisions may co-opt governmental authority of the city (Hochleutner, 2003).

The literature discloses some of the controversies surrounding BIDs as well as the legal repercussions they experience. On one hand, McDonald (1996) demonstrates the effectiveness of, for example, the Grand Central Partnership (GCP) in Manhattan. On the other side of the coin, Traub (1996) questions whether a group of businesses can even build community given the controversies over tactics employed by GCP in their work with the homeless. In Archie v. Grand Central Partnership District Management Association et al., homeless New Yorkers sued the BIDs claiming illegal exploitation since the BIDs paid them from \$1.00 to \$1.25 an hour for various jobs such as janitorial, clerical, security, and social service outreach. Finding in favor of the homeless New Yorkers, the court rejected the BID's arguments that (1) the BIDs are not subject to the Federal Labor Standards Act because these workers were "trainees" and not "employees"; and that (2) BIDs are not engaged in interstate commerce.

BIDs in New York and New Jersey have faced constitutional and legal challenges. Residents of a BID in New York raise issues about voting rights. In New Jersey, a property owner in that BID questions the propriety of an assessment formula; and in yet another NJ case, a municipal official successfully challenges an ordinance denying BID merchants and property owners the right to elect members of the BID board. In the NY case of Kessler v. Grand Central District Management Agency

district residents file suit against the Grand Central Partnership alleging that the structure and activity of the BID deny equal voting power and representation on the BID's board. The BID successfully defends this challenge since the court determines that the constitutional one-person one-vote requirement is applicable only where a governmental body exercises 'general governmental powers' and 'performs important governmental functions' significantly, which is not the case with this BID. The court believes that BID services are supplemental and secondary to city services even if the services on the ground are nearly identical to core municipal functions (Garodnick, 2000).

Similarly, a NJ BID and its municipal partner, Morristown, successfully defend a constitutional challenge brought by a property owner in the district questioning the fairness and property rights issues of whether adequate and proportionate benefits received justified the assessments. The court finds in favor of the BID and the town ruling that BID charges are special assessments, not taxes, so the BID is free to use its own assessment formula (Justice & Goldsmith, 2006).

In the Haddon Township, NJ case, municipal commissioners create a BID and, despite the operability of the BID by-laws, several commissioners subsequently enact an ordinance denying BID property and business owners the right to elect their own board pursuant to BID by-laws. The dissenting commissioner then successfully sues the ones enacting the ordinance subsequently declared illegal by the court. The court finds that, as an independent, non-profit organization the BID should be left to manage its own affairs (DeCastro, 2005). Hence, these winning examples of voting rights, assessment formulae, and by-law empowerment demonstrate that courts are

upholding BID autonomy.

While the legal capability of BIDs is relatively straightforward, how that legal capability translates into capacity-building for productive partnerships and collaborations is not clear. Legal capability is yet to be linked with management of BID capacity and performance, the subject of this research project. The private use by BIDs of state authority constructs a parallel local state, running alongside the conventional municipality; controlling the area by and for private interests, using public authority for its own ends yet financially independent of state funding for its continuation (Mallett, 1995). To Mallett, the development of BIDs to furnish services and regulation is a post-Fordist demand of the social and spatial development of the metropolis. The BIDs' capacity to develop private spaces focuses upon (a) supplying collective goods (b) circumventing public controls and (c) managing negative externalities that arise from contemporary development processes. At the same time, this public-private government formation adds to the fragmenting and privatizing (i.e. the fission in the fusion/fission phenomenon inherent in politics) of the urban realm, and presages worsening social inequality (Ibid at 2-3). BIDs mark a shift from managerial to entrepreneurial governance in which economic development and job creation are central to governing practices (Mallett 1995, 108; Harvey, 1989). BIDs, however, are not just focused upon redevelopment like economic redevelopment of years gone by, but oriented toward managing the post-industrial globalizing metropolis (Mallett, 1995, 108).

C. BIDs and Metropolitan Regionalization

The acceleration of urbanization along with increasing trade flows among cities has led to the emergence of metropolitan regions (OECD, 2006, 43). Generally, metropolitan regions are comprised of “large concentrations of population and economic activity that constitute functional economic areas, typically covering a number of local government authorities.” There are a number of concentrated economic links such as labour markets, networks of firms, important parts of supply chains, and relations between firms and local authorities (Ibid, 31). Other processes that generate metropolisation include suburbanization, migration, and centripetal forces that bring firms and workers together (Ibid, 44). Metropolitan regions include multiple jurisdictions on both the urban and suburban terrain, at times cooperating but often competing for resources and markets, locally and globally (McCoe, et al., 2004; McQuaid, 2002).

Metropolitan regions, in which BIDs are often nestled, typify simultaneity of fragmentation and integration. Beyond policies that facilitate a global economy, internationalization of other national policies – such as urban revitalization policy – in turn found national efforts devolved to state, provincial or localized arenas. The result is a fragmentation of norms, ideologies, values, and institutions (Kettl, 2000, 490-492) in subnational regions on both sides of the Atlantic. This fragmentation is offset by integration of different sectors interacting in new and innovative ways, making less distinguishable public and private sectors (Denhardt, 1999). In the U. S. statistical metropolitan regions are anchored by an urban core, the site of urban entrepreneurialism.

Metropolitan regions may constitute consolidated government or voluntary governance among independent municipalities, the latter of which is often called polycentric metro governance. In polycentric metropolitan areas collections of historically and distinct and both administratively and politically independent cities are located in close proximity and are connected through infrastructure, commuting and business linkages, clustered together as a single economic functional area (OECD, 2006, 32). Moving beyond the long-standing U.S. debate regarding consolidated metropolitan government in the urban arena, Feiock (2007, 59) uses a second-generation rational choice explanation that posits the potential for voluntary governance among municipalities as contingent on contextual factors that reduce the transaction costs of negotiating, monitoring, and enforcing an interlocal agreement. In the U.S., various political jurisdictions within a metropolitan area can be said to operate in a polycentric system where there is a structure of ordered relationships, yet there exists fragmentation of authority and overlapping jurisdictions often termed chaotic; and where there is no single form of organization optimal for provision and production of public goods and services (Baer 2008, 53; Ostrom, 1999; Parks & Oakerson, 1999).

Formulating a consolidated metropolitan government a continent away from America in 2000 a post-apartheid South Africa went from 1300 to 283 local authorities, establishing six single-tier metropolitan authorities corresponding approximately to that of the functional economic area. “In Cape Town, the institutional reform gave rise to a large metropolitan municipality that collapsed 61 racially segregated entities into one “unicity” (OECD, 2008, 229). An aim of consolidated metropolitan governance in The Republic of South Africa is to create fiscally sustainable and cooperatively

governed regions while still generating competitive cities in the global economy (Boraine, 2008). There are emerging signs of the national government facilitating regional development by narrowly focused funding, supporting regional governments and the business community (OECD, 2008, 218).

Metropolitan regionalism then may consist of consolidated government or polycentric governance – in either scenario – it engages not just the public sector but also business (OECD, 2006; Asheim & Clark, 2001; Asheim & Isaksen, 1997) and voluntary sectors (Richmond, 2000). Kanter's (2000) study concerning European and North American business coalitions in metropolitan regions committed to participation in the global economy, found that European and North American metropolises created public-private partnerships to pursue cross-jurisdictional agendas. "Business coalitions focused on marketing the region are often the most prominent – and sometimes the first effective – regional forces. The greater the marketing efforts and international outreach, the more likely that these coalitions will represent the whole region, linking many businesses, public sector officials, chambers of commerce, and trade promotion groups" (p. 159). Porter (1998, 78) makes it clear that "the enduring competitive advantages in a global economy lie increasingly in local things – knowledge, relationships, motivation – that distant rivals cannot match." Regarding sub-local BIDs in these areas, Morçöl & Zimmerman (2008, 47) point out that BID leaders acknowledge competitive conditions within metropolitan regions, yet they still work with local and state government as well as other BIDs to jointly promote their cities and metropolitan regions.

Individuals serving on regional business coalitions and organizations may be an interlocking board member of a BID. This is the case in Newark, New Jersey where, Barbara Kaufmann of the Newark Regional Business Partnership, which works throughout the metropolis, is a member of the Newark Downtown District board of directors. Those involved with business coalitions, may be essential players in organizing or managing BIDs like Andrew Boraine, Chief Executive Officer of the Cape Town Partnership. It is not uncommon for a number of BIDs to be independently and competitively clustered in a metropolitan region. In the Cape Town metropolitan region there are around 16 BIDs such those in the Central City, Sea Point, Green Point, Oranje-Kloof, Claremont and Woodstock. The CID managers convene regional meetings on a weekly basis to better serve the metropolis. In metropolitan Johannesburg, for example, there are at least 13 legislated BIDs including Sandton Central, Rosebank, Illovo, Central Braamfontein and Kramerville. Those legislated BIDs as well as a number of voluntary BID-like organizations are managed by Kagiso Urban Management and that entity collects assessments for the BIDs.

In Newark, former Urban Enterprise Zone (UEZ) director David Brown likewise convened periodic meetings among managers of BIDs and other managed districts. There are three BIDs in Newark, Newark Downtown District, Ironbound Business Improvement District, and Mt. Prospect Avenue Business District, each in one of the city's five wards with plans underway for BIDs in the other two wards (Interview 14). BIDs and BID like organizations throughout metropolitan Newark include East Orange, Irvington, Madison, Maplewood, Morristown, South Orange, and Scotch

Plains. The Philadelphia metropolitan region boasts a number of BIDs such as the Center City District, Frankford, Mt. Airy, Roxborough, Manayunk and others. This concentration of BIDs in metropolitan regions of South Africa, the United States and elsewhere give testament not just to the proliferation of BIDs but also to their role in sub-local place management and as network actors in the wider metropolitan regions.

D. The Urban Reach of Global and Regional Governance Organizations

At intercontinental distances, whether consolidated or polycentric metropolitan regions, urbanization demands its own governance processes. The urban scale is not just about capitalist accumulation as was the case during the industrialization periods. Rather, the urban landscape is itself a strategic regulatory coordinate where the trilogy is organizing and reorganizing interscalar relationships, whether those relationships are economic, financial, political, ideological, cultural, social or otherwise. In the intertwined and interactive relationship between governing and geographical scales of the trilogy, regional and global organizations have a hand in developing, governing and managing urban sociospatial and economic policies. This is demonstrated in part by the chart below (which is by no means exhaustive).

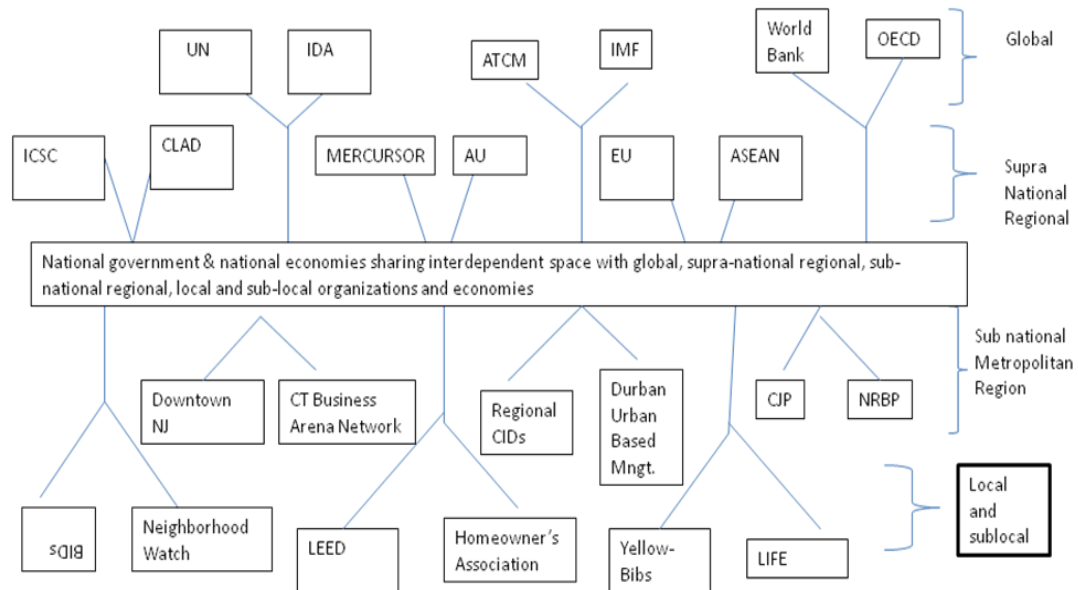
Globally, the UN conglomeration targets urban governance, for instance, through the United Nations Development Programme and UN-HABITAT. The former spearheads, for example, the Local Initiative for Urban Environment (LIFE) – concerned with pro-poor governance activities while the latter wages a ‘Global Campaign on Urban Governance.’ The OECD uses its Local Economic and Employment Development (LEED) component to identify, analyze, and disseminate innovative trends for local development, governance and the social economy. While the

International Downtown Association (IDA) is based in the United States, and the Association of Town Centre Management (ATCM) in the United Kingdom (UK), each organization furthers the business improvement district movement internationally, dedicating its single and collective reach far beyond the U.S. and the U.K. by helping cities realize their natural roles both as prosperous locations for business and investment, and as focal points for vibrant, inclusive communities (IDA, 2008; ATCM, 2008).

Regionally, the African Union – noting that the continent’s urban population is doubling almost every twenty years – formulated the African Ministerial Conference on Housing and Urban Development for local governance capacity-building. The European Union established the Committee of the Regions through which regional and local authorities address, *inter alia*, regional policy, the environment, education, and transport. Regional organizations are not just supporting local development on their own geographical turf. While metropolitan eThekweni (Durban, KwaZulu-Natal, South Africa) provided the bulk of capital and operating funding for a 5-year Area Based Management and Development programme, the EU contributed Euro 35 million to support Area Based Management and Development on the African continent. Among its efforts towards regional integration, MERCUSOR generates and uses knowledge to facilitate competitiveness and growth of firms and countries in South America; including the creation of the Merco-Cities Network embracing 160 principal cities in the Southern Cone (Kleiman, 2008) to further urban governance processes. The schematic below symbolizes the transforming role of the state with the emergence of

global, supranational regional, subnational regional, local, and sub-local sites of politics and administration.

Schematic 2. Interactive global, regional and local organizations



The globalization of urbanization has resulted in global and regional organizations orchestrating, funding or otherwise contributing to local economic development and urban management. Global and regional organizations involved in urban affairs are often themselves ideologically and in practice attached to neoliberalism on their respective geographical scale of origin. At the same time, world politics is said to be urban politics, producing the city in new forms (Magnusson, 1996, 296). The municipality is arguably particularly significant for politics and administration because it is at the boundary between the state and civil society, the centre and the locality, social disciplines and everyday life (Magnusson, 1996, 302; Keil 1998, 625). The city as a real site concentrates social difference (Sassen, 1994, 122; Keil, 1998, 630). All of these factors considered and coupled with the sociospatial reconfiguration of trilogy space, it is unsurprising that just as

neoliberalism parallels globalization, so does neoliberalism parallel urbanization.

Brenner and Theodore (2002) provide useful examples of the manifestations of mechanisms of neoliberal localization. These mechanisms and their manifestation have become part of everyday experiences for individuals from all walks of life some of which are listed in the chart below. Whether one is a manager in public finance involved in new revenue collection districts or private financing for local development, a or an individual managing mandatory welfare to work programs or being served by it, one is part of neoliberalism in urban spaces. Private citizens are property owners in gated

Table 1. Manifestation of mechanisms of neoliberal localization

MECHANISMS OF NEOLIBERAL LOCALIZATION	EXPRESSION OF CHANGE AT THE MUNICIPAL LEVEL	ANALYTIC NOTES
Recalibration of intergovernmental relations	Devolution of governance to municipalities; new incentive structures to reward local entrepreneurialism	Central government support for municipalities lapsed as devolution increased
Retrenchment of public finance	New revenue collection districts, user fees, instruments of private finance	Imposition of fiscal austerity upon municipalities decreased
Restructuring the welfare state	Mandatory workfare for welfare recipients	Phasing out of state managerial-welfarist local infrastructure
Privatization of municipal public sector	Privatization and competitive contracting out for municipal services	End of monopoly for standardized services
Reconfiguring the institutional infrastructure of the local state	‘Rolling forward’ of new networked forms of local governance based upon public-private partnerships, ‘quangos’ & NPM; institutional designs where elite business interests directly influence major local development decisions	Dismantling bureaucratized, hierarchical forms of local forms of public administration; assault on traditional relays of local democratic accountability; state tasks devolve to voluntary community

		networks
Reworking labor market regulation	Proliferation of contingent work like temporary staffing and unregulated “labor corners.” Expansion of informal market	End of traditionally public education, skills training, apprenticeships for youth, displaced workers, and unemployed
Restructuring strategies of territorial development	Free trade zones, urban enterprise zones; ‘glocal’ strategies rechanneling infrastructure investments into globally connected local/regional agglomerations	This follows fragmentation of national economies into urban and regional industrial systems
Transformations of the built environment and urban form	Gated communities; megaprojects to attract corporate investment; intensified sociospatial polarization	Traditional working class neighborhoods gives way to speculative redevelopment; intensified surveillance of urban public spaces
Interlocal policy transfer	Diffusion of generic approaches to local social problems e.g. welfare to work, place marketing strategies ; imposition of decontextualized ‘best practice’ models for local policy environments	Erosion of contextually sensitive approaches to local policy-making; marginalization of ‘homegrown’ solutions to local market and governance failures
Re-regulation of urban civil society	Zero-tolerance crime policies and broken windows policing; new forms of local surveillance and social control; new policies reinserting individuals into the labor force to overcome social exclusion	Decline of ‘liberal city’ where inhabitants are entitled to basic civil liberties, social services, and political rights
Re-representing the city	Entrepreneurial discourses focused on revitalization, reinvestment, and rejuvenation in major metropolitan areas	Decline of post-war city image of urban disorder, ‘dangerous classes’ locus of and economic decline

Source: Adapted from Brenner and Theodore’s Destructive and Creative Moments of Neoliberal Localization, (Brenner & Theodore, 2002, 22-25)

communities. Elected officials, often engaging citizens in voluntary community networks ‘Yellow-bib’ and ‘broken-windows’ policing initiatives lodge campaigns for zero-tolerance crime, city government installs CCTV for local surveillance in

numerous urban areas across the globe. Early morning congregations of immigrant laborers impatiently waiting at established pick-up locations hopeful for per diem job assignments as well as informal traders setting up curbside shop are all stakeholders in neoliberal urban space. Public-private partnerships, chambers of commerce, and business coalitions allow business elite to participate in local redevelopment and municipal land use. In urban enterprise zones economic development practitioners, businesses participating in the zone, workers newly employed by the zone, shoppers consuming in the zone, or BIDs located in zone boundaries that financially benefit from UEZ generated monies, all of these elected officials, public managers, private firms, public-private partnerships, and civil society everyday makers are actors in neoliberal urban and broader metropolitan areas. At the same time, neoliberal urban space is a contested frontier, a site concentrating social difference (Sassen, 1994, 122); where, in a localized ‘competition state’ neoliberalism will be what these economic, political, and social stakeholders make of it on a multi-level, transnational level (Cerny, 2008).

BIDs are obviously actors in neoliberal metropolitanization and urbanization. The matrix below matches BID operations and functions to mechanisms of neoliberal localization and expressions of change at the municipal level.

Table 2. BIDs and Mechanisms of Neoliberal localization at the Sub-Municipal Level

Mechanism of Neoliberal Localization	BIDs’ Role in Urban & Metropolitan Expressions of Change
Retrenchment of public finance	Instrument of local private finance – mandatory assessment collection
Reconfiguring the institutional infrastructure of the local state	Public-private partnerships; elite business interests involved in redevelopment

Restructuring strategies of territorial development	BIDs awarded UEZ generated monies; BIDs channel infrastructure investments into local and regional areas
Interlocal policy transfer	BIDs transfer revitalization policy. Unlike Matrix __ BIDs customize place-marketing strategies; BIDs contextualize ad hoc practices or ‘best practice’ models upon local policy environments
Re-regulation of urban civil society	BIDs promote zero-tolerance crime policies, ‘broken windows’ policing, CCTV surveillance, reinsert individuals into labor market to combat social exclusion
Re-representing the city	BIDs further entrepreneurial discourses, revitalization, reinvestment, regeneration in major urban and metropolitan areas

Source: Framework adapted from Brenner and Theodore (2002, 22-25) Application of framework to BIDs, the author.

While BIDs are clearly neoliberal actors in urban and metropolitan change, BIDs are also unique in several ways when compared to the neoliberal localization mechanism framework. The proliferation of BIDs may stem in part from its ability “to ‘microfit’ to local conditions” Hoyt & Gopal-Agge, 2007). Rather than a generic approach to place marketing, BIDs tend to focus on image enhancing that is distinctive and reflective of the urban terrain and supplemental public services being delivered. An emerging BID ‘best practice’ is not decontextualized. Instead, BID pragmatism is contextualized – the BID model is globalizing yet local conditions shape BID context on the ground such as the Newark Downtown District undertaking capital improvements that suggest a utilization of performance-based budgeting. The Central City Improvement District, across a post-apartheid urban terrain, delivers transformational social development services (Ruffin, 2010). BID interlocal policy transfer is amenable to building relationships and constructing networks that deliver services best suited for the business district and by extension for the competitive municipal and metropolitan area in a global era. In order for the BID to successfully

engage in entrepreneurial discourses, which in turn capitalizes on place marketing, image-enhancing, and place-making as part and parcel of the urban revitalization and regeneration project, must the municipality also be entrepreneurial? This is a research question explored by this research study.

Globalization, metropolisation, and urbanization each experience neoliberalism – ideologically and in practice at the respective levels. The reconfiguration, interdependence and interaction of these geographical scales and the rescaling of the nation-state under globalization have led to greater transnational activity between individuals and organizations at the local or sub-local level. In the context of the trilogy, BIDs are proliferating worldwide through deliberate transfer by policy entrepreneurs (Hoyt, 2005, 2006, 2008; Ward, 2006; Cook, 2008). However, the space and place-making is shaped by local context (Peel & Lloyd, 2005, 94, 89; Ruffin, 2010). Interestingly, BIDs are multi-disciplinary and inter-disciplinary being treated by such disciplines as public administration, political science, planning, geography, sociology, history, business administration, economics, law and others. Policy entrepreneurs are transnational actors, and together with academicians, practitioners, an array of consultants and transnational professional organizations are arguably emerging as a transnational discourse community. One of the questions for this doctoral dissertation research is whether BIDs are emerging as a TDC.

I next turn to the literature on policy transfer and transnational discourse communities as they relate to the rise of the BID movement. I then briefly review the public administration literature on hybrid governance and network management before considering a convergence of the literature review which concludes with the research

questions and hypotheses that are the subject of this cross-national social-legal triangulated descriptive and explanatory case study.

III. Rise of the BID Movement through Policy Transfer and Transnational Discourse

As noted in the preceding section of Chapter 2, the intensification of globalization has led to a complex deterritorialization and reterritorialization of socio-economic activity in the form of subnational, regional, and supranational economic zones, multi-level mechanisms of governance, and transnational cultural complexities (Held, et al., 1999). This sociospatial reconfiguration of geographical scales no longer privileges but is instead transforming the nation-state (Brenner, 2004). In this territorial ‘shake-up’ neoliberalism – ideologically and in practice – does not just operate in the global political economy but also in the urban political economy. When considered in the context of globalization, regionalization, and urbanization, business improvement districts are arguably a production of neoliberal localized mechanisms. For example, BIDs are highly involved in interlocal policy transfer, the re-regulation of urban civil society, and the re-representation of the city. BIDs have proliferated greatly over the last two decades. This section of Chapter 2 considers transnational discourse community development and policy transfer.

Determining primacy between policy transfer and the building of a transnational discourse community is synonymous with the proverbial question, which comes first the chicken or the egg? Does policy transfer generate a transnational discourse community or does the transfer of policy give rise to a transnational discourse community? Definitions and examples of each are followed by the application of both to the BID movement. Policy transfer is the transborder sharing of knowledge and ideas about policies, institutions, administrative arrangements, and programs about

how these factors work in one place for consideration in the development of policy elsewhere (Stone, 2008; Evans, 2004; Dolowitz & Marsh, 2000). According to Stone: “an emerging but as yet not fully understood characteristic of the global era is the manner in which some governments and international organizations become proactive in promoting cross-border policy harmonization (especially in regional arrangements) or in exporting lessons” (Stone 2008, p. 26). Transnational policy entrepreneurs may be based locally as is the case of BIDs (Hoyt, 2005); or globally situated through global or regional organizations such as the UN organizations, the World Bank, IMF, or OECD (Dolowitz & Marsh, 2000; Considine, 2005). As discussed in this literature review, OECD, a TDC, transfers policy furthering urban entrepreneurial governance.

Policy transfer is likewise dispersed by NGOs like think tanks (Stone, 2000). IDA is a non-governmental source of policy transfer for BIDs and other mechanisms of urban management. Demonstrating the proliferation of BIDs, the World Bank Urban Forum reported over 60,000 BID-like organizations worldwide (<http://www.worldbank.org/urban/forum2002/docs/greg-clark-pres1..pdf>).

Bislev, et al. (2002, 206-209) defines TDCs with the following building blocks:

Transnational	Across nation-state borders (Ibid, 207)
Discourse	Foucault-driven knowledge construction through meaning-making of relations and worldviews while constituting power through naturalizing and internalizing dynamic meaning-making, schemes of classification, beliefs, and institutions (Ibid, 209)
Community	Shared identity of a group of people, seen in non-essentialist terms, and whose professional identities transcend the division among hitherto sacrosanct national identities (Ibid, 208)

To define TDCs, Bislev, et al. compare TDCs to International Organizations (IOs). While conventional International Relations theory views IOs as mere ‘mechanisms’ for state action and without independent autonomy, contemporary IR theories emphasize that IOs are relatively autonomous and purposive actors setting their own agenda, pursuing their own goals and exercising power as they constitute and construct the social world (Ibid, 205 quoting Barnett & Fennmore, 1998, 700). Likewise, TDCs generate constitutive power and, where TDCs lead to organizational forms that multiply and affect governance; TDCs are in effect, products of globalization (Ibid, 205-206). Bislev, et al. clarify three clusters of TDCs by the examples delineated in Table 3 (which is not exhaustive).

Table 3. Three Clusters of TDCs

GLOBAL AND REGIONAL GOVERNANCE ORGANIZATIONS	OECD AND AFFILIATED ORGANIZATIONS AND COMMITTEES	PROFESSIONAL AND EXPERT PUBLIC ADMINISTRATION ORGANIZATIONS OF PRACTITIONERS AND ACADEMICS
UN Organizations	Directorate for Public Governance and Territorial Development	American Society for Public Administration
World Bank	Public Governance Committee	National Academy of Public Administration
IMF	Territorial Development Policy Committee	International Institute of Administrative Sciences
CLAD	Working Party on Territorial Policy in Urban Areas	1 st -5 th Transatlantic Dialogues for Public Administration in Europe and the U. S.
ASEAN		
MERCUSOR		

AU	G-7, hierarchical to OECD (Ougaard, 2004, 79)	International Studies Association
EU		

Source: Adapted from information provided in Bislev, et al (207-209) and added organizations known to author. The Bislev example was professional and expert public administration organizations, however TDC status could apply to other professional expert organizations as well.

These TDCs tend to grow discourses about public administration and management that tend to be unmediated by and that largely bypass the level of national government. TDC power for each cluster is much better known in the first two clusters and less evident in the third. Global and regional organizations as well as OECD and its sub-organizations comprise different types of TDCs, according to Bislev, et al. and the organizations transfer policy while diffusing governance and management technologies around the world. As to the third cluster, public sector academicians and practitioners are no longer solely identified with national concerns when involved in international activities that construct knowledge through meaning-making or relations and worldviews. The public administration TDC “engages in a variety of communicative practices,” to construct expert knowledge, and has a broadly agreed set of common public goals, mechanisms and genres for communication among members. TDC members meet face to face at conferences and meetings – complemented by written and electronic forms of communication – papers, documents, websites, e-mails, conference calls and may be a virtual community given the current phase of globalization. Instead they tend to assume a regional or global outlook on public administration issues (Bislev, et al., 2002, 208, 209)..

Public administration professional and expert organizations constitute power through meaning-making, and designating agreed schemes of classifications, beliefs,

and institutions which are naturalized and internalized for all, subject to reinvention. (Ibid, 208-209). TDCs are similar to epistemic community where “control over knowledge and information is an important dimension of power and that the diffusion of ideas and information can lead to new patterns of behavior and prove to be an important determinant of international policy coordination” (Haas, 1992, 2, 3). A managerial form recently diffused by all three clusters of TDCs was New Public Management, a neoliberal decontextualized, generic managerial approach that sought to, *inter alia*; infuse private sector rationales into the public sector.

All three clusters of TDCs generate knowledge for governance and managerial forms at multiple levels as well as facilitate transfer policy by policy entrepreneurs. Bisley, et al. argue that where TDCs lead to organizational forms that multiply and affect governance, they are in effect, products of globalization. Business improvement districts have been the subject of a great deal of policy transfer and may be expanding into a TDC. Identifiable BID policy entrepreneurs are property and business owners, local government, public agencies, NGOs, elected officials, private consultant firms, international organizations, researchers, architects, and planners (Hoyt, 2006). Academicians from a host of disciplines in different parts of the world and practitioners in a great variety of fields involved at the local, regional, national and global level across multiple continents have studied and conceptualized BIDs, designed land use schemes and developed professional training authorities to further BID practices.

In her seminal study, Hoyt (2005) found that, through the efforts of policy entrepreneurs, BID organizations existed in at least eight countries: Canada, the

United States, New Zealand, South Africa, Serbia, Albania, Jamaica and the United Kingdom. Her investigation further revealed BID policy at the transfer stage in at least: Japan, Austria, Germany, Lithuania, the Czech Republic, Poland, and Romania. (See also: Hoyt, 2006; Hoyt and Gopal-Agge, 2007). The international transfer of urban revitalization policy underlies the local/global nexus of BIDs and intersects with societal developments intensifying place management needs and facing administration and management changes warranted by shared public authority.

In his discussion of the trans-local expansion of BID urban management policy to the UK, Ward (2006, 70) points out “that the model of urban management embodied in BIDs has been adopted – in principle if not in name – in 16 countries across four continents is not an accident, no chance occurrence; it reflects the strong diffusion channels and distribution networks that exist to facilitate the transfer of policies of a particular type from one place to another.” Reminding us that the BID model is in such ‘culturally, politically and socially diverse’ cities as Aso-gun, Brussels, Cape Town, and Oslo; Ward goes on to state: “it is not only that policy is ‘made-up’ through the involvement of a network of actors; the identities, rationalities and subjectivities of those that are doing the making are subject to change through the process of inter-local policy transfer (Ward, 2006, 70; Peck and Theodore, 2001). Finding the ideas associated with BID policy transfer evident in Scotland, Peel and Lloyd (2005, 94, 89) note that the BIDs’ momentum formed part of a wider urban regeneration policy agenda in Scotland based on the *Cities Review* initiative which “advocated a better informed view of how the Scottish cities were changing and championed a more integrated understanding of the relations between a city, its city-region and the nation-

state.” The global proliferation of the BID model for urban revitalization may stem in part from “its underlying flexibility that permits it to ‘microfit’ to local conditions” (Hoyt and Gopal-Agge, 2007, 948; Lloyd et al., 2003, 305; Symes and Steel, 2003, 303). BID policy transfer appears bound up with the trilogy: globalization, regionalization, and urbanization while engaging network actors during the lesson learning and trans-local policy transfer across multiple continents.

From Peel and Lloyd (2008, 200) we learn that “there are certain defined pools of knowledge which act as pivotal hubs of learning within the BID movement, and which operate to identify, collate, interrogate, organize and disseminate an expanding knowledge bank of experiential learning and research study evidence.” BID policy entrepreneurs and consultants along with academicians, in line with TDCs, engage in the communicative practices named above, construct BID knowledge through meaning-making and together develop schemes of classification about BID development and management, exercising beliefs and creating institutional regimes that are internalized and naturalized throughout the BID movement until new, more appropriate ones unfold; at which time knowledge and practices is reconstructed through the power of what may be a TDC of the BID movement.

BID policy transfer and potential TDC status raises a host of questions. Is there now a global/local nexus of the BID movement? Is there a transnational policy network – virtual or otherwise – within the BID movement? Domestic politics are known to impact global politics and not just vice versa. Global and regional governance affect local governance. Do the politics and governance of BIDs as neoliberal sub-localized mechanisms mean that these steadily multiplying managerial

forms are affecting world politics and global governance? Are BIDs emerging as a TDC as defined by Bislev, et al.?

This study investigates the latter question. Given the global proliferation of BIDs via revitalization policy transfer by policy entrepreneurs, does BID relationship-building and network management amount to a transnational discourse community?

The next section considers relationship-building and network management.

IV. Hybrid Governance and Network Management

The first section of Chapter Two reviewed literature that placed the BID Movement. In the context of globalization, metropolitan regionalization, and urbanization. It presented the unifying framework of OECD's urban entrepreneurial governance juxtaposed with Brenner's sociospatial transformation of geographical scales that is rescaling the nation state in view of globalization processes; that section also highlighted BIDs as products of neoliberal localized mechanisms such as interlocal policy transfer, re-regulation of urban civil society and re-representation of the city. The second section of Chapter 2 reviewed and applied BID policy transfer and transnational discourse community literature. The third and final section of the literature review explores hybrid network governance and public-private partnerships generally before examining the analytical framework for BID hybrid governance and network management. Chapter 2 is then concluded by a convergence of the literature review.

To be sure, governing and managing cities in an era of the trilogy presents unfamiliar complexities (Hambleton and Gross, 2008; Yáñez, et al., 2008; Wu, 2002; Hansen, et al. 2001). Public administrators and managers must produce governance and management technologies to meet the complexities of new multidimensional challenges and opportunities. Public policy is no longer reserved for the domain of legislators and bureaucrats alone at any scale. Instead, forces of the trilogy have been instrumental in moving us from an agrarian, to an industrial, to a technological, to a network society. Public administration (Gawthrop, 2008; Mandell, 2001a, 2001b;

Bogason & Toonen, 1998; Machado & Burns, 1998; O'Toole 1997), public management (Morton, et al. 2008; Agranoff & McGuire, 2003a) public policy-making (Booher, 2004; Kickert, et al., 1997; Rhodes, 1997), and public service delivery (Considine, 2005; Dawes & Préfontaine, 2003; Milward & Provan, 1998) are all taking place horizontally through networks consisting of various public and private, individual and organizational actors who add value to the network and have a stake in network outcomes.

Hybrid organizations – often inclusive of public-private partnerships – are foundational to network governance and network management. Hybrid organizations are subject to a variety of connotations. In simplest terms, hybrids are organizational arrangements that use resources and/or governance structures from more than one existing organization (Borys & Jemison, 1989, 235). From a public administration perspective, Skelcher associates hybridity with an indistinct boundary between public and private interest as a result of the close engagement of business and not-for-profits in the governmental process (Skelcher, 2005, 348). Business administration-wise Borys & Jemison (1989, 234) find hybrid arrangements to include strategic alliances between commercial organizations such as acquisitions, joint ventures, license agreements, and research and development partnerships. Generally speaking, hybrid organizations may then comprise public-private, public-public, or private-private relationships with an agreed purpose drawn from the joined up organizations. Meta-governing by organizations is part and parcel of network governance.

Sørensen and Torfing (2005) define network governance as:

1. a relatively stable horizontal articulation of interdependent, but operationally autonomous actors;
2. who interact through negotiations;
3. which take place within a regulative, normative, cognitive and imaginary framework;
4. that to a certain extent is self-regulating; and
5. which contributes to the production of public purpose within or across particular policy areas.

Network management means deliberate steering, facilitating, crafting, and strategizing sufficient to execute goals and protect interests of the network actors (Klijin, et al., 2008; Agranoff & McGuire, 2003b; Meier and O'Toole, 2001; Mandell 2001b; Kickert et al., 1997).

Interestingly, the network form of organization is not as revolutionary as it is evolutionary in public administration. Beneath its surface is the Taylorist/Weberian foci of formal structures and institutional theory combined with elements of a post Barnard/Simon organizational behaviorist concern (Bogason & Toonen, 1998). The principles of scientific management (Taylor, 1912) remain a formal structure embodying the burdens and duties of gathering knowledge, recording it, tabulating it and reducing it to laws and rules. However, the scientific selection and progressive development is not of 'workers' but among and between cooperative multisector organizations. The efficacy of formality is to be found no longer in bringing together science and scientifically trained 'workers' but in bridging classified or organized knowledge of any kind with varied organizations coordinating or collaborating for a common purpose. Rather than a near equal division of actual work between

management and labor, there is an agreement as to shared tasks and joint performance of independent collectivities with a distinct aim in view.

The interorganizational performance of collectives across network governance is the epitome of exercising the authority of the situation as opined by Mary Parker Follett (1926) some eighty years ago. Participatory management is part and parcel of network governance as the giving of orders is depersonalized. To achieve a common goal, organizations in the network must discover the orders central to the evolving situation. Follett's three fundamentals as to the giving of orders: (1) that the order should be the law of the situation; (2) that the situation is always evolving; (3) that orders should involve circular not linear behavior is equally if not more applicable to network governance although the players have changed. Integration remains the basic law of life (Ibid, 70), but the players are not just between intraorganizational managers and personnel. Rather, in network governance, the multi-sector organizations integrated into the evolving situation. Interdependent autonomous actors articulate and negotiate how "orders," or, that which needs to be done to accomplish a common purpose or goal; contextually fits into a regulative, normative, cognitive, and imaginary framework. Power and authority is no longer individual or state-centered. Instead it is a matter of cooperation, coordination, and collaboration among and between organizations for collective action.

At the same time, a Weberian-driven (1922) 'institutional theory about power and authority in the development of state and society and the role of the administration as a part of it' (Bogason & Toonen, 1998) has not perished. Contemporarily, institutional theory is shifting to accommodate intermittently vertical multi-level power

and authority in a more horizontal multi-centric localizing/globalizing network continuum where public administration's role as a part of it continues to at once reflect and shape changes in society (Holzer & Gabriellian, 1997).

This unfolding of organizational theory is evolutionary not just from the standpoint of such theorists as Taylor, Follette, and Weber. Yet inherent in network governance is intraorganizational and interorganizational informality (Barnard, 1938) coupled with the triangulated bounded rationality of skills, values, and knowledge (Simon 1946). However, informality and bounded rationality is now within, among, and between autonomous actors negotiating horizontally toward a mutually beneficial goal for the production or provision of collective goods or services. While both organizational behavior and interorganizational network governance both hinge upon planning and co-ordination, theories of organizational behavior revolve more so around processes and procedures; whereas network analysis is more outcome and results oriented.

The network form of organization, however, is not limited to the public sector. Finding that Japanese firms seem to rely extensively on network forms of organization, Western scholars and practitioners began to question the extent to which reliance upon network forms of organization is itself a determinant of competitive success (Podolny & Page, 1998; Lincoln, et al., 1996; Gerlach, 1992). Podolny and Page distinguish network forms of organization from hierarchy and market. They define network governance as any collection of actors that pursue repeated, enduring exchange relations with one another and, at the same time, lack a legitimate organizational authority to arbitrate and resolve disputes that resolve the exchange. These theorists

distinguish the market form of governance as engaging relations that are enduring but episodic, formed only for the purpose of a well-specified transfer of goods and resources and ending after the transfer. Hierarchies exist where longer enduring relations extend beyond an episode and where a clearly recognized, legitimate authority exists to resolve disputes that arise among the actors (Ibid 59). In their view, among the three, network governance, *inter alia*, fosters learning, yields attainment of status or legitimacy; provides a variety of economic benefits; and facilitates the management of resource dependencies.

To be sure, Jones, et al. (1997) argue that network governance provides a comparative advantage as a form of governance over market and hierarchy. They integrate transaction costs economics and social network theory to help firms and non-profit agencies identify conditions under which network governance is likely to emerge as well as the social mechanisms that allow it to coordinate and safeguard customized exchanges in a rapidly changing market (Ibid, 913). Jones et al. (1997) define network governance as involving a select, persistent, and structured set of autonomous firms as well as non-profit agencies engaged in creating products or services based on implicit and open-ended contracts to adapt to environmental contingencies and to coordinate and safeguard exchanges. The contracts are socially, but not legally binding (Ibid, 914).

Public private partnerships and negotiative networks for governance and management are instrumental in urban entrepreneurial governance (OECD, 2007a, 8). A public-private partnership has a variety of meanings – in theory and in practice. Lowndes and Skelcher (1998) rely upon data from UK urban regeneration partnerships

to draw clear distinctions between the network mode of governance and multi-organizational partnerships as structures. Partnerships are structures typically involving business, community and not-for-profit agencies as well as governmental entities. Similar to private sector findings, their work highlights the fact that partnerships experience different modes of governance – market, hierarchy, and network. Trust is a central factor in all modes of governance but most highly coveted in network governance. Understanding how ‘mixed’ modes of governance operate facilitates boundary-crossing networks that expand social capital.

Extending market, hierarchy, and network modes of governance to BIDs, Ysa (2006, 56) too finds that trust and collaboration among partners signal network governance. In her comparative analysis of BIDs and UK town centre management (TCM) she argues that a market public-private partnership is distinguished by process standardization for product and service provision. By contrast, a hierarchical public-private partnership means that power and influence are exerted through a governmental structure. Unlike Lowndes and Skelcher (1998) whose findings indicate predominance of certain governance modes at particular partnership life phases, Ysa (2006, 59) finds that, depending upon power relationships built between partners, partnerships may transition from one governance model to another non-sequentially and non-uniformly.

While hierarchy, market, and network modes of governance all apply to BIDs, for purposes of this study, BIDs are perceived as actors in metropolitan network governance (Morçöl & Zimmermann, 2008) but as network managers of the urban landscape (Levy, 2010). To be sure, the hierarchy mode of BID governance is at work through its long enduring intergovernmental component, its board of trustees or

commissioners and its managerial oversight of the district (Lowndes & Skelcher, 1998) and the fact there is a recognized legitimate authority to resolve a dispute (Podolny & Page, 1998). Contract and property entitlements and obligations for episodic service provision engaging relationships mediated by price mechanisms (Lowndes & Skelcher, 1998) for standard services (Ysa, 2006) such as street and landscaping or event-planning reflect a market mode of governance. However, when it comes to BIDs collaborating among business and property owners and arranging for the delivery or supplemental services, or implementing local policy, BIDs are conducting network management as opposed to network governance. The BID public-private partnership is the staple of its network management.

In its simplest form, a public-private partnership – which may be foundational to hybrid arrangements – is an association of solidarity wherein one party is from the public sector and the other party is from the private sector, the parties share values, mutualize risks and share profits (Sedjari, 2004, 291). Synergy and transformation are produced. Synergy means the added value obtained when two or more partners act together in order to achieve a common objective. Transformation is characteristic of a public-private partnership where the public sector does not adopt wholesale market economy and other private sector rationales and the private sector does not fully embrace public sector concerns such as democracy, transparency, and responsiveness to citizens. At the same time, the public sector does adapt entrepreneurial behavior, considering the market economy and conversely, the private sector becomes more responsive to citizens, human-centered in orientation – and while profit remains

priority – it is not the only goal, social concerns evolve into wider goals which are achieved through combined methods that intertwine the sectors and blur boundaries. The major priorities are supported and not diminished while the strengths and weaknesses of each sector are reconciled (Ibid, 293-294; Grossman, 2008). This is a transformative public-private partnership. All BIDs may not fit this definition of public-private partnership due to jurisdictional differences. However, this definition fits the South African and United States BIDs around which the localized aspect of this study revolves.

BIDs offer a microcosmic opportunity to examine a public-private partnership and its negotiative networks. A BID is a private entity engaged in a public-private partnership with the local government, and perhaps the state or provincial government (depending upon the jurisdiction). Through legislation BIDs gain intergovernmental status, the town usually has to approve its budget, and where sunset provisions exist, ultimately decide whether the BID will be re-authorized. Yet, as private entities BIDs are self-governed and regulated by their own by-laws and internal processes and procedures.¹ The intergovernmental status of BIDs via the fundamental public-private partnership is only part of the story. What is more telling about the BID is its performance from a network management perspective on multiple governance levels. It is through network management in the context of the trilogy that BID performance

¹See, for example, the Haddon Township case where, despite the operability of BID by-laws, several of the municipal commissioners who had created the BID subsequently enact an ordinance denying BID property and business owners the right to elect their own board pursuant to BID bylaws. The sole dissenting commissioner instituted successful legal action against the commissioners enacting the ordinance. The court found the BID to be an independent, non-profit organization that should be left alone, even by the commissioners who created it, to manage the BID's own affairs (DeCastro, 2005).

enables the district's competitive advantage or comparative advantage in a global society.

Public management is not solely intra-organizational. Rather, public service delivery and policy-making and implementation are generally accomplished through networks of meta-sector, multi-organizations to which BIDs are no exception. It is important here to distinguish between network mechanisms and policy networks. Network mechanisms are concerned with delivery of goods or services from the gamut of occasional cooperative information sharing, to more frequent coordination in executing agreed upon goals, to collaborative decision-making, comprehensive planning, and interdependent execution – such as BID delivering capital improvement and social development services. Management is arguably more crucial in network mechanisms than hierarchical ones due to its influence on organizational performance (Herranz, 2007; O'Toole & Meier, 1999). Policy networks involve autonomous actors in making and implementing policy – like BIDs as network actors in urban revitalization policy transfer and implementation. Management is more crucial in policy networks than single organizational implementers given the facilitating and steering required in securing and maintaining buy-in to policy outcomes. At the same time, results oriented network management becomes increasingly significant in the current sociospatial reconfiguration where no single geographical scale of the trilogy is a privileged level of governance.

Network management deepens the contours of the public-private partnerships as the network expands, with other actors not being ancillary to the productivity

of the public-private partnership but central to the service delivery or policy outcome of the network. For example, to gain competitive advantage through implementation of urban revitalization policy, BIDs effect economic development and capital improvements by meta-sector network engagement. BIDs simultaneously broaden and deepen relationships with municipal and state offices and agencies such as those dedicated to economic development, planning, engineering, or transportation while bringing urban management consultants, construction managers, urban horticulturists, commercial vendors, and street merchants into the network. Similarly, where residents of or visitors to the district are without permanent housing, employment, or other fundamental human needs given unwieldy and involuntary historical legacies, BIDs may create some forms of network mechanisms for social development. This, in turn furthers the urban revitalization project while addressing social issues and making the district more inviting for all stakeholders.

The network model is a dependent variable in this study given the global change and governance brought about by the reconfiguration of geographical scales and the rescaling and transformation of the role of the nation-state. To maximize urban entrepreneurial governance in a contested neoliberal localized environment of limited financial resources, building strategic types of relationships and constructing pragmatic network mechanisms provides an untapped source of social capital. Social capital fuels public-private partnerships and network governance and management. It is here defined as that property of relations among individuals and/or organizations which at once emerges through interaction and facilitates collective action of those individuals

or entities involved. It is the aggregate of the actual or potential resources, which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition (Bourdieu, 1985, 248). It is the value of resources emanating from and usable by the autonomous actors to collectively realize their interests or goals through the combination of their actions (Coleman, 1990, 300, 305). It is made up from networks together with shared norms, values and understandings that facilitate co-operation within or among groups (OECD, 2001a). Trust is an essential component of social capital (Putnam, 2000). While present in market, hierarchy, and network modes of governance, social capital is the *sine qua non* of network governance and management. It is part and parcel of the continuum of cooperation, coordination, and collaboration among and between actors across network arrangements, locally in BID service delivery and globally through BID policy transfer.

Brown & Keast (2003) provide a useful analytical framework for unbundling social capital by types of relationship-building with individuals. Similarly, they designate types of network mechanisms to better capture network arrangements between interacting organizations. Brown & Keast unpack the key horizontal terminology of cooperation, coordination, collaboration (the 3 C's), and of networking, networks, network structure (the 3 N's) (Winer & Ray, 1994; Konrad, 1996; Fine, 2001). In cooperative relationships participants may agree to share information, space or referrals, however no effort is made to establish common goals and each entity remains separate, retaining their own autonomy and resources. Intensity and risk

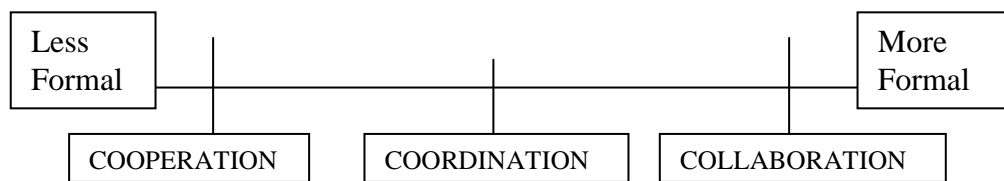
levels are low and, being a less strategic operation, action is likely to be undertaken by personnel at lower levels in the organizational structure (Brown & Keast, 2003; 116; Cigler, 2001; Winer & Ray, 1994).

In contrast, coordination involves strategies requiring information sharing, joint planning, decision-making and action between organizations due to a need to 'orchestrate' people, tasks and specialised interventions to achieve a predetermined goal or mission (Brown & Keast, 2003; 116; Lawson, 2002; Alexander, 1995; Mulford & Rogers, 1982). Distinguished from cooperation, coordination relies not so much upon the good will of the actors or endorsement of arrangements. Rather, coordination focuses the force of an objective, a mandate, even adherence to a prearranged plan or formal rules all under direction of an independent manager. It's potential to drive network operations places coordination at the fulcrum between horizontal and vertical integration. There is a higher level of commitment, agreed upon loss of autonomy, shared risks and benefits together with involvement of higher-level managers. With more formality and stability than cooperation, coordination calls for a more visible and enduring relationship (Brown & Keast, 2003; Cigler, 2001).

Unlike cooperation and coordination, collaboration requires comprehensive planning and well-defined multi-level communication channels resting upon high levels of trust, and commitment to a jointly determined mission. Collaborators perceive themselves as part of a total picture not as solely autonomous entities where accomplishment of the mission is concerned (Brown & Keast, 2003, 117; Agranoff & McGuire, 2001; Cigler, 2001; Mandell, 1999, 2000, 2001). Collaboration can be a time-consuming, complex, highly risky endeavor (Brown & Keast, 2003). Yet the

participatory benefits to be derived may well outweigh the time the organizations invest, the complexities they resolve and the risks they encounter. Collaboration fosters the liberation of resources through communication and trust among the actors (Considine, 2005). The theory of the 3 C's is applied at all three units of analysis, individual, stakeholder segment, and the BID organization. The continuum of the 3 C's which generates social capital appears in Figure 5.

Figure 5 Continuums of Stakeholder/Organizational Relations
Generating Social Capital



(Adapted from Keast and Brown, 2003)

Similarly, as they do with the horizontal integration terms of cooperation, coordination, and collaboration, Brown & Keast (2003) clarify horizontal network terms by differentiating “networking,” “networks,” and “network structure” as mechanisms (Mandell 2001, 2000, 1999, 1994). Brown & Keast (2003, 118) argue that horizontal integration focuses upon relationships between people and organizations while network governance is concerned with the structural elements and process of linkage. They emphasize that integration and network terms are not to be used interchangeably. Horizontal integration is different from vertical linkages just as policy networks (Marsh & Rhodes, 1992; Van Waaren, 1992) are distinct from service delivery networks (Mandell, 2000, 2001; Alexander, 1995).

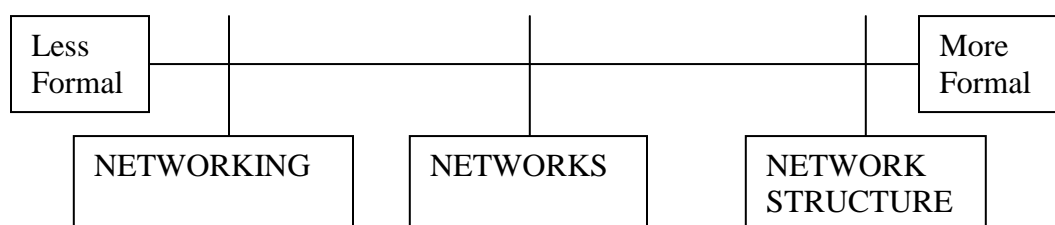
For the purposes of this research study, cooperation, coordination, and collaboration from which social capital inures reflect types of relationships whereas networking, networks, and network structure (the 3 Ns) are the inter-organizational mechanisms by which these relationships are carried out. Public policy development and particularly policy change in contemporary polities is increasingly being affected by policy transfer (Dolowitz & Marsh, 2000). Here, BID transfer policy networks or TDCs equate with how BIDs are globalized by policy entrepreneurs. Service delivery networks, on the other hand revolve here around how BIDs are localized through stakeholders. Service delivery networks have a specific focus – the provision of a service which members of the network co-produce in some way (Considine, 2005).

To unpack the 3N's in reference to transnational policy transfer or local service delivery networks, "networking" arrangements are loose connections between players and organizations locally and globally; cooperating, exchanging information, maintaining short-term informal relations while retaining individual authority and resources (Brown & Keast 2003, 119; Lawson, 2002; Cigler, 2001; Winer & Ray, 1994). "Networks", on the other hand provide more formal and closer connections between people or organizations, local or global, where joint planning and joint programming facilitate a centrally imposed goal. Each member remains largely independent although sacrificing some degree of autonomy in pursuit of the common goal (Brown & Keast, 2003, 119; Lawson, 2002).

"Network structures" are tightly interconnected and highly interdependent constructs that create new ways of working (Brown & Keast, 2003, 120; Cigler, 2001; Mandell, 2001), locally or globally. Members consciously take high risks to share

greater rewards and recognize their interdependence in striding toward an agreed upon mission sharing resources, aligning activities, maintaining trust as they manifest systems change (Brown & Keast, 2003, 120; Mandell, 1999). The theory of the 3N's was applied at the BID and other organizational level analysis; gauging the existence and operation of the network mechanisms by the continuum in Figure 6.

Figure 6. Continuum of inter-organizational relations



(Adapted from Brown and Keast, 2003)

Brown and Keast's breakdown of horizontal integration and network management mechanisms is instrumental in constructing a framework for collecting data and analyzing data content regarding the capacity-building of BIDs. By disaggregating formal and informal agreements between and among BID stakeholders, I can gauge relationships between people and organizations to analyze whether, how, and when the BID engages cooperation, coordination, and collaboration. In much the same vein I can test the structural composition of the management modality applied by using the referents of networking, networks, and network structure. Different horizontal integration and various network mechanisms may be appropriate at certain times in BID sub-local service delivery.

Table 4. Continuum of social capital-relations between individuals & organizations

Point in the continuum	Characteristics	Risk Level
Cooperation	Sharing of information, space, and referrals optional; no common goals; less strategic operation	Low
Coordination	Information sharing, joint planning and decision-making required; common goal; orchestration of people and tasks from time to time	Moderate and shared
Collaboration	Comprehensive, jointly determined mission, well defined multi-level communication channels required; actors part of total picture regularly	Very high

Source: Brown and Keast, 2003

Table 5 Continuums of Inter-organizational Mechanisms

POINT IN THE CONTINUUM	CHARACTERISTICS	LEVEL OF INTERCONNECTEDNESS
Networking	Information exchange, short-term informal relations	Loose
Networks	Joint planning and programming, centrally imposed goal	Moderate
Network Structures	Interdependent; innovative working mode; sharing mission, resources, risks, benefits; and guided by trust and reputation	Very Tight

Source: Brown & Keast, 2003

V. Convergence of the Literature Review

The three sections of this literature review discusses (1) BIDs in the context of globalization, metropolitan regionalization, and urbanization, (2) transnational discourse and policy transfer, and (3) hybrid governance and network management. The discussion indicates that globalization has led to sociospatial reconfiguration of geographical scales which privileges neither national governments nor national economies. Urban and metropolitan regions figure prominently into an inter-local globally competitive political economy. At the same time, national legal systems, as denoted by the discussion on BID enabling law and case law, continue to play a role. In an age of competitive states, cities have turned to urban entrepreneurial governance to navigate their course in a global political economy.

BIDs are sub-local public-private partnerships – privately financed yet actionable with the power of government behind them. BIDs engage meta-sector partners and construct network arrangements to deliver supplemental public services in the business district. BIDs have greatly proliferated worldwide over the last two decades or so. Policy transfer by policy entrepreneurs together with meaning-making by professional and expert organizations comprised of academics and practitioners lead the procession of the BID movement continent to continent. In every environment the BID emerges with a distinctive legal identity, institutional design and contextualized service delivery. While many questions arise from this discussion, the following research questions and theoretical propositions will guide this study.

The central research question is:

What is the impact of law on the hybrid governance and network management of the business improvement district model in the globalizing metropolises of Cape Town and Newark?

As to the more specific protocol questions guiding the instrumentation:

(Dependent variable italicized)

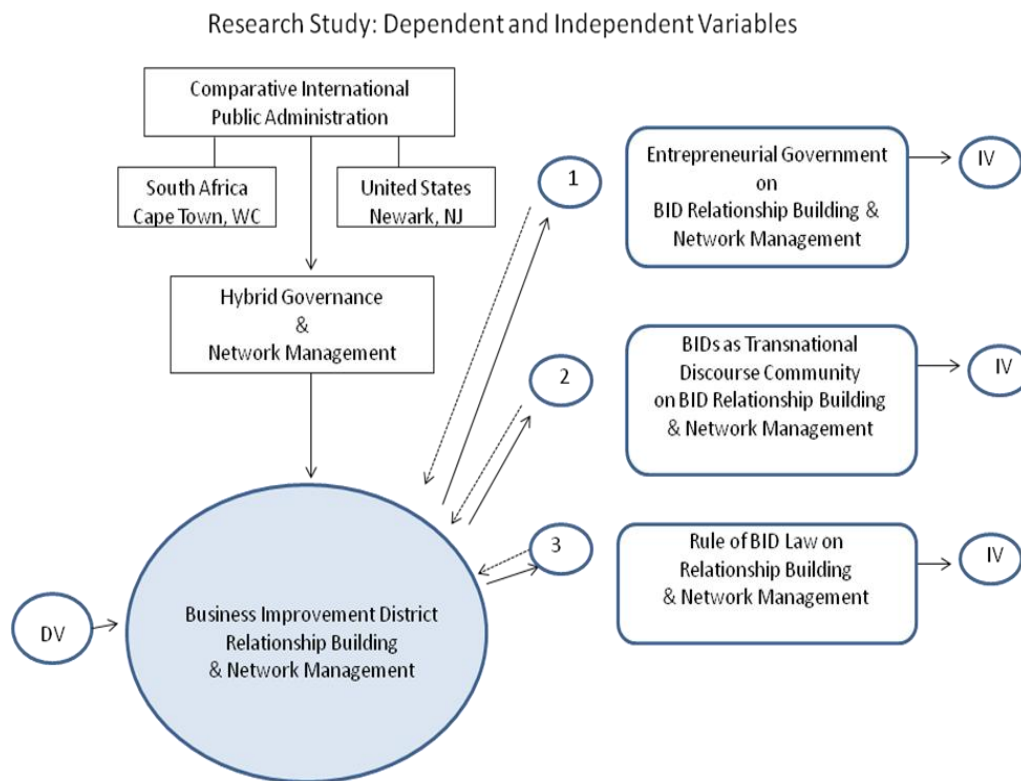
In the hybrid governance and network management of BIDs in transnational urban areas of Cape Town and Newark, how are *relationships built and networks constructed* for sub-municipal supplemental service delivery?

(Independent variable italicized)

- (1) Does an *entrepreneurial municipal government* affect BID relationship-building and network management? Why or why not?
- (2) Given the global proliferation of BIDs via revitalization policy transfer by policy entrepreneurs, does BID relationship-building and network management amount to a *transnational discourse community*?
- (3) In view of the state's role of national legal architect in a globally competitive economy, how does *BID-related law* translate into BID relationship building and network management on the ground in the globalizing metropolises of Cape Town and Newark?

Schematic 3 provides a diagram of the dependent and independent variables.

Schematic 3. Research study: dependent and independent variables

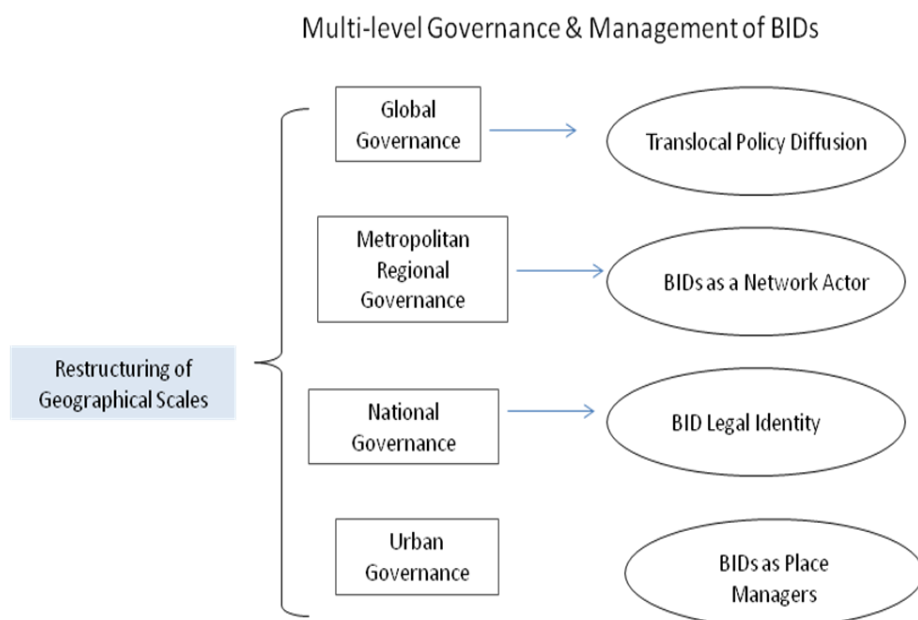


Theoretical propositions:

1. The more entrepreneurial the municipal government, the deeper the collaborative is between the BID and the municipal government.
2. The BID movement is emerging as a transnational discourse community.
3. BID enabling legislation promotes BID relationship-building and network construction.

BIDs function in a variety of ways on different geographical scales. Schematic 3 presents a diagram of BID multi-level governance and management.

Schematic 4. Multi-level governance & management of BID's



CHAPTER 3

RESEARCH DESIGN AND METHODS

I. Overview

This chapter describes the research design along with the data collection methods and analysis techniques employed to undertake this study. Generally, this study entails a comparative transnational socio-legal study of four business improvements districts. Two BIDs are each located in a single city on different continents. The choice of two different BIDs in a single city is to help capture local comparative cross-case evidence of how relationship building and network management of each BID associates with a potentially entrepreneurial municipal government and with the broader metropolitan region in which the BID is embedded. The selection of a set of two BIDs at a multi-continental distance is to draw on the international context by examining BID relationship-building and network management within the socio-spatial reconfiguration of urban and regional territories that is rescaling statehood in different parts of the world. Multiple sources of data were collected within cases to provide sufficient and rigorous data for urban cross-case and transnational comparison (Yin 2009), keeping in mind that cities display a similar embeddedness in the regional and local economy, and exposed to globalization (Pierre, 2005, 458).

II. Research Design Overview and Rationale

It is worth mentioning the ontological and epistemological underpinnings of this dissertation research study. Not unlike Miles and Huberman (1994, 17) the data collection and analysis is guided by pragmatic concerns. As a result, the ontological view and epistemological approach is not static but dynamically employs two alternating views and approaches. This research study in some respects ontologically adopts a critical realist view with a post-positivist approach. At other times the study is ontologically driven by a social constructivist worldview with an interpretivist focus. The researcher operates from a standpoint that, on one hand there is an objective reality “out there” that is knowable, such as the existence of relation-building among BID stakeholders, the reality of public-private partnerships, and the use of actual network arrangements between BID stakeholders and other actors in metropolitan governance. At the same time, on the other hand, there are infinite constructions and interpretations as to how these relationships are built, what public-private partnerships mean and how they are executed as well as the manner in which network mechanisms are arranged and implemented. There are multiple truths about these phenomena, relationship-building and network arrangements are continuously mediated and negotiated, and one perspective does not cancel out or take precedence over another as the phenomenon is in a state of perpetual motion – yielding a multiplicity of social realities and different understandings. Therefore the research study is not wed to post positivism or interpretivism but draws pragmatically from each epistemological approach.

This research study used a comparative case study design embedded with multiple units of analysis (Yin, 2009) for each of the four individual cases. The three units of analysis were individual stakeholders, certain stakeholder segments, and the BID organization as a whole. In addition, the research design used a socio-legal format to better understand the BID related legal and regulatory framework in its social context as this relates to the state's role as national legal architect, even in a global political economy. The overall design selection was informed by the research questions and theoretical propositions set forth in Chapter 2.

The research sought to describe, understand, and explain how BID management and business stakeholders build relationships that lead to network arrangements that manage delivery of supplemental public services. The research further sought to understand how the rule of law enables or constrains relationship-building of and network management by the business improvement district. A case study is an empirical inquiry that investigates contemporary phenomenon in depth and within its real-life context, especially when the boundaries between the phenomenon and context are not clearly evident (Yin, 2009, 18). The case study inquiry copes with the technically distinctive situations where there are more variables of interest than data points, relies upon multiple sources of evidence that converge in triangulation, and benefits from theoretical propositions that guide data collection and analysis (Ibid).

To specifically describe and explain how BIDs build relationships and construct networks for supplemental service delivery, this research used Brown and Keast's theoretical framework for disaggregating relationships (cooperation, coordination, and collaboration) and network arrangements (networking, networks, and network

structures). To place BID relationship building and network construction in the context of urbanism, metropolitan regionalism and globalism, this research relied upon OECD's analytical framework for entrepreneurial urban governance which is furthered by globalization as explained in Chapter 2. OECD's framework is augmented by Brenner's theory of socio-spatial territorial transfiguration which is rescaling statehood under globalization. Placing this comparative transnational urban research in the context of metropolitanization and globalization derives from the logic that, in a global economy, local spaces compete for investment and consumer attraction. The rule of law matters because it draws on a role of the nation-state in the face of globalization.

This metatheoretical framework for entrepreneurial urban governance as advanced through socio-spatial territorial transfiguration and relationship-building and network construction call for empirical inquiry that investigates a contemporary phenomenon within its real-life context. There is no clear cut divide between the phenomenon of relationship building and network management and its context of entrepreneurial urban governance embedded in urbanism, metropolitan regionalism and globalism. The nature of investigation and the absence of clearly evident boundaries between phenomenon and context are critical features of Yin's (2009, 18) technical definition of case studies.

From the guiding theoretical propositions of this study a range of dependent and independent variables were formulated. The dependent variables are relationship-building and network management. The independent variables are (1) an entrepreneurial municipal government, (2) transnational discourse community development among BIDs, and (3) the rule of law governing BIDs. The interaction

among variables examines (1) the extent to which a BID's enabling municipal government is entrepreneurial, (2) the extent to which BID relationship building and network arrangements are local or transnational, and (3) the manner in which the law seems to impact BID relationship building and network arrangements. Such theoretical propositions and underlying research questions do not lend themselves to statistical inquiries. Rather, the propositions and questions require thick descriptions and explanation-building consistent with qualitative research methods within the comparative case study design.

Moreover, the OECD and socio-spatial territorial transfiguration framework as well as the relationship-building and network construction framework are susceptible to multiple cases and multiple levels of analysis across at least two national jurisdictions. Case study design provides an adequate strategy to capture multiple sources of evidence from two or more individual cases wherein multiple units of analysis are embedded. Here, the units of analysis are four BID organizations, segments of stakeholders in each organization, and individual stakeholders in each organization (Yin, 2009, 29). Therefore, this study combines organization research for case inquiry with inquiry into groups of stakeholders as a case, and individual stakeholders as a case.

As Hartley (2004) advises, case studies can be useful in capturing emergent and changing properties of life in organizations where a survey may be too static to capture the ebb and flow of changing organizational activity (p.325). Detailed case studies, as Hartley indicates, may be essential in cross-national comparative research where an intimate understanding of what concepts mean to people, the meanings attached to

particular behaviors and how behaviors are linked is essential (p. 325) – such as relationship-building and network construction in this case study that compares BID relevant activity and legal structure in Cape Town and Newark. Unlike quantitative research where generalization is derived from random selection and sampling size and deemed applicable to a specified population, case study design focuses upon analytical generalization (p. 331) as discussed in the data collection and analysis section below.

To help understand the embedded case study of BIDs in a socio-legal context, the research study turns to qualitative doctrinal and non-doctrinal legal research as suggested by Dobinson and Johns (2007) (as more fully described in the Data Analysis section below). Doctrinal legal research relies upon comparative enabling legislation for BIDs. This includes U. S. and South African constitutional underpinnings along with state/provincial statutes and local ordinances and by-laws in each country. Of the non-doctrinal legal research categories purported by Dobinson and Johns – namely: problem, policy and law reform – the research study considers the extent to which law (and to a degree, policy) enable or constrain BID relationship-building and network construction.

III. Instrumentation

Research instrumentation and protocols emerged from the case study research strategy and was based upon the research questions and theoretical propositions set forth in Chapter 2. The central research question is:

What is the impact of law on the hybrid governance and network management of the business improvement district model in the globalizing metropolises of Cape Town and Newark?

Questions guiding an understanding of the theoretical propositions from which this question emerged are: What is the globalizing metropolis? What is the new entrepreneurial paradigm in spatial development among competitive cities in a global political economy? Under contemporary processes of global restructuring, what changes are simultaneously unfolding in sub-global territories on the metropolitan region, and urban levels that reconfigure the role of the nation state? To what extent does the BID movement parallel the socio-spatial reconfiguration of competitive cities? As to the more specific protocol questions guiding the instrumentation:

(Dependent variable underlined)

In the hybrid governance and network management of BIDs in transnational urban areas of Cape Town and Newark, how are relationships built and networks constructed for sub-municipal supplemental service delivery?

(Independent variable underlined)

(1) Does an entrepreneurial municipal government affect BID relationship-building and network management? Why or why not?

- (2) Given the global proliferation of BIDs via revitalization policy transfer by policy entrepreneurs, does BID relationship-building and network management amount to a transnational discourse community?
- (3) In view of the state's role of national legal architect in a globally competitive economy, how does BID-related law translate into BID relationship building and network management on the ground in the globalizing metropolises of Cape Town and Newark?

With the theoretical propositions in mind, for each research protocol question that was designed to inform interaction between variables, successively specific informant questions were compiled. Specific questions were formulated to generate within case comparison and cross-case comparison and cross-national comparison. Specific questions varied with stakeholder segments.

Stakeholder segments for purposes of focus groups were divided into BID boards of directors on one hand and residents in or near the BID on the other hand. In view of the research questions, topics were designed to facilitate focus group interaction within stakeholder segments. The focus group topic guide included questions that are stakeholder-segment specific and questions posed across the stakeholder segments – which allowed certain questions to yield responses for within case comparison, cross-case comparison, and cross-national comparison. Focus group participants also completed a brief survey protocol at the onset of the session which was mainly designed to elicit demographic information. Appropriate sources for additional data were identified and linked to the various levels of questioning and to the focus group guide for triangulation convergence as more fully explained below in the

data collection and analysis section. The researcher also used a data checklist during site visits, asking BID officials for certain documents for review – requests were sometimes granted and at other times denied. Questions for semi-structured interviews appear in Appendix D and the focus group topic guide in Appendix E.

IV. Research Site, Case, and Informant Selection

Fieldwork for this research study was undertaken in Cape Town, Western Cape, RSA and Newark, New Jersey, USA. The organizations studied were four business improvement districts: Cape Town Central City Improvement District and Sea Point City Improvement District in metropolitan Cape Town and the Newark Downtown District and Ironbound Business Improvement District in Newark. Stakeholder segment cases in each district were disaggregated into board of directors and residents for group study. Individual informants as cases spanned the gamut of BID stakeholders: business owners, property owners, BID managers, municipal managers and administrators, elected officials, and residents.

The selection of research site, case, and informants was guided first by an extensive review of the BID literature, then by a search for BIDs in the United States and another country on a different continent that would each be geographically accessible for a doctoral dissertation research study with limited financial resources yet data rich in contested urban revitalization and transformation; casting off less than commendable historical legacies to facilitate entrepreneurial urban governance; endowed with cultural, racial, and economic diversity; boasting a track record of sustainability in the BID movement; possessing sufficient legal and social characteristics for comparability; and presenting facts and circumstances ripe for empirical inquiry given the then unfolding research questions and theoretical propositions. Hoyt's (2005) seminal study, "The business improvement district: An internationally diffused approach to revitalization" made South Africa the clear choice.

The next question was whether to study BIDs in Johannesburg or Cape Town. At the time of decision-making by the researcher, the legal structure of Cape Town BIDs appeared to be more comparable with a study of Newark BIDs. The researcher then undertook a review of websites of Cape Town BIDs most of which, at that time, were identified on the website of the Cape Town Partnership. Both the Central City Improvement District and the Sea Point Improvement District were then managed by the Cape Town Partnership and each district met the criteria above as established by the researcher. The Cape Town Partnership granted the researcher access for the study in 2007 and so did the BID business district managers and board members in Newark that same year.

Selection of respondents for stakeholder segments and individual local and international respondents was informed by a number of factors. First, the study needed an intentional composition of stakeholders that reflected active participants in the BID movement locally and internationally. This meant solicitation of international BID and place management experts as well as local BID management, elected officials, public managers and administrators, BID board members, business owners in the district, and residents who lived in or near the district. Secondly, given the limited number of individuals serving in these capacities and the time and resource constraints of the research project, participant referrals would be needed. Third, in view of time constraints of potential participants, the researcher over-recruited referrals but was careful to draw from the variety of stakeholders to ensure inclusion of those from particular stakeholder segments. Therefore, as with most case studies employing qualitative methods, the researcher used the “purposeful” and “snowball” sampling

approach (Miles & Huberman, 1994; Wengraf, 2001) on one hand. On the other hand she located likely participants identified by websites, international place management conferences, documents, and local direct observation of district activities in the manner described below.

To capture the municipal context, the research consulted the website of the Newark city government to identify public administrators and managers as well as elected officials. Newark BID managers also referred researcher to those individuals with whom they interact on a regular basis such as economic development practitioners within and external to the Newark city government.

Regarding selection of BID stakeholder informants outside the direct government realm, the researcher first met with one Newark BID manager, described the research project to him, received his agreement to participate in the study, and requested a list of the board members and the identity of elected officials involved for contact by the researcher. The researcher then electronically forwarded a letter of invitation to board members for participation in the study along with a participant recruitment form approved by the Rutgers-Newark Institutional Review Board, copies of which are attached in Appendix B. That BID manager also agreed to allow the researcher to conduct a focus group of this stakeholder segment at the end of a board committee meeting, which she did at the BID office. After the focus group, the researcher followed up with a number of board members and the elected official for semi-structured interviews. The researcher then used “purposive” and “snowball” sampling approaches to locate additional individual respondents from referrals

provided by the BID manager, board members, and the elected official associated with the BID. The researcher requested and was provided by these existing participants with the identity of additional individual respondents who were not just in favor of but against the creation of the BID and its ongoing strategies. The researcher then contacted potential respondents by telephone, described the study, immediately faxed or emailed the invitation and recruitment letter, and then telephoned the potential respondent to confirm receipt of written communication and to schedule an appointment for a semi-structured interview.

To recruit participation of residents in that stakeholder segment the researcher frequented social events in the business district, including restaurants, cafés, and retail establishments and visited non-profit organizations with recruitment flyers in hand. The researcher introduced herself to individuals, described the study, and presented recruitment flyers. Recruitment flyers were also left with business and non-profit organizations for pick-up by members of the public. The focus group for residential stakeholders was held at a non-profit organization office near the business district.

As to the other Newark BID under study, the research contacted the BID manager by telephone, described the research study and forwarded him an invitation letter and participant recruitment form. The researcher drew the identity of board members from the BID's website and with the BID manager's consent independently contacted and interviewed board members. Initial contact of board members was generally by sending the invitation letter and recruitment flyer electronically and following up with a telephone call to schedule an interview with the board member. During interviews of the BID manager and BID board members, the researcher

requested referrals keeping in line with the “purposive” and “snowball” sampling approach (Miles & Huberman, 1994; Wengraf, 2001). Participants for the focus group of residential stakeholders were largely recruited on foot as one resident accompanied the researcher throughout the neighborhood to meet and solicit participation of other residents. Potential residential participants were presented recruitment flyers and the researcher again followed up with telephone calls to confirm the time, date, and place of the focus group. That focus group was held on the Rutgers University – Newark campus which is geographically located in the business district.

To assist with conducting all three Newark focus groups, the research trained four Rutgers-Newark undergraduate students during six sessions, ninety minutes in length, over the course of two and half months. These individuals in Cape Town assisted with the focus groups including the completion of preprinted checklists that helped capture data while the researcher was conducting the focus groups.

The initial point of contact for participation of Cape Town BIDs was by invitation letter and recruitment flyer to the Chief Executive Officer of the Cape Town Partnership. That executive provided referrals to BID board members and managers in Cape Town and Sea Point. He also alerted the researcher to a number of municipal administrators and managers who are associated with the city improvement districts. A number of semi-structured interviews were conducted of BID officials at international conferences and of BID managers and board members by telephone calls to individuals in Cape Town and Sea Point. Ultimately the researcher conducted the bulk of semi-structured interviews and all four focus groups during fieldwork in Cape Town and Sea Point. Between 2007 when Cape Town and Sea Point data collection began and 2009

when the researcher went to those locations, the Cape Town Partnership ceased managing the Sea Point City Improvement District. Upon arrival to Cape Town, the researcher met with the Central City Improvement District Chief Operations Officer as well as the Sea Point City Improvement District Chief Operations Officer. Each COO for the respective BIDs assisted the researcher by providing contact information for board members and by arranging walking tours for the researcher with BID managers and urban management team members. The researcher continued to cascade purposive sampling, engaging individuals who could help answer the research questions.

As to the stakeholder segment focus groups, the research conducted a focus group of available board members of the CCID and of the SP CID at the close of respective board meetings of each organization. Regarding recruitment for residential stakeholders in or near each business district, the researcher executed a number of strategies. The researcher learned from the elected officials governing each district the identity of individuals and groups who were for and against the conception of the BIDs, with whom she followed up. For example, residents are associated with neighborhood watch groups. In Cape Town the researcher contacted members of neighborhood watch groups by telephone and sent recruitment emails attaching the recruitment flyer. She also facilitated mass emails to heads of corporate bodies in charge of Cape Town center city apartment complexes who then forwarded recruitment information to residents. In addition, the researcher presented recruitment flyers to individuals whom she met on the streets, in restaurants, and other social gathering places. The residential focus group for the CCID was held in two parts, one at the Cape Town Partnership conference room and another at a restaurant with a private setting on pedestrianized St. George's Mall.

In terms of the Sea Point residential stakeholder focus group, the researcher contacted individuals who are members of neighborhood groups, interviewing some of those residents individually and others at the focus group. The researcher also met individuals at the public library, on the Sea Point beach promenade, in retail shops and restaurants in the SP CID, and during rides on the informal “taxis” while traveling between Cape Town and Sea Point, all of whom she recruited for the focus group or personal interviews. The researcher also contacted churches in an effort to recruit focus group informants. The focus group for Sea Point residents was held in a private meeting room at the New Kings Hotel, which is owned by a SP CID board member.

The researcher trained a University of Cape Town undergraduate student and an employee of a national non-governmental organization based in Cape Town during three ninety minute sessions over a period of four weeks. As in Newark, these individuals in Cape Town assisted with the focus groups including the completion of preprinted checklists that helped capture data while the researcher was conducting the focus groups.

To capture data about BIDs, not just on a local level but also from an international perspective, the researcher executed a number of strategies to identify and select international BID experts. The researcher turned to the BID and Town Centre Management literature, news accounts, websites of international place management organizations, and international conferences. Semi-structured interviews of most international experts on and policy entrepreneurs for local and regional place management were undertaken at international conferences in Brussels, Calgary, Cape

Town, Johannesburg, London, New York City, and Washington, D.C. between 2007 and 2009.

V. Data Collection and Analysis

In keeping with the case study design purported by Yin (2009), data were collected through a variety of primary and secondary sources between 2007 and 2009 for different units of analysis. At the organizational case unit evidence was drawn from interviews, documents, archival records, physical artifacts, direct observation, and participant observation – all categories purported by Yin (2009). At the stakeholder segment unit of analysis data collection included a brief survey at the onset of a focus group followed by the focus group interview. For the individual case the researcher collected data through semi-structured interviews, documents, archival records, and direct observation.

Subject Interviews

In total the researcher conducted 75 semi-structured interviews over the two approximately two year life of the study. Respondents were drawn from BID managers, BID board members, local elected officials, municipal managers and administrators, non-profit organization executive directors, business owners, residents, policy entrepreneurs, and international BID experts. Most interviews were conducted face-to-face at the subjects' places of businesses, municipal offices, personal residences, public meeting places or during walking or vehicular tours of the central business districts under study. Other interviews were conducted at international conferences or by telephone. The majority of sessions were conducted one-on-one while a few sessions included two respondents at a time. At the onset of interviews respondents were presented with a consent and disclosure form approved by the

Institutional Review Board (IRB) of the Rutgers University Office of Research and Sponsored Programs. Informants were given in advance and/or at the beginning of an interview the IRB recruitment form that briefly described the study. The researcher did not however, discuss the conceptual framework and theoretical propositions of the study so as to avoid instrumentation-induced bias and testing-induced threats to validity. At the same time the researcher did define the 3 C's (cooperation, coordination, and collaboration) and the 3 N's (networking, networks, and network structures) so that respondent and interviewer could share and better understand the terminology in use to get at relationship-building and network construction among actors.

The researcher tape-recorded the bulk of interviews which were later transcribed. The researcher also made notes following some interviews to capture body language and other forms of non-verbal communication. When the environment was not conducive to tape-recording, the researcher took notes and then followed up after the interview by making more descriptive notes of that which transpired during the interview. Sessions ranged from 30 minutes to 90 minutes with the average session amounting to 60 minutes. The researcher used a semi-structured interview protocol that entailed certain questions asked across the board of stakeholder segments but employed increasing specific questions for particularized stakeholder segments. Some questions were more narrowly tailored before or during the interview to access the knowledge held by certain stakeholders. The master list of informant questions appears in Appendix C, where the increasingly specific and more narrowly tailored questions are broken out and derived from the master questions.

Focus Group Interviews

Forty eight individuals participated in focus group interviews. Focus group participants were recruited by stakeholder segments of BID board members and residents who live in or near the business district. There were two focus groups, one stakeholder segment for all BIDs except for the Newark Downtown District where there was a focus group convened for residents but not BID board members. The number of individuals participating in focus groups ranged from 4 to 12. Newark focus groups were conducted in 2007; Cape Town focus groups were conducted in 2009. The focus group interviews were tape-recorded and later transcribed. As indicated above, undergraduate students, who usually received course credit, assisted with focus group recruitment and, during sessions, read aloud the Consent Form and a survey protocol for collecting demographic information. The students also completed a Focus Group Data Collection Form (Appendix D) to note his or her observations while the researcher was conducting the focus group as well as to record numerically driven group responses, such as by a showing of hands in response to question presented by the researcher.

Direct Observation

In Cape Town the researcher spent considerable time in office of the CCID and the SP CID observing office operations and interacting with management and staff. During her stay in Cape Town the researcher visited retailers, restaurateurs, and other businesses and non-profit organizations in the district. Moreover, the CCID Chief Operations Officer arranged customized walking tours for the researcher with (1) one

of the four CCID precinct managers, the CCID security manager, and a CCID senior social development field worker. Also the CCID and senior social development field worker took the researcher on a vehicular and walking tour of various ‘communities of origin’ from which many adults and families without homes and independent at-risk children on the streets of the CCID and the SP CID come. The SP CID Chief Operations officer arranged walking tours for the researcher with the BID manager, the security manager, and the Community Police Forum social development coordinator whose efforts contribute to SP CID activities. The researcher also undertook tour of the District Six Museum with a former resident of District Six (more fully described in the urban context section of this study).

The researcher lives in Newark and therefore continuously observed the Newark Downtown District and the Ironbound Business Improvement District throughout the course of the study while attending various meetings, frequenting restaurants and shopping at retail establishments. She also observed and interacted with BID management staff in the office setting during field work. In addition the researcher was taken on walking tours by the respective manager of the NDD and the IBID.

Participant Observation

In Cape Town the researcher, while collecting data, participated in the following events and activities: (1) a conference about urban management held as part of the activities marking the tenth anniversary of the Cape Town Partnership, (2) a gala event attended by all stakeholder segments as well as urban management stakeholders from across the region and the country – where the researcher sat at

the dinner table with and was able to speak to the Western Cape Governor, Cape Town Mayor, and Cape Town Partnership Board President. The researcher also attended (3) a central business district area-wide meeting for neighborhood watch groups, CCID management, and law enforcement – a weekly meeting held at the police station. The researcher attended (4) the metropolitan regional meeting of CID managers – which is also held weekly. SP CID management hosted the researcher at (5) an Awards Ceremony for the security team.

In the Newark business districts, the researcher participated and collected data in the Ironbound during the Portuguese Day parade, a tree lighting ceremony, and musical performances of business stakeholders. In the NDD the researcher participated in an annual Arts Council tour of art galleries and similar locations in and near the district, the Farmer's Market, the Beaver Street Café, and the grand opening of an establishment in the Halsey Street corridor of the NDD.

Other Data

In addition, the research collected data in the form of qualitative doctrinal and non-doctrinal legal research (Dobinson & Johns) along with documents, archival records, and physical artifacts as defined by Yin (2009). Documents included BID reports, archival records included census tracks, physical artifacts including promotional materials, banners, street furniture, BID marked vehicles, and the built environment. Data collection methods included note taking, photocopying, tape recording evidence presented, photographing.

Data Limitations

The researcher was not permitted to attend board or committee meetings of board members. Nor was she permitted to review actual contracts between the BIDs and service providers. Of the network actors mentioned by BID stakeholders – most were confirmed by personal contact of the other network actor or by written evidence of partnership or network participation – but not every single network actor mentioned by a BID stakeholder was contacted by the research. This factor does not bias the research nor detract from the validity of the findings as the BID claimed partners or network actors are not those principally covered in data analysis and research study findings. There was a dearth of written BID reports that detail network arrangements. There is also difficulty in evaluating economic development activities and isolating outcomes resulting solely from service delivery of BIDs. Nor were there economic development results that disaggregated performance information at the varied geographical scales that provide BID context. These limitations however, do not prevent describing and explaining relationship building and network construction of and by BID actors.

Data Analysis

The overall data analysis combined three analytic techniques for empirical data and a fourth technique for legal analysis. The three techniques – each particularly useful in organizational and explanatory comparative research – were template analysis (King, 2004), data matrix analysis (Nadin & Cassell, 2004; Miles & Huberman, 1994) and explanation building (Yin, 2009). All three analytic techniques can be used in a wide variety of epistemological approaches including positivist, post-positivist, and

interpretativist. The researcher designed a thematic template consistent with the theoretical propositions presented in Chapter 2, using topical hierarchical and parallel coding (King, 2004, 258) while distinguishing between descriptive, explanatory, and analytic codes to then create categories of sub-themes and sub-categories more detailed in nature (Hesse-Biber & Leavy, 2006, 371). The researcher read all interview transcripts and field notes using color coded pens and pencils marking themes and categories (Warren & Karner, 2005, 195) as well as using ‘memoing dynamics’ to help move from coding to interpretation/write up (Hess-Biber & Leavy, 2006, 354, 355). The memoing process was performed either in margins of transcripts, field notes and documents or on a separate legal pad. Retaining openness during ongoing analysis of interview transcripts and other data, the researcher next revised codes and categories in the template to accommodate the themes emerging from collected evidence under review. At the same time, the researcher used rows and columns to generate matrix analysis – reducing data to provide greater visibility of the process of analysis by combining parallel data from a range of research methods (triangulation) and combining data from several cases for cross-site comparative analysis (Nadin & Cassell, 2004, 271). Since stages of coding and revising codes and categories for template analysis and matrix analysis are similar but the techniques operate at different levels, the researcher used the techniques simultaneously so that each could compensate for the weakness of the other (too much versus too little detail). Other scholars of organizational research have found template analysis to dovetail effectively into matrix analysis both practically and theoretically; and that for both techniques, coding is analysis (Ibid, 276; Miles & Huberman, 1994)).

Display oriented matrix analysis augmented template analysis for this organizational research given the complexities and difficulties faced when conducting multi-site research (Ibid, 276, 281).

The researcher used explanation building in conjunction with template analysis and matrix analysis since all three share iterative properties susceptible to handling multiple sources of evidence which in turn lead to construct validity and increased reliability of the study. Still guided by theoretical propositions, the researcher drew on explanation building – a special type of pattern matching (Yin, 2009, 141) – to compare findings of an initial case against a theoretical statement or policy proposition (such as a BID's place-making against OECD's entrepreneurial urban governance or a BID's supplemental service delivery against Brown & Keast's analytical framework for relationship building and network arrangements). Where necessary the researcher would revise the statement or proposition, compare other details of the case against the revision, compare the revision to the facts of each case for the unit of analysis under consideration, and repeat this process as many times as necessary while considering rival explanations (Ibid, 143), negative case testing (Denzin, 1989), and the null hypothesis test (Becker, 1998) for interpretations and findings. While template analysis, matrix analysis, and explanation-building facilitated analysis of empirical data; the researcher relied primarily upon Findlay & Henham (2007) for socio-legal analysis.

Findlay and Henham (2007) use contextual modeling as a heuristic device leading to contextual comparative analysis. As referenced above in the section on Research Design Overview and Rationale, the comparative contextual model is

designed to deductively test and verify theoretical propositions or to inductively generate theories through deconstruction of specific contexts of legal matters whereby the analysis of each micro-context (of evaluations or applications of the law) adds a different dimension to the overall understanding of the interactive and interdependent social process under examination (Ibid, 112). The comparative contextual model distinguishes between evaluators of context (theoretical propositions that contribute to understanding social phenomena) and evaluators in context (data collection strategies and interpretative methodologies) to pragmatically penetrate and deconstruct the legal matter and its social arena (Ibid, 113-114). The deconstruction of context through contextual modeling lends itself to reconstruction at various analytical levels which are relevant from culture, to culture, vertically or horizontally (from local to global), and holds good for analysis of temporal contexts (Ibid, 112). Contextual modeling is a recursive process that – like template analysis, matrix analysis, and explanation building – tests ‘accepted’ knowledge (evaluators of context) against reality but modifies that ‘accepted’ knowledge in view of emerging knowledge that is revealed through inductive analysis of data results (evaluation in context) (Ibid, 113). Contextual modeling lays the foundation for contextual comparative analysis.

To illustrate, Henham and Mannozi (as described by Findlay & Henham, 2007, 125) used contextual comparative analysis to produce meaningful comparative evaluations of the legal and policy contexts of victim participation in Italian and English sentencing at the legal, organizational, and interactive levels of analysis. Evaluators of context revolved around theoretical propositions about the relationship between sentencing law and policy, discretionary judicial decision making, and

victim participation. Evaluators in context consisted of review and analysis of trial narratives, direct and participant observation, interviewing, and expert contextual commentary (Ibid, 114). Contextual comparative analysis further provided a significant context of exploring internationalization. From internationalization comparable generalizations could be drawn out about the trial and contrasted with universal and idiosyncratic themes at regional and local comparative levels.

Similarly, the purpose of this research study, in part, was to produce meaningful comparative evaluations of BID legal and policy frameworks in South Africa and the United States as such frameworks impact on the social context of BID relationship-building and network construction and management. Units of analysis are organizational, specific stakeholder groups, and individuals, including interaction among and between these groups and their individual and collective perceptions of legal and policy frameworks in each country. Evaluators of context were overarching theoretically driven propositions about the rule of law, entrepreneurial urban governance on a regional and global scale, and BID relationship-building and network construction. Evaluators in context consisted of pragmatically driven BID stakeholder practices as gleaned from semi-structured interviews, focus groups, documents, archival records, direct and participant observation, and physical artifacts. Not unlike Findlay and Henham, this study also used comparative contextual analysis to explore internationalization of the interaction between the dependent variable of BID relationship-building and network construction in South Africa and the United States and the independent variable of BIDs' legal and policy framework to be contrasted with universal and idiosyncratic themes at regional and local comparative levels.

Just as Findlay and Henham (2007) went beyond the notion of trial decision sites as process variables in the author's comparison of trial narratives to a focus on the cultural contexts in which relationships are created and merged to determine the exercise of discretionary power as significant decision sites for sentencing at trial (Ibid, 118); this research study went beyond the notion of jurisdictional sites as process variables in the author's comparison of e. g. interview transcripts to a focus on the territorial and social contexts in which BID multi-sector relationships are built and networks constructed and managed for supplemental public service delivery – trans-locally. While Findlay and Henham (2007) used comparative contextual analysis to focus on the form and reasons for victim participation in sentencing depending upon the law and policy, judge, and court level to facilitate understanding of the forces at work in the relationship and how they relate (or work against) each other (Ibid, 112); the research study at hand used comparative contextual analysis to focus on the form and reasons for BID relationship building and network construction depending on law and policy to facilitate understanding of the forces at work in the interaction of these variables – how they relate (or work against) each other.

CHAPTER 4

NATIONAL CONTEXT FOR THE CASE STUDIES:

Republic of South Africa and the United States of America

South Africa and the United States have several similarities politically, economically, and socially. Both countries are governed by a democratic constitution with separation of powers through a three-tiered system of government, an independent judiciary, and a legislature. Each country recognizes its respective constitution as the supreme law of the land. Both countries ascend to great prominence for capital accumulation through the use of an involuntary unpaid labor force. In the United States, government is decentralized through the federal, state, and local levels. Similarly, in South Africa, decentralization takes place through the federal, provincial, and local government. Municipalities and therefore BIDs draw state power directly or indirectly through the respective constitutions and state statutes or provincial legislation in each locale. The judiciary in South Africa consists of the Constitutional Court, the Supreme Court of Appeal, and the High Court. Distinguished from this set up, the United States judiciary has a separate state and federal system although the U. S. Supreme Court is considered the highest court of the land.

Unlike the United States, South Africa draws from traditional leaders to engage advisory bodies at the national and at some provincial levels. The legal age for voting in each country is 18. Different from bi-cameral state legislatures in the U.S., provincial legislatures in SA are unicameral. Another difference between the two

countries is the formation and operation of two major political parties. Major political parties in the United States are the democrats and republicans. Until 1994 the dominant political party in South Africa was the New National Party, successor to the National Party which promulgated the apartheid policy dismantled that year. Since then the dominant political party is the African National Congress and its main challenger the Democratic Alliance party and these are joined by a host of other political parties (The World Fact Book webpage; Index of Economic Freedom 2006 webpage).

As a whole, economically, the United States is a developed country while, all things considered, South Africa is a developing country. Yet between 2002 and 2005 the Bloomberg Currency Scorecard found the South African Rand to be the best performing currency against the US dollar. Cape Town is one of the most economically developed centers in South Africa. Socially and culturally each country is quite diverse compared to other countries on their respective African and American continents. Much of this social, ethnic, and cultural diversity is centered in the urban landscape of the globalizing metropolis (Ibid).

Both Cape Town and Newark promote themselves as metropolitan area gateway cities given their geographic locations at key continental ports of entry and departure. Cape Town refers to itself as a global city or world city. However, the literature does not reveal it to be on par with such global cities as New York, London, and Tokyo so it is here referenced a globalizing city. Newark markets itself as a world class city, it is certainly easily recognizable as a globalizing one given its heightened presence of multi-national enterprises, worldwide financial capital flow, densely

populated international human diversity, and extremely deepened duality as to income stratification; all characteristics of a globalizing metropolis. Interestingly Cape Town's forced removal of the formerly burgeoning community of District Six in the 1960's seems to parallel Newark's forced removal of part of the close-knit central ward community during urban renewal, also in the 1960's.. Each city ordained multiple business improvement districts which manage the sub-local urban terrain with metropolitan area, and even global implications.

There are at least sixteen BIDs in Cape Town. There are three BIDs in Newark, with others under construction, and many other existing BIDs in the Newark metropolitan area such as nearby Irvington, Maplewood, South Orange, Union, Scotch Plains, Morristown with still others underway in East Orange, West Orange, as well as those existing and developing in neighboring Hudson County and along with nearby vicinages. This research is about two Cape Town BIDs: the Cape Town Central City Improvement District (CCID) and the Sea Point City Improvement District (SP CID); and two Newark BIDs: the Ironbound Special Improvement District (IBID) and the Newark Downtown District Special Improvement District (NDD). All four BIDs are established between 1998 and 2001 and each engages in sub-local service delivery of capital improvements, destination marketing, event-planning, sanitation, security, tourism attraction, and other methods of creating a globally competitive city. All four BIDs are governed by a board of trustees comprised of representatives from the public, private, and non-profit sector. Each BID is managed by a non-profit or not-for-gain corporation. In Cape Town, not-for-gain organizations, called 'Section 21 companies'

are named for the Act that enables and construes them. In Newark, Title 15A of the New Jersey code governs non-profit organizations.

The commonalities of the constitutional democracies of South Africa and the United States of America, as well as the geographical continental locations, socio-political context of historical legacies of apartheid or segregation, as well as other similarities of Cape Town and Newark as globalizing metropolises permit a comparative case study. Likewise, sufficient sameness of the four BIDs as to sub-local service provision in urbanization models, allow a comparative case study. Studying the urbanization model can reveal contingencies that explain some of the differences within and between country experiences where local organizational service delivery is by hybrid governance and network management.

CHAPTER 5

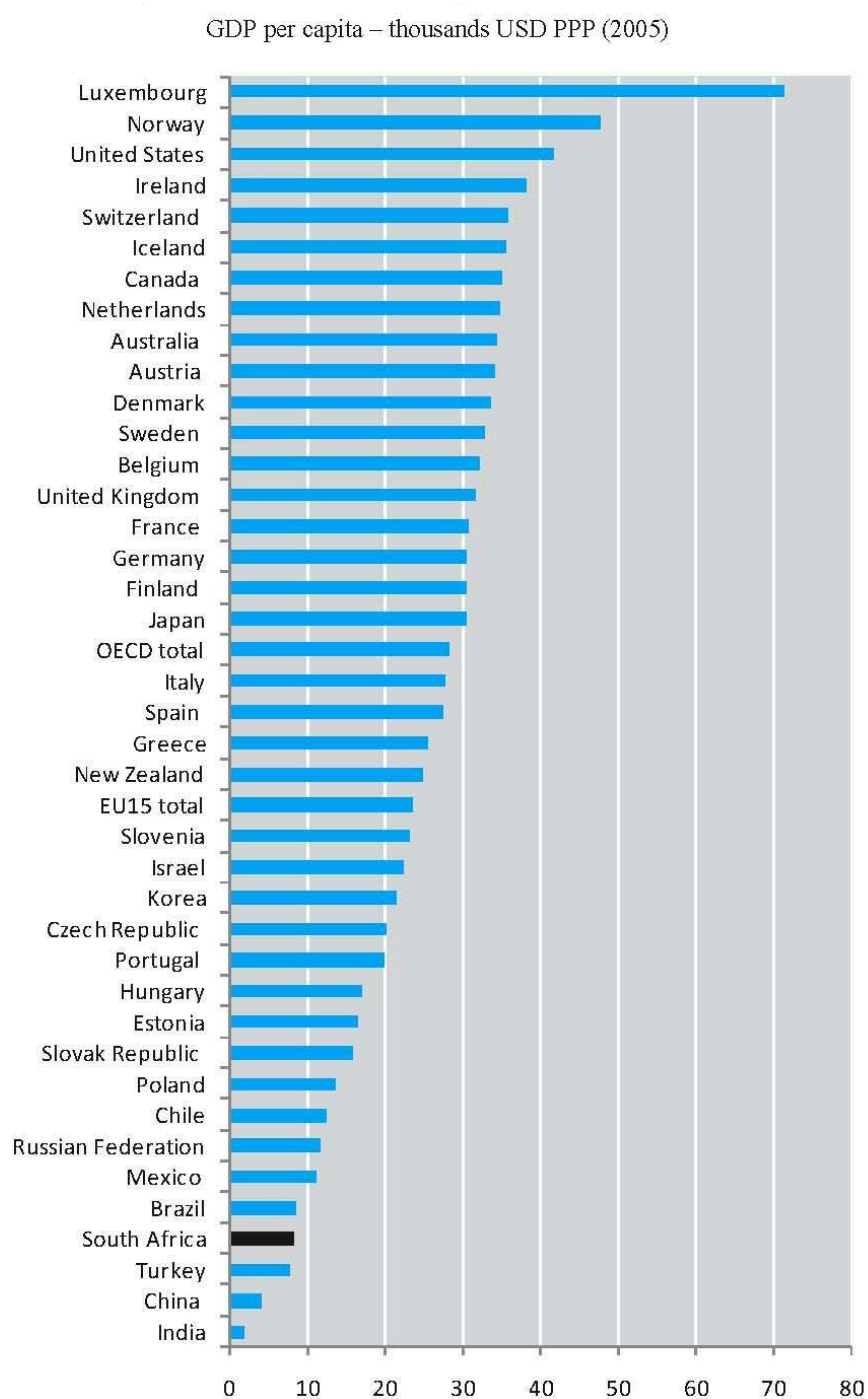
CAPE TOWN, WESTERN CAPE PROVINCE, SOUTH AFRICA

I. The Metropolitan Region Context

The Cape Town metropolitan region aims to create an inviting and competitive city in the local, regional, and global political economy. The municipality covers 2,461 km² and in 2006 the municipal population was 3,239,768. The Cape Town metropolitan functional region however, includes six additional municipalities: Stellenbosch, Drakenstein, Swartland, Saldanha Bay, Theewaterskloof and Overstrand, increasing the surface area to 15 255 km² and the city-region population to 3 890 685 (OECD, 2008, 50; Quantec Research, 2007). The Cape Town metropolis 'is the second most populated city-region in South Africa, after the Johannesburg-Gauteng metropolitan area, however its population is growing faster than Johannesburg or eThekweni – a third metropolitan region (OECD, 2008, 46, 54). These three metropolises collectively contribute more than 45% to South Africa's GDP (Ibid, 43). Regarding GDP per capita in South Africa, Cape Town is the second richest metro-region next to Johannesburg, in 2006 employment in Cape Town was 14% higher than in the rest of SA, and Cape Town has a higher participation rate and lower unemployment level for females, workers aged 25-34, and seniors than the national average (Ibid, 64). Yet Cape Town's poverty and inequality remain high with poverty increasing from 23% to 32% between 1999 and 2005 (Ibid, 61).

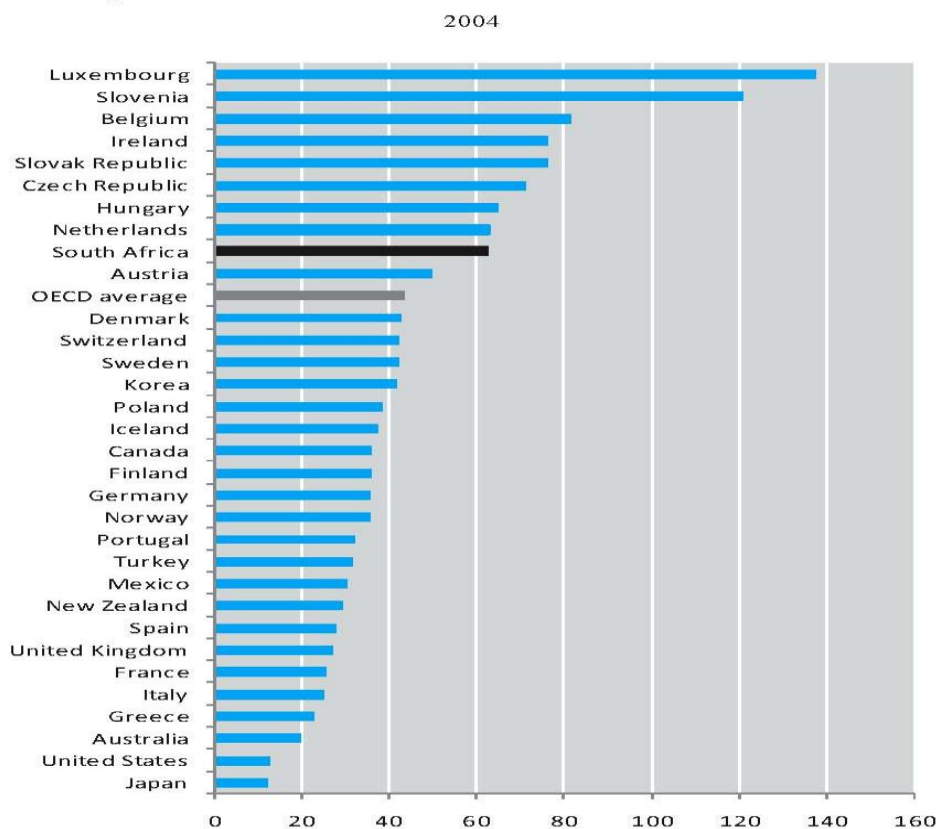
In terms of wealth and poverty, South Africa as a whole has one of the highest income disparities in the world (OECD, 2008, 41). This could be due in part to the apartheid regime which spearheaded wealth accumulation for whites through an institutionalized system of labor exploitation of Blacks and Coloureds legalized just after WWII in 1948 and institutionalized until 1994 – creating a thriving environment for some and a denigrating one for others. On one hand, “between 1905 and 2007, South Africa – considered a middle income country in the OECD zone – was the world’s leading gold-producing country”, overcoming stunted economic growth at the end of apartheid to progressively follow a more stable path of growth since 2000. In Figure 7 OECD depicts South Africa among middle income countries. Cape Town soon came to surpass the average for OECD countries in terms of trade-to-GDP ratio as shown by Figure 8 (OECD 2008, 37, 39).

Figure 7. South Africa is a middle income country



Source: OECD Factbook, 2008.

Figure 8. Trade to GDP ratio in the OECD and South Africa



Source: OECD Factbook (2007) and Province of the Western Cape.

On the other hand, national unemployment is between 25-40% (depending upon the inclusion of discouraged workers), poverty remains high, and a would-be labor pool is largely the product of a still failed educational system with low enrollment and considerable drop-out rates coupled with the devastating impact of HIV/AIDS and criminality (OECD, 2008, 40, 41).

Urbanisation has accelerated since 1994, “reaching almost 60% of the total population in South Africa today as indicated by Figure 2. Like many other cities around the world, urbanization trends after World War II radically disrupted the city’s

original development pattern, but urban patterns and demographic trends were substantially shaped by the ideological imperatives of the apartheid state” (OECD 2008, 43, 52). Cape Town’s strategic location as a coastal city, draped between the sea and mountains, made it a contested city upon arrival of the first white settlers who met the indigenous Khoi-Sans population. The Group Areas Act of 1950 was designed to capture urban territory for capitalist accumulation and to reserve nearby as well as mountain and seaside living for whites upon demand. Unlike whites, black Africans, Coloureds, and Indians as defined by the Act were barred from desirable socio-economic and geo-political area, being permitted access to center city and elsewhere as laborers or perhaps consumers. This struggle for rights to the city was more contemporarily borne out by the 1966 re-zoning of District Six as a “white area” forcibly displacing huge numbers of the city’s Coloured population “from functionally integrated and mixed-race inner-city neighborhoods to new ‘super-townships’ on the urban periphery that were distant from almost all existing employment opportunities, and in which commercial activities were outlawed” (OECD, 2008, 52).

According to the Western Cape provincial government, the Coloured and Indian populations combined have consistently represented about half the population in the Cape Town region: 48% in 1911, 53% in 1960 and 51% in 2001 as reflected in Table 6. Table 6. Demographic changes in the city of Cape Town since 1911

	1911		1960		2001	
	Number of persons	%	Number of persons	%	Number of persons	%
African	4 115	1%	88 533	9%	1 007 823	30%
Coloured/Indian	199 420	48%	510 409	53%	1 675 555	51%
White	215 124	51%	368 112	38%	627 359	19%
Other	35 493	8%		*		*
Total	418 659	108%	967 054	100%	3 310 737	100%

Source: Provincial Government of the Western Cape (2007a).

During those time periods the number of black Africans has been increasing (from 1% in 1911 to 30 % in 2001) and the numbers of whites decreasing from (51% in 1911 to 19 % in 2001) (OECD, 2008, 55). Throughout the change in population demographics, the contestation for the city remains with a variety of actors – spill over conflicts among whites flowing from the Anglo-Boer war where even today descendant Boers (according to respondents) do not wish to be fully subsumed as Afrikaans; confrontations between whites and other groups; between black Africans and Coloureds; as well as between Indians and the other racial groups. Then there is always the contest about deeper income stratification as the wealthy become wealthier and the impoverished more so. There is the question of an inclusive city, and complained of race-based privileges that (according to some respondents) seem to have survived the abolition of apartheid. Socio-spatial reconfiguration and regional planning is challenging to the extent it reinforces apartheid territorial schemes. The Cape Town municipal government is not just building a new democracy but facing an age-old apartheid legacy that was entrenched long before it became constitutionally and institutionally a way of life.

Nevertheless, with a progressive shift in the scale and scope of local government authority in metropolitan areas, South Africa has a strong central government and a well-articulated structure of interdependent but autonomous “spheres” of sub-national governance. However, intergovernmental cooperation and regional planning are shaped by the financial capacity of municipalities and provinces (OECD, 2008, 233). The City of Cape Town dominates the new provincial framework (Ibid, 238), although the city itself is contested among

political parties. Cape Town covers just 2% of the land mass in the Western Cape Province yet hosts 65% of the provincial population and is governed by the highest number of ward councilors at 210 (Ibid). The densely populated city of limited resources earned distinction in 2007 as the top performing municipality in South Africa. According to the Municipal Productivity Index which quantifies and identifies the most productive places to live, work, and invest, Cape Town's provision of basic public services, its economic activity and its handling of poverty rated its performance higher than second place Johannesburg (Cape Times, 2007).

According to the South African Cities Network (SACN),²

[I]n recent decades, the process of globalisation has led to a blurring of national boundaries. Trade, finance and investment are no longer just state-to-state, but also city to city. In particular, the information revolution brings cities together in a complex global system of interaction and interdependence. Increasingly, cities are the focal points of international finance and labour markets, as cities become key nodes in a global economy. Capital and labour are attracted to cities that are well managed and that perform well. The economic viability of cities is therefore critical for national economic performance and for the ability of this country to compete globally" (Boraine 2008).

I now shift gears to Cape Town in the urban context.

² SACN was established in 2002 as a mechanism aimed at promoting the exchange of information and knowledge for cooperative governance, not just between cities but also local, provincial and national spheres of government (Boraine 2008)

II. The Urban Context

In its stride toward urban entrepreneurialism, Cape Town not unlike Newark is pro-public-private collaboration. From the late 1980's Cape Town center city began to decline like so many urban areas worldwide, businesses leave the central business district (CBD) for shopping centers and office parks in the suburbs as 1994 comes closer. The municipality could not concentrate on the CBD alone since public services are to be stretched throughout the "uni-city" At the same time, intergovernmental cooperation and regional planning would only be as useful as available budgetary allocations. Against this backdrop the municipality engaged with the South African Property Owners Association, the Cape Town Regional Chamber of Commerce and Industry as well as other stakeholders to address issues of urban degeneration and disinvestment through operational and strategic means, they form the Cape Town Partnership (CTP) in 1999.

Mayor of Cape Town at the inception of CTP was Nomaindia Mfeketo of the African National Congress and Andrew Borraine, current CTP CEO was then the city manager. According to then Councilor Saleem Mowzer, "We were inspired by the best practice internationally and developed a model of City Partnership, which included all the stakeholders and created a framework for the revitalization and rejuvenation of our City" (Cape Times, 2000). Current Mayor Dan Plato has a history of economic development leadership as chairperson for Cape Town's Economic Development, Tourism and Property Management portfolio committee for three terms, Housing portfolio in the Mayoral Committee from 2006-2009,

and was Mayoral Committee Member responsible for Service Delivery and Economic Development before being elected Mayor. The entrepreneurial aims of the “uni-city” is clear – to ensure a productive and globally competitive city with a vibrant economy that is able to provide the majority of its residents with a means to earn a reasonable living and benefit from its growth while the government improves service delivery, provides more housing, creates employment opportunities, and strengthens safety and security (Cape Town website).

<http://www.capetown.gov.za/en/mayor/Pages/Biography-Plato.aspx> and <http://www.capetown.gov.za/en/ehd/Pages/default.aspx>)

The Cape Town Partnership continues its mission and function although mayors, ward councilors, and their respective political parties have changed over the last decade. The CTP plays a unique role in bridging divergent metasector perspectives as well as intra-governmental relationships. At the time of this research study, however, the relationship between local government and provincial government is very good (Int. 34). CTP envisages an inclusive, productive and diverse Central City that retains its historic character and reflects a common identity for all the people of Cape Town. CTP’s mandate is to develop, manage and promote Cape Town Central City as a leading centre for commercial, retail, residential, cultural, tourism, education, entertainment and leisure activities. In an urban entrepreneurial vein, the organization facilitates the CBD’s regeneration process by building upon the strength and pillars of successful private-public partnerships at both operational and strategic levels.

Strategic partners in consolidating the central city as the economic, social

and cultural heart of the Cape Town metropolitan region include the municipal and provincial government, Cape Town Heritage Trust, Cape Information Technology Initiative, Cape Town International Convention Center and the Cape Town International Jazz Festival. Key areas of concentration for CTP and its partners include: facilitating urban management and development, fostering a Creative Cape Town, managing public space, conducting walking tours, promoting efficient use of energy, facilitating memorialization and social development. CTP targets members of the Cape Town public, particularly those who work, shop and reside in the Central City. In conjunction with Cape Town Routes Unlimited (CTRU) and Cape Town Tourism (CTT), CTP focuses upon the needs of visitors and tourists. It further targets historically excluded communities and constituencies (Int. 26, 33, 34; CTP website). On an operational level, CTP was instrumental in organizing the Central City Improvement District as well as other CIDs in the Cape Town metropolitan region. The CTP also once managed a number CIDs in metro Cape Town and continues to host regular meetings and training options for metro area CID and district and security managers to improve CID service delivery (Int. 26, 28, 29, 31, 37, 38)

III. Cape Town Central City Improvement District



A. Introduction to the Case

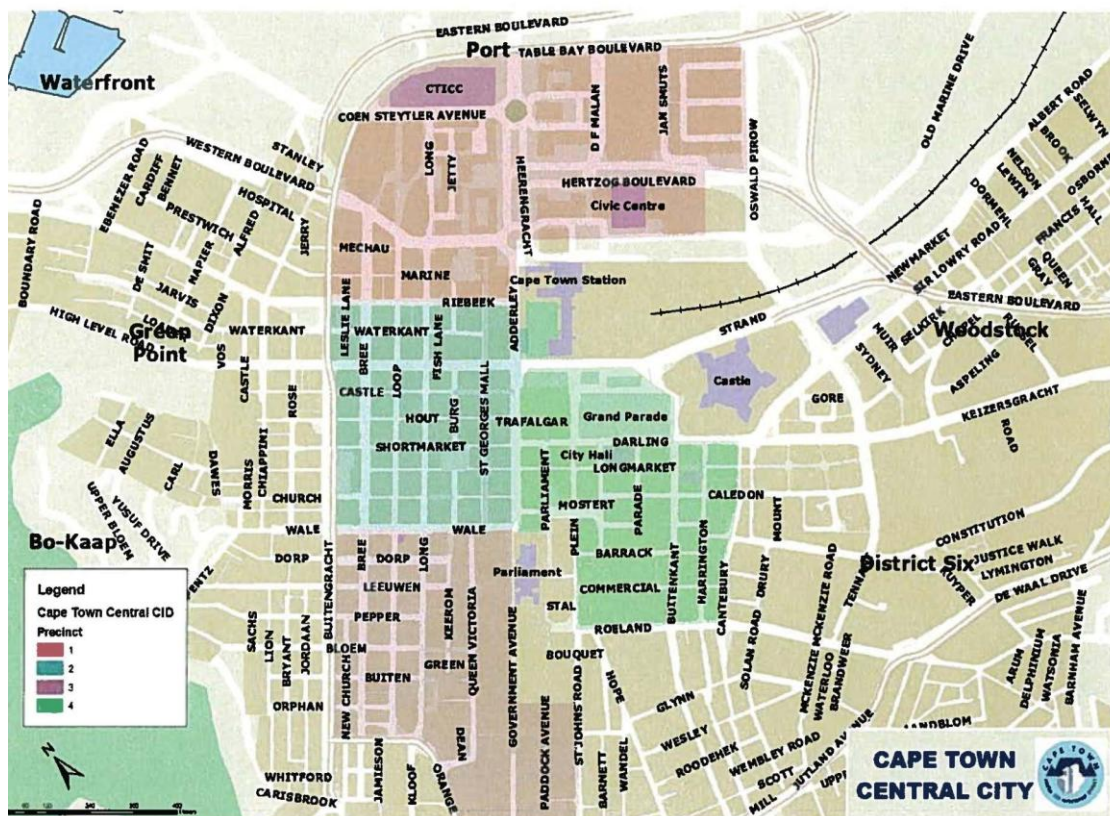
Name of BID	Central City Improvement District
Date of Establishment	2000
Management	Cape Town Partnership
Governance	Board of Directors
Legal Authority	Special Rating Area By-Law
Assessment	Cent-on-the-Rand paid in advance by and collected by municipality

The Central City Improvement District was established in accordance with the then governing Cape Town municipal by-law in 2000. Geographically, it spans four distinct precincts and within its border lays 42.6% of prime office property. Between 2000 and 2008 property owners contribute more than R150 million to the rejuvenation of the Central City. To address the stated requirements of property owners, 51% of the CCID's annual budget is spent on security, approximately 22% on cleansing, 11% on communications and marketing and 3% on social development and. The remainder of the budget goes towards operational and administrative costs of the CCID.



Photograph 1. CCID public safety worker provides assistance in St. Georges' Mall

Map 1. The four precincts of the CCID, color coded



B. The CID in Context

CCID was established through the efforts of the Cape Town Partnership. CTP is considered the strategic arm and the CCID the operational arm for urban management. Top-up services provided by BIDs are generally determined by the needs of the district, and by extension, of the competitive city and metropolitan region within which it is nested. From the outset the CCID functions were security, cleansing and marketing. Recognizing that the city did not foster social development, CCID created the fourth top-up service: social development. I briefly describe each service rendered in turn.

C. CID Relationship Building and Network Management

The security team is passionately led by Security Manager Muneeb Hendricks and Deputy Alec vande Rheede. Other members of the security team include 3 dedicated contract security managers; 6 shift supervisors; 6 control room officers; 6 mobile units; 6 mobile assistants per shift; 4 bicycle squads per shift; and 155 foot officers. Highly energized, Hendricks restructured the CCID security and engaged numerous network actors, from the everyday maker, to the business stakeholders, to NGOs, and a host of governmental agencies such as the South African Police Services (SAPS) which is constitutionally mandated to activate community-oriented policing. Hendricks builds relationships among these network actors through his participation in weekly Crime Prevention Forums of joint police stations and shortly after that meeting, a debriefing during the weekly meeting that Hendricks convenes among joint CID managers in metropolitan Cape Town. The Crime Prevention Forum coordinates safety

and security through reports from and planned action by neighborhood watches, traffic department, metro police, law enforcement, and other stakeholders. The metropolitan-wide CID managers meetings also engage CID contracted security companies. (Observation of each meeting, review of current agendas and minutes from previous meetings). The Crime Prevention Forum on one hand and the metro-wide CID managers meetings on the other hand facilitate joint operations against crime, filling the jurisdictional gaps for areas in which no single actor has authority (Int. 50, 52; Capetowner, 9 October 2008, Cops, CCID to week out drugs in joint operation).

The CCID and the SPCID have the security benefit of 24 hour CCTV cameras that keep watchful eye on those business districts (Int. 27, 34, 37; Observation). CCID foot patrols have been known for more than preventing and arresting crime, they have also been involved in delivery babies in public space when the newborn decided to arrive before the ambulance (Int. 29, 37, 41; Sunday Argus, 19 April 2009, Woman gives birth on city pavement). By all accounts the crime rate in center city Cape Town has decreased since the implementation of the CCID in 2000. Private security companies are contracted by CCID, often contracting with two companies simultaneously. According to Abrahamsen & Williams (2007) global private security firms are increasingly important structures of global governance in which the role of the state – and the nature and locus of authority – is being transformed and rearticulated (Ibid, 249-250). The CCID, Abrahamsen & Williams posit, is a striking example of the contemporary dissolution of the ‘state-territory-authority’ marriage. Significant authority over domestic territory resides with global private security company.

Private authority in the public domain is linked in important ways to global discourses and practices – like neoliberalism, and the contract between CCID and the security company being market-driven. The security company is in effect the agent of the rate payers and the rate payers are funding a system with security at its core (Ibid, 247). However, while the private security companies hired by CCID and SPCID certainly have obligations under the contract, Hendricks and Evangelinos (Chief Operating Officer) are in charge of security, they do not delegate their CCID authority to security companies but remain in charge and control.

Hendricks wants to broaden stakeholder participation in maintaining safety. “It’s a case of tough love, People must stop whining and get involved and take responsibility. You can make a difference. Provide the information that’s all. We have to start taking a collective responsibility (Capetowner, 12 March 2009, Partnering to stop city crime). The CCID security team and social development have had to work closely together since criminal activity is at times driven by dire constraints of adults and children. However, Chief Operations Officer, Tasso Evangelinos seeks to forge additional partnerships for social development.

“Although we have made many gains in terms of reuniting children and adults living on the streets with their families, problems remain. We need to engage with the City of Cape Town and with the province to find a holistic approach to solve the problems facing homeless adults, youth and children,” Evangelinos said. The BID engages its own social development manager and field workers. CCID also collaborates with NGOs as a way of facilitating training for trades and employment

(Int. 28). One of the lessons learnt from a decade of urban regeneration management by the Cape Town Partnership is:

Social development is a core principle of urban regeneration. If you deal with the streets you have to address issues of poverty, homelessness, unemployment, substance and alcohol abuse, mental illness, school absenteeism, dysfunctional homes, physical and sexual abuse, personal trauma, and many other social issues, as well as ‘crime and grime’ (Boraine, 2009)

Toward relationship-building in collaborative network management for social development, CCID manages performance in several ways. Internally the BID staffs a social development manager and three fieldworkers. Externally the CCID coordinates with a number of NGO’s. As to the internal social development team performance management, the team sets strategic objectives and devises charts replete with detailed: deliverables, action, measures, responsible staff, and time frame within which action is to be completed. Samples of a few operational objectives appear in Matrix 1.

Matrix 1. CCID Social development (Select) operational objectives

CAPE TOWN CENTRAL CITY SOCIAL DEVELOPMENT DEPARTMENT (SELECT) OPERATIONAL OBJECTIVES	
KEY PERFORMANCE AREA	GOAL
Fieldwork	Increase the number of people getting access to social services
Public Awareness and Education	Creating Awareness and Education around Street People
People Management	Individual and Team Performance, Competence and Workplace Climate
Ad Hoc Projects	Short Term Intervention

Source: Social Development Team, PowerPoint Presentatoin

The social development field workers are on the ground engaging homeless individuals and inquiring as to their health care or other needs. Panhandling in Cape

Town's CBD can be quite lucrative and the same individuals often frequent the area. To dissuade this activity and to provide assistance instead, CCID fieldworkers, who often know individuals by name, family background and community of origin, execute different strategies at different times of day. Homeless individuals and children who live and beg on the street, or spend days begging on the streets returning home at night – which children often do at the direction of a parent back home in the township – know the CCID field workers and adjust behavior depending on the presence of fieldworkers. To avoid individuals moving from the center city to other areas, the CCID has regular meetings with all metropolitan area CID managers and helps coordinate a social development forum for NGO's others focused upon homelessness, street children and other social issues. The social development team provides internal training for the CCID security division to help distinguish incidences of criminality from those of other social ills. The social development department oversees a "Give Responsibly" campaign, encouraging donations to NGOs rather than enabling panhandling on the street.

Matrix 2. CCID's continuum of social capital

Supplemental Service	Continuum of Social Capital			Analytic Notes
	Cooperation	Coordination	Collaboration	
Security and Safety	Business & residential stakeholders; NGOs	CCTV group; Law enforcement Traffic; Metro police; Crime prevention forum	Security companies; BID joint security meetings; CCID security team; CCID property owners;	The relationship building cuts across public, non- profit, and profit making

			SAPS	entities
Urban Management – including cleansing and ‘best practices’ for operational management	Business & residential stakeholders; NGOs; Africa Centre for Cities; SA Cities Network; Wesgro; Informal traders	Graffiti removal teams; municipal cleansing & debris pick-up; Western Cape provincial government; Other CIDs	CCID property owners; CCID Cleansing team contract	Graffiti removal teams are ad hoc. Much of the urban management work is by the CTP
Communications and Marketing	Regional Chamber of Commerce	South African Property Owners’ Association	Cape Town Partnership; Creative Cape Town	CCID board has a marketing committee in addition to working with CTP
Social Development	Homeless individuals; Street children; Don Boscoe hostel; The Carpenter’s Shop; TRA housing; Supporting identified townships with donations; Community Police Forum; Neighborhood Watch	Field Workers’ Forum; Street Peoples’ Forum; CCID Security Team; Municipal Social Development Dept.; Receiving unused hotel clothing and sundries for redistribution; Receiving outdated computers from businesses and for redistribution; Responding to emergencies in the community, e.g. xenophobia.	CCID field workers; Western Cape Street Children Forum; Homested; Ons Plek	A vehicular tour of particular communities from which many homeless and individuals come shed light on why people come to the city for improved quality of life. Multiple sources of evidence triangulated CCID’s social development work although interpretations of its impact differed.
Special Events	Co-sponsoring events with NGOs	‘Give Responsibly’ Campaign		CCID & CTP staff participate in special events.

Sources of evidence: Interviews: 26, 27, 28, 29, 30, 33, 34, 37, 38, and 39.

Secondary evidence: BID reports, minutes, agendas, marketing portfolio,

leaflets, media accounts, archival records on site, observation tours, observation events, built environment

Externally, the social development team works closely with metropolitan and federal police in an effort to, where appropriate, to redirect homeless individuals or families, street children and ex-prisoners away from the criminal justice system. CCID field workers are trained to differentiate where to send individuals – for example, a shelter vs. a police station vs. the federally administered community court (Interview with Andrew Boraine, Cape Town Partnership, Chief Executive Officer, 2007). The CCID realizes that people have rights, that social development is peripheral to revitalization, that no one should be sleeping on the streets, that everyone should have housing and three meals a day. The social development strategy is not a corporate or government effort but a close family set of organizations focusing upon marginalized members of our population (Interview with Theodore Yach, CCID Board Chairperson, 2007).

Among the network actors that the CCID engages in social development are such NGOs as Straatwek, a social development non-governmental organization and shelters like: Home of Hope, the Haven shelters in District Six and in Napier Street, the Homestead, Ons Plek, and Men on the Side of the Road. (CCID Annual Report, 2008; Interview with Andrew Boraine, Cape Town Partnership, Chief Executive Officer, September, 2007). CCID has regular information sharing sessions with law enforcement and NGOs, uses communication technology to instantly report and respond to issues in the district, and collects quantitative performance data on the service population. For example, CCID's annual report shows that there were 14

children on the streets in 2008 as opposed to 25 children in 2007, fifty-five children between the ages of 12 and 18 years were returned home, seventy-one homeless adults in the Central City were placed in shelters, twelve shelters assisted in these placements, forty-one adults were reunited with their families, two lost children were successfully reunited with their parents, twenty-four adults obtained gainful employment, and eleven individuals received medical assistance. CCID and other cooperating partners collected 2,5 tons of donations for victims of xenophobia and treated five hundred grandparents to a day at the Zip Zap Circus School on Grandparent's Day (CCID Annual Report 2008). Social development by CCID is an award-winning.³

Although BIDs have been known to manage downtown's social behavior (Jackson, 2006), BIDs are neither institutionally nor functionally designed to deliver social services. Rather, property owners and business owners agree to pay additional assessments to ultimately self-finance the district improvement with a profit motive in mind. Hence, CCID network management for social development is not without controversy. In view of her longitudinal study of Cape Town CIDs from 2001-2006, Miraftab (2007, 617) argues that "by tying the availability of adequate services, whether waste collection, safety or outreach work among homeless and street kids, to the property owners' ability to pay extra, CIDs continue apartheid's urban spatial inequalities." To her, "territorially bounded programs like CIDs continue the apartheid legacy by re-linking the basis of state-citizen relationships to physical urban location. They shift the basis of exclusion from race to class, but still

³ The Central City Improvement District received a Special Recognition Award from the International Downtown Association (IDA) for Social Development, being selected over 76 other entries from around the world (CCID Annual Report 2008). It also earned the distinction of BID of the month from IDA in 2009.

access to better security or cleaning services is defined by whether one is located in an improvement district or not.” Miraftab (2007, 204) concludes “that the tensions CIDs embody are rooted in Cape Town’s colonial struggle between dispossession and citizenship claims, between imposed elitist fantasies of urban planning and the local realities. The encounter is far from attaining equilibrium; whether and how the tensions will resolve is far from preordained; it remains an open question.”

In any event, the CCID and its managing agent, the CTP, espouse an urban management philosophy of Cape Town as a “clean, safe, caring and inclusive city creating job opportunities, offering a residential revolution in downtown living, investing in foreshore revival, preserving the city’s heritage, shaping convention and meeting venues, making public space for public life, remembering days gone by whole becoming a leading a celebratory centre for knowledge, innovation, culture and creativity” (Int. 26, 28, 30, 33; Cape Town Partnership (2009) *The first ten years*. Cape Town: New Media Publishing; Capetowner, 4 September 2008, Creative Capetonians thinking beyond their borders). At the same time residents and some NGOs did not share that view. When residential purchase prices in center city were lowest, “long-time insiders” purchased units in the renovated Old Mutual building far in advance of the properties being offered to the public. According to some accounts “those capitalists” were making money off those units by selling and reselling them before anybody even moved in. Every time a unity was sold the price increased making the units unaffordable to Coloureds who wanted to live in the city and much too expensive to be considered by Black African (Int. 45, 46; FG-3). As one representative from an NGO put it: “The Partnership and the CCID – which are

to us the same thing – only think about getting the homeless and street children out of downtown so that the wealthy and tourists can enjoy it. They don't care about people – just about money.” (Int. 44, FG-3) To be sure, Cape Town is a historically contested urban terrain; conceivably to a degree unlike most metropolitan areas. Negotiative networks that OECD finds significant for entrepreneurial urban governance are just that – contingent and unsettled.

Matrix 3. CCID's continuum of network mechanisms

Supplemental Service	Continuum of Network Mechanisms			Analytic Notes
	Networking	Networks	Network Structure	
Security and Safety	Business & residential stakeholders NGOs	CCTV group; Law enforcement Traffic; Metro police; Crime prevention forum	Security companies; BID joint security meetings; CCID security team; CCID property owners; SAPS	Network actors are cross-sector
Urban Management	Business & residential stakeholders; NGOs; Graffiti removal teams; Informal traders	Africa Centre for Cities; SA Cities Network; Wesgro municipal cleansing & debris pick-up; Western Cape provincial government; Other CIDs	CCID property owners; CCID Cleansing team contract	Informal traders may or may not see themselves as part of a network. The ones who spoke to author were nervous about doing so
Communications and Marketing		Regional Chamber of Commerce; South African Property Owners' Association	Cape Town Partnership; Creative Cape Town	Many of these organizations were instrumental in organizing CTP &

				CCID
Social Development	Homeless individuals; Street children; Don Boscoe hostel; The Carpenter's Shop; TRA housing; Supporting identified townships with donations; Neighborhood Watch	Community Police Forum; Receiving unused hotel clothing and sundries for redistribution; Receiving outdated computers from businesses and for redistribution	CCID field workers; Western Cape Street Children Forum; Homestead; Ons Plek	CCID sees itself as a facilitator here, not a service provider
Special Events	Co-sponsoring events with NGOs and other organizations	'Give Responsibly' Campaign		CTP & CCID staff at different levels participated

Sources of evidence: Interviews: 26, 27, 28, 29, 30, 33, 34, 37, 38, and 39.

Secondary evidence: BID reports, minutes, agendas, marketing portfolio, media accounts, archival records on site, observation tours, observation events, built environment

Safety, security, and social development have to be undertaken for urban entrepreneurial governance for which urban management is an integral part. The CTP, which manages the CCID is heavily involved in economic development strategies, is profit driven to the extent that profit generates a human face to an inclusive city (Int. 26, 28, 30, 36). Both the CTP and the CCID have a public-private partnership with the uni-city metropolis. The CTP, pursuant to its management of the CCID and the CTP's relationship-building and network arrangements with other public and private entities, undertakes strategic policy planning which OECD says is at the backbone of urban entrepreneurial governance. Such strategic planning includes an

organization being promotional, inventive, profit-driven and taking risks. The CCID by and through its managing agent, the CTP furthers the neoliberal project by providing the local private finance of mandatory assessment collection, reconfiguring institutional infrastructure of the city through public-private partnerships and elite business interest involvement in redevelopment, restructuring of territorial development that channel infrastructure investments into local regional areas, inter-local policy transfer where BIDs customize place-marketing strategies and contextualize ‘best practice’, regulate urban civil society with zero-tolerance crime policies like CCID’s tight security and CCTV surveillance, re-representing the city via urban and regional regeneration and entrepreneurialism, creating employment opportunities for those historically subject to social exclusion – all features of BIDs as neoliberal network actors in urban and metropolitan change and governance.

Neoliberal activism, however, is not an ‘end all – be all’ situation. Instead, contestation to the city continues, shaping and reshaping public life, deconstructing and reconstructing equitable distribution of human sustenance (Ward, 2005; MacLeod, 2002).

Next is the case study for Sea Point which is part of the Cape Town metropolitan region.

IV. Sea Point City Improvement District



A. Introduction to the case

Name of BID	Sea Point City Improvement District
Date of Establishment	2001
Management	Chief Operating Officer
Governance	Board of Directors
Legal Authority	Special Rating Area By-law
Assessment	Cent-on-the-Rand paid in advance by and collected by municipality

Photograph 2. SPCID's commercial corridor, Main Road



Map 2. Sea Point City Improvement District commercial corridor, Main Road and Regent Road (inside the brown line boundary)



B. The CID in Context

Historically and geographically, Sea Point is tied inextricably to Green Point. In the mid-nineteenth century the municipality of Green Point and Sea Point existed separate from the municipality of Cape Town. While the story of Green Point and Sea Point is said to commence with Jan van Riebeeck, Englishman Henry Alexander – cousin to Earl of Caledon du Pre' Alexander – is credited with the evolution of Sea Point into Cape Town's premier seaside resort. Located on what was then considered the far end of Green Point, the 'Sea Point Estate' or Sea Point farm included a country-club like

venue called the ‘Society House’ in an area largely owned by Henry Alexander. Shortly after Alexander died in 1818 the ‘Sea Point Estate’ was sold to C. E. Wentzel who built the heritage significant edifice Wave Crest shortly thereafter, aptly named for the billowing crests of waves imposingly lining the sea-front venue. Green Point, Sea Point, and Three Anchor Bay – another resort community lying between them, were eventually absorbed by the municipality of Cape Town with the onset of the 20th century. By 1944, after the Wave Crest edifice had been purchased by the South African based Missions to Seaman’s Society, Wave Crest became a haven for victims of German boats in view of WWII. Distressed British merchants and seaman found shelter and a welcoming atmosphere at Wave Crest. The historical structure was turned back into a private hotel before being demolished in 1961. Nevertheless, a block of flats in Sea Point bear the same name holding memories of centuries gone by. Today, in the post-apartheid uni-city of metropolitan Cape Town, not just suburbs of the old Cape Town like Sea Point and Green Point but also many other municipalities in the region have been subsumed into a single metropolitan region. Interestingly, Sea Point now stands out as a racially and ethnically mixed area where aging pensioners have been joined by young upwardly mobile professionals, para-professionals, domestic workers, laborers, and the unemployed – any aspect of whom can be seen on a given day – strolling along the beach-front promenade or walking or dining along a busy Main Road. The diversified human population and socio-economic improvement of the environs evolved recently after decades of decline.

Before the end of apartheid, during the 1980's, as the Victoria and Alfred Waterfront (V & AW or Waterfront) expanded and shopping centers as well as office parks grew in the northern and distant suburbs, commercial districts in suburban areas near the city bowl, such as Sea Point, declined. While expressing memories of a once vibrant and stable commercial district along Sea Point's Main Road, respondents also gave many and consistent reasons for the economic decline of Sea Point. The V & AW caused an exodus of businesses and shoppers to flee Sea Point for the Waterfront. The Waterfront was a novelty where everyone wanted to shop. Although Sea Point was still home to wealthy residents, the V & AW provided safer and more convenient shopping, parking was plentiful and new upscale internationally known stores and clusters varied restaurants were easily accessible. One time lively upbeat restaurants in Sea Point – which one well-traveled informant indicated had more restaurants than anywhere in the world – became defunct or relocated elsewhere in the absence of a customer base. (Int. 49, 50, 51, 57, 59, 81) As one stakeholder put it:

“Main Road became a problem area – derelict and dysfunctional when shopping died. The Waterfront killed Sea Point – pushing it toward a steady and accelerating dive into chaos” (59).

Not only was the commercial district deserted but property values depreciated dramatically. As wealthy property owners from early generations aged, their children often migrated to Europe and other continents – property upkeep dwindled out of lack of interest or capacity of property owners. Retirees soon became captives in their own home afraid to risk walking around the Sea Point community. Landlords of residential, commercial and mixed used properties rented to individuals ready, willing and able to

pay the lower rents that devalued decaying property could command. Drug pushers, ‘ladies of negotiable affection’, male prostitutes and other unsavory elements strategically took control of Main Road, certain side streets, and the beachfront promenade. Homeless individuals claimed and guarded their corners as stationery sites for living and panhandling even before the end of apartheid. Vacant commercial and residential buildings became home to squatters, drug dens for pushers and users, and brothels for service providers and clientele alike. In the throes of a slum-headed environ disreputable escort agencies sprung up; seedy bars competed for thriving criminal enterprises while adult pornographic establishments drew a growing audience. All appearance of pride was lost in the built environment as peeling paint, loose bricks and sagging bleeding wood made dilapidated structures the order of the day; coupled with neglected roads, pot holes, sparse public lighting, and missing drain covers – all comfortably serving the shady purposes of an ever-rising immigrant community facilitating clandestine operations (Int. 47, 48, 50, 52, 49, 51, 57, 59).

When J. P. Smith became ward councillor for Sea Point in the year 2000 he realized that he did not have a fraction of the resources needed to turn Sea Point around. There were strong permanent drug dealing gangs openly selling drugs on the streets, shootouts occurred with regularity across Main Road, at least 14 pit-like slum buildings were masquerading as residential hotels, approximately 700 people were living on the streets, and there were around 124 vacant businesses on Main Road with occupied shops being let to grotty tenants who did not provide proper signage and often merchandised illegal wares. Small retail shops were housing 4

to 5 businesses under one roof – opened in the midnight hours, and congregated by large groups of people confounding law enforcement as to who is selling what to whom within or outside of the bounds of the law. Well known businesses had closed and local residents had likewise jumped ship as Sea Point sunk into a quick sand of urban degeneration with no hope in sight (Int. 52, 57, 59).

Not to be dissuaded by a veteran councillor who told him that Sea Point is doomed and would drag Smith's promising political career down with it, Smith proceeded to facilitate a number of international practices into the community while supporting existing citizen-driven efforts to reclaim Sea Point. A steering committee to organize a BID was already underway placed in motion with the help of Smith's predecessor Chris Joubert of the Democratic Alliance party. Additional international practices and citizen-driven efforts afoot in Sea Point included the 'broken windows' approach, a 'Yellow-bibs' campaign, and assistance from the 'Guardian Angels.'

C. The Great Sea Point Revival

Relationship-building was a challenge even in organizing the BID. Key actors in the organizational and early management and governance phases included ward councilor Chris Joubert followed by subsequently elected J. P. Smith, the Cape Town Partnership, Sea Point residents and property owners such as Paul Berman, Christos Yiacoumis along with long-time citizen and law enforcement advocate Heather Tager. Lobbying and negotiating went on for more than two years. The law requires that 51% of the property owners as well as 51% of property valuation agree to participate in the mandatory assessments of a BID. When it once appeared as if the BID would be approved, a mistake was discovered and the process had to be renewed and redone.

In the year 2000, a year before the BID was ultimately approved, huge resistance remained. Property owners were yet unconvinced that the burden of an additional assessment was outweighed by the benefits of the activities of a city improvement district.

The organizational team participated in the logistics of going from building to building to secure property owner agreement for CID establishment. Many buildings were managed by a corporate body, which meant going to annual general meetings (AGM) of corporate bodies to reach individual unit owners as buildings may be comprised of anywhere from 8-150 individual unit owners. Property management companies were unhelpful in accessing unit owners as those companies believed the CID would divest management companies of power and income. It was exceptionally difficult contacting absentee property owners while convening numerous public meetings to secure buy-in by volume and property valuation. In effect the organizers had to build sufficient relationships with individual property owners to create the CID.

According to one organizer:

We marketed the establishment of the CID as part of “the Great Sea Point Revival.” That was a hollow statement back then, but now it’s real.” (59)

Fulfilling a once hollow statement real required deeper public-private sector alliances and broader negotiative network construction. Actors in early governance and management considered the local state of affairs to determine how to contextualize the internationalized BID model.

D. CID Relationship-Building and Network Management

Geographically, the SP CID lies along the commercial corridor of Main Road – beginning at the intersection of Glengariff Road, which signals the entry way for Sea Point from Green Point and Cape Town – through Regent Road (an extension of Main Road) to the intersection of Queens Road. The SP CID is a little over 7 kilometers in length, running parallel to and a block up from Beach Road and the beach promenade. Early board members for the Sea Point CID included the sitting ward councillor, organizers like Paul Berman, Christos Yiacoumis, Heather Tager, and a representative from the Protea Hotel among others. The CID was originally managed by the Cape Town Partnership. In view of the security and sanitation issues plaguing Sea Point, the CID focused – as many BIDs across the globe often do – on making the district ‘clean and safe.’ The idea was to stomp out ‘crime and grime.’

The CTP had a strong relationship with municipal government which laid a foundation for relationship-building and network construction between the SP CID and the municipal government. As Sea Point ward councillor, J.P. Smith worked closely from the outset with the SPCID board of directors, managers, multi-level law enforcement, and citizen groups to reclaim Sea Point. Key actors from all stakeholder segments together identified problem slum-like commercial and residential buildings essential to turning the business district, and by extension, Sea Point, around. These buildings included ‘Budget Accommodation’ at the corner of Glengariff Road and Main Road which was a prime haven for prostitutes who lined the intersection that is the gateway to Sea Point. Similarly, El-Rio, located at the corner of Firmont Road and Main Road was occupied primarily by groups of gun-toting drug-dealing gangsters

and prostitutes and raw sewage was known to be poured over the balcony onto the street since plumbing was in a state of disrepair. In much the same vein, properties on the Regent Road section of the CID were under siege by individuals criminally inclined and numerous buildings had fallen into a state of disrepair.

Working with the SP CID by agreement or unspoken shared goals were city elected officials and municipal managers, municipal police services (metro police), South African police services (SAPS), the Community Police Forum, the ‘Yellow-bibs’ citizen group, the Firmont Neighborhood Action Group, and others. J.P. Smith sponsored legislation on a myriad of fronts – much of which was adopted for Cape Town-wide application. Landlords were targeted – if they rented to drug dealers and prostitutes, thereby capitalizing off the proceeds of organized crime, landlords may be found guilty of colluding with criminals and ultimately forfeit the subject real estate. If a building was inspected and found to be structurally damaged and/or in violation of an array of building codes, the building may be condemned and unpaid penalties may result in forfeiture of property. To promote cleanliness in Sea Point, Smith took a hard stance on graffiti and sponsored appropriate legislation to stomp out graffiti which was subsequently implemented citywide. Smith also spearheaded legislation to govern informal trading. The idea was to standardize procedures and physical set-ups for informal traders, ensure that informal traders do not disguise drug dealing activities by fronting as traders for legal goods and merchandise, and to seek corporate sponsors to pay for aesthetically appealing trading barrows.

Matrix 4. Sea Point's continuum of social capital

Supplemental Service	Continuum of Social Capital			Analytic Notes
	Cooperation	Coordination	Collaboration	
Security	Business & residential stakeholders; Firmont Neighborhood Action Group; Guardian Angels	Law enforcement; Traffic; Yellow-bibs; Elected officials; Weekly CID & security manager meetings at the CCID	CCTV group; SAPS CPF in Sea Point; Metro police Security companies; Crime prevention meetings in Sea Point; Public administrators and managers	Relationship building is among citizen action groups, public sector employees, BID employees, and profit making enterprises such as the security companies
Cleansing		City of Cape Town; Graffiti removal teams	Cleansing team	Ward councillor extremely active in anti-graffiti campaign in addition to the CID
Business Forum	Businesses	Business		Business owners would like to see the CID supporting them more as well. Int. 54, 55, FG-7
Special Events		Tree Lighting; Media coverage		
Social Development	Homeless individuals; Street people	Community Police Forum; Shelters		
Other Management services		Informal trading		

Sources of primary evidence: Interviews: 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, and 58 Secondary evidence: BID reports, minutes, agendas, leaflets, media accounts, observation tours, observation events, built environment

Beyond its relationship with the ward councillor, the SP CID management and its cleansing team work closely with municipal agencies. Such relationship-building grew into network construction between the SP CID manager and various municipal managers and administrators who oversee and interact with the CID. SP CID management likewise has close ties to metro police, local law enforcement organizations and SAPS. (The relationship between multi-level policing and law enforcement organizations is more fully described in the section on the rule of law). According to several respondents, crucial to reviving the area was the placement of a new station commander in Sea Point, who is intolerant of ineptitude and incompetence of his own staff and thereby brought professionalism to a dysfunctional police service (Int. 47, 52, 59). Joint clandestine operations – called ‘2 by 2 operations’ conducted by metro police and SAPs used court orders and undercover officers to identify and arrest those involved in criminal enterprises (Int. 52). Moreover, although CID security officers were not empowered to make arrests, they were in close enough contact with metro police so that arrests could be made forthright (Int. 81).

National enabling legislation for SAPS gave rise to Community Police Forums (CPF), Area Community Police Boards (ACPB) and Provincial Community Police Boards (PCPB). SP CID Chief Operations Officer at the time of this study, Heather Tager served in leadership positions in these organizations on for Sea Point

and at the regional and provincial level. Tager likewise served in a leadership capacity for the citizen generated ‘Yellow-bibs.’ The ‘Yellow-bibs’ approach is an international practice that originated in the United States, along with the ‘broken windows’ approach and the Guard Angels strategy – each of which were promoted in Sea Point by ward councillor J. P. Smith. The ‘Yellow-bibs’ strategy broadened citizen involvement in arresting crime in Sea Point. Residents, wearing bright yellow bibs, would stand outside drug dealing and prostitution locations to dissuade buyers of goods and services of ill repute from entering the premises. The ‘Yellow-bibs’ also targeted clearly established locations of drug activity on the street – witnessing many would-be drug purchasers pass by – at times embarrassed to follow through on the purchase. Members of the Firmount Neighborhood Action Group participated in the ‘Yellow-bibs’ campaign – influencing the shut-down of the infamous “El-Rio” at the corner of Firmount and Main Roads which was renovated and is now home to racially and ethnically diverse employed individuals with growing families.

At its inception, the SP CID created its own methods for confronting crime while building relationships with police and law enforcement organizations and citizen driven initiatives such as the ‘Yellow-bibs.’ According to one respondent, a CID representative was challenged by a gangster to meet in a coffee shop where the gangster appeared with his body guards. The CID representative explained that the town was not big enough for both of them, that the CID representative had many levels of law enforcement and governmental agencies behind him, and that even if the gangster murdered the CID representative, the CID representative would become

a martyr and the struggle to reclaim Sea Point would continue even stronger. Two months later, as if overnight, the great majority of gangsters packed up and moved out of Sea Point. Yet that was after nearly three years of war – day and night – to free Sea Point of the gripping criminal element that had subsumed it.

SP CID board members and management along with the ward councillor were instrumental in marketing Sea Point to investors as crime and grime were stamped out. Metro police and SAPS provided crime statistics which helped the CID encourage new investment. New property owners then increased rents to attract economically stable and lawful tenants – many of whom were seeking to live close to the city bowl and to the sea. While not all Sea Point stakeholders interviewed were aware of the existence of the CID, most respondents reported that between 2004 and 2009 perceptions of cleanliness and security improved. At the same time, some business and residential stakeholders believed that there was a still need for improvement along the business corridor, certain side streets, and the beach promenade.

Matrix 5. Sea Point's continuum of network mechanisms

Supplemental Service	Continuum of Network Mechanisms			Analytic Notes
	Networking	Networks	Network structures	

Security	Guardian Angels	Law enforcement; Traffic; Yellow-bibs; Elected officials; Weekly CID & security manager meetings at the CCID; Firmont Neighborhood Action Group	Public administrators and managers; SAPS	Informants indicated that the nature of the network changes over time (Int. 47, 50, 52)
Cleansing		City of Cape Town; Graffiti removal teams		
Business Forum	Business	Business		
Special Events		Tree Lighting; Media coverage		
Social Development		Homeless individuals; Street people; Community Police Forum; Shelters		CPF coordinator independently establishes network mechanisms
Other Management services		Informal trading		

Sources of primary evidence: Interviews: 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, and 58
Secondary evidence: BID reports, minutes, agendas, letters, leaflets, media accounts, observation tours, observation events, built environment

The Sea Point CID built relationships and constructed networks to turn the area around. Besides its public-private partnership with the municipality, SP CID constructs negotiative networks which are relevant to OECD's urban entrepreneurial governance. Ward Councillor J.P. Smith helped institute the 'broken windows'

approach and exhibited zero tolerance for crime and grime. The CID along with the Yellow-bibs and other citizen action groups reclaimed Sea Point. The techniques used, like those employed by BIDs in Cape Town and elsewhere reflect the extent to which BIDs are mechanisms of neoliberal localization as well as efficient entrepreneurial managers. SP CID's close connection with the other CIDs in metro Cape Town demonstrates show the Sea Point CID is one among other actors in metropolitan governance as well. The CID Sea Point ward councilor sponsored the legislation governing informal traders and Sea Point has very few informal traders.

Below is a matrix comprised of stakeholder responses to changes in Sea Point once the CID started partnering and constructing networks for revitalization.

Matrix 6. Changes in Sea Point commercial corridor

STAKEHOLDER	CHANGES NOTICED ALONG THE SEA POINT COMMERCIAL CORRIDOR: MAIN ROAD AND REGENT ROAD: 2004-2009	KNOW OF CID?
Business	Residential buildings refurbished	Yes
Business	The CID is drawing people back in	Yes
Business	There's an improvement but the CID and Council still have a "why should I?" attitude	Yes
Business	Heather Tager has a way of getting people to do things	Yes
Business	SP is not a commercial hub and never will be even though wealthy people live here	Yes
Business	Retail has never done well in SP - you can't make a living here, it's unsafe	No
Residential	People no longer concerned about walking the area, it's safe now, even at night	No
Residential	Fewer businesses are vacant	No
Residential	The CID guys are visible – there is always somebody watching you	Yes
Residential	More businesses and restaurants are open at night	No

Residential	Seems like there are more street lights on at night and businesses keep lights on more	Yes
Residential	Young people can't afford to live in SP, it is not for young families	No
Residential	Young diverse families are moving back here and enjoying the small parks & beachfront promenade	Yes
Residential	There was more law and order and better transportation here under apartheid	Yes

Source: Interviews: 54, 55, 56, 57, and 58

Shifting gears from CID relationship building and network management, I now turn to the rule of law on CIDs.

V. The Rule of Law on CIDs

The Constitution of the Republic of South Africa, 1996, was approved by the Constitutional Court (CC) on 4 December 1996 and took effect on 4 February 1997. The Constitution is the supreme law of the land. Municipalities derive their power and functions directly from the South African Constitution (SAC, Ch. 7, Sec. 156(1-5)). National legislation defines the different types and categories of municipalities. Provincial government establishes, monitors, and helps build capacity of municipalities (SAC, Ch. 7, Sec. 155(6)(a-b)). Both national and provincial governments regulate the executive authority of municipalities (SAC, Ch. 7, Sec. 155(7)). A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer (SAC, Ch.7, Sec. 156:2). In addition to the constitutional rights of the municipality, it is constitutionally permissible for the National Assembly to assign additional legislative powers to Municipal Councils (SAC, Ch. 4, Sec. 44(1)(a)(iii)). Likewise, provincial legislatures are constitutionally authorized to assign additional legislative powers to Municipal Councils within their respective province (SAC, Ch. 6, Sec. 104(1)(c)).

The national legislation that defines the types and categories of municipalities is the Municipal Structures Act 117 of 1998. An area falls either into category A or into an area comprised of both category B municipalities and category C municipalities. Cape Town is a ‘metropolitan municipality’ meaning that it has exclusive executive

and legislative authority in its area which makes it a category A municipality (Municipal Structures Act, Ch. 1, Part 1, Sec. 2). Category A municipalities has high population density, intense movement of people, goods, and services; extensive development; multiple business districts and industrial areas; an active economic center and diverse economy, integrated development planning; and strong interdependent social and economic linkages between constituent units (Ibid, Sec. 2(a)-(d). As to types of municipalities, Cape Town is a municipality with a mayoral executive system combined with both a subcouncil and a ward participatory system, Section (h) in Table 7 below.

Table 7: Types of Municipal ‘A’ Categories in South Africa

Types of Category A Municipalities in South Africa
Municipal Structures Act 117 of 1998 Section 8: Types of Category A Municipalities (source)
(a) A municipality with a collective executive system
(b) a municipality with a collective executive system combined with a subcouncil participatory system
(c.)A municipality with a collective executive system combined with a ward participatory system
(d) a municipality with a collective executive system combined with both a subcouncil and a ward participatory system
(e) a municipality with a mayoral executive system
(f) a municipality with a mayoral executive system combined with a subcouncil participatory system
(g) a municipality with a mayoral executive system combined with a ward participatory system; and
(h)A municipality with a mayoral executive system combined with both a subcouncil and a ward participatory system.

While Municipal Structures Act 117 of 1998 defined and established criteria for determination of municipalities, delineated functions and powers between categories of municipalities, regulated municipal internal structures and office

bearers, and provided for electoral systems together with providing for those matters connected to the foregoing, Local Government Municipal Systems Act 32 of 2000 more fully codified principles, mechanisms, and systematic processes to enable social and economic upliftment of local communities (Juta, 2006, 2, 105). On one hand municipalities derive their original powers directly from the South African Constitution. On the other hand, national government and provincial governments regulate powers and functions of municipalities (Guidelines on Allocation of Additional Powers and Functions to Municipalities, GenN 490 in GG 29844 of 26 April 2007, Ch. 2, Part 1(6)(3)).

Regarding fiscal powers and functions, a municipality may impose rates on property and surcharges on fees for services provided by or on behalf of the municipality; and, if authorized by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government within which that municipality belongs (SAC, Ch. 13, Sec. 229:1(a)-(b)). In keeping with this constitutional provision that became effective in early 1997, the Municipal Systems Act 32 of 2000 authorized a municipality, so long as it is unlikely to entrench or contribute to further disparities, to establish an internal municipal service district.

The municipality may finance that district by setting a tariff or levy for the service, imposing a special surcharge on the tariff for the service, or increasing the tariff in the district (Municipal Systems Act, Ch. 8, Sec. 85(1)(a),(3)(c)(i-iii); Sec. 86(b)(iii)

Between the enactment of the Municipal Structures Act 117 of 1998 and the Municipal Systems Act 32 of 2000, in 1999, the then Cape Town Municipal Council passed its first by-law enabling city improvement districts. The By-Law was

published in Provincial Gazette 6118 on 26 March 1999. Two additional CID By-Laws followed for different municipalities; Municipal Improvement District By-Law published in Provincial Gazette 5434 of 10 March 2000 for the former South Peninsula Municipality and the By-Law for Establishment of City Improvement Districts, published in Provincial Gazette 5607 and governing the former City of Tygerberg. In 2004, after Cape Town became the metropolitan ‘uni-city’, Municipal Council repealed all three CID By-Laws and passed the new CID by-Law published in Provincial Gazette 6118 of 26 March 2004. Both the CID By-Law of 1999 and 2004 required support of rateable property owners in the district who own no fewer than 50% in number of district properties and not less than 50% of the rates based value of the rateable properties in the proposed CID. Unlike the CID By-Law of 1999, the CID By-Law of 2004 included procedures for establishing residential city improvement districts.

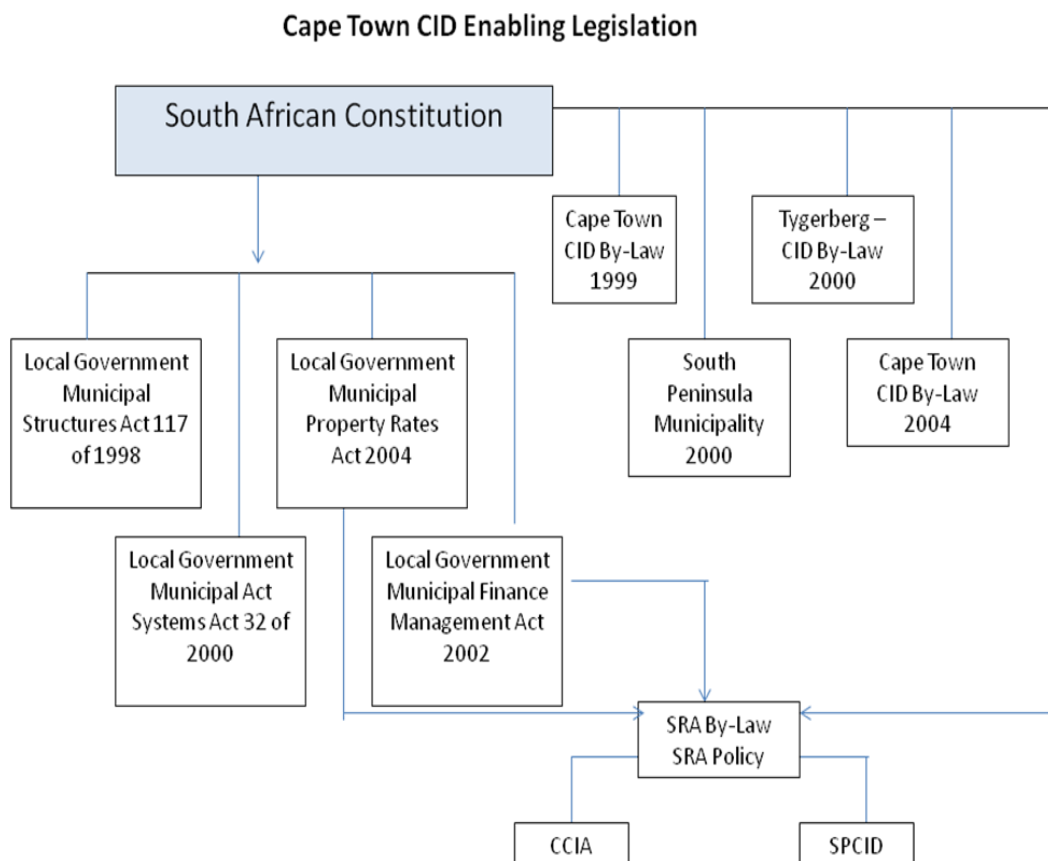
However, national legislation changed with the enactment of Local Government Municipal Property Rates Act 6 of 2004. Although South African municipalities are constitutionally empowered, they are nationally regulated by Parliament. The Municipal Property Rates Act (MPRA) 6 of 2004 preempted Cape Town’s CID By-Law of 2004. City Improvement Districts are now encompassed within Special Rating Areas and the MPRA is now considered the ‘founding law’ for CIDs (Interview 64). The MPRA provides, *inter alia* that a municipality may, by resolution of its council designate SRAs, levy additional rates, and differentiate levying against property categories. Community consultation as to proposed boundaries and improvements is required and the majority of potential rate payers

must consent to SRA establishment. SRA establishment must be consistent with the municipality's integrated development plan and is not to be used reinforce existing inequities in development of the municipality MPRA, Ch. 2, Part 4, Sec. 22(1)(2)(3)(4). Just as the MPRA legislation governs CIDs, it also covers establishment of internal municipal service districts which facilitate the provision of a municipal service in an identified bounded part of the municipality.

Pursuant to the MPRA, in 2009, after consultation with local communities and organizations, the Cape Town Municipal Council passed the Special Rating Area (SRA) By-Law and promulgated City of Cape Town Special Rating Areas Policy to guide implementation of the legislation. To establish or disestablish a CID, a majority of ratepayers – 50 + 1 % in terms of property ownership and valuation of property must consent. The management body for the CID must be undertaken by a company incorporated in accordance with the provisions of Section 21 of the Companies Act, 1973 (Act No. 61 of 1973). The relevant ward councilor and another person as nominated by Sub-Council is to attend and participant in management body meetings, but does not vote. The management body must annually provide the city's Chief Financial Officer with audited financial statements for the immediately preceding year and an annual report demonstrating state of the execution of the implementation plan. The same information is annually provided to the relevant Sub-Council within two months of the CID management body's Annual General Meeting (AGM).

The MPRA and therefore the SRA By-Law governing CIDs must be read in conjunction with the Municipal Finance Management Act (MFMA) (Interviews 61, 62, 64). The role of the CFO is crucial. Budget construction is reviewed closely by finance public managers and ultimately approved by Municipal Council. In this regard, some stakeholders argue that the CIDs are becoming too closely with municipal government and thereby losing independence in terms of mission, operation and function (Interviews 45, 56, 78). The national legislation is mirrored in the Special Rating Areas By-law of 2009. The SRA By-law is discussed in the findings section, contrasted and compared with the Newark municipal ordinances.

Schematic 5. Cape Town CID enabling legislation



This discussion of the rule of law on CIDs concludes Chapter 5. In Chapter 6, Newark in metropolitan and urban context is followed by a case study of the Newark Downtown District and the Ironbound Business Improvement District and then a discussion of the rule of law on SIDs.

CHAPTER 6

NEWARK, NEW JERSEY, UNITED STATES OF AMERICA

I. The Metropolitan Region Context

Newark is part of the largest metropolitan region in the world, The New York-Newark-Bridgeport, NY-NJ-CT-PA Combined Statistical Area (CSA) as defined by the U. S. Office of Management and Budget (OMB) (Daniels, 2003). The larger metropolitan area as well as ones in decreasing population order, is comprised of population and economic activity that constitute functional economic areas that cover many local government authorities (OECD, 2006, 31). The just mentioned CSA, with an approximate populous of more than 22.1 million, is further broken down into seven metropolitan regions and, of those regions, Newark figures into the New York-Northern New Jersey-Long Island, NY-NJ-PA Metropolitan Statistical Area (MSA) which boasts an estimated population of over 19 million. This MSA is further disaggregated into four divisions where Newark, as a principal city and given its urban core status, is part of the Newark-Union, NJ-PA Metropolitan Division. This final metropolitan division, with an approximate population of 2.1 million, spans five counties in NJ: Essex (where Newark is the county seat), Hunterdon, Morris, Sussex, and Union; as well as one county in northeastern PA – Pike County.

Table 8. Metropolitan Newark comparative counties by population, race and income

NEWARK-UNION, NJ-PA METROPOLITAN DIVISION of the New York-Northern New Jersey-Long Island, NY-NJ-PA Metropolitan Statistical Area of the New York-Newark-Bridgeport, NY-NJ-CT-PA Combined Statistical Area								
Counties	County population		Racial composition by county (2005-2007)				Economic characteristics, county populous (2005-2007)	
	April 2000	July 2008	White	African Amer- ican	Hispanic/ Latino	Asian	House- hold income	% below poverty line
							Median / Mean	
Essex (NJ)	93, 633	770, 675	52%	42%	19%	4%	\$55,105/ 85,908	15%
Hunterdon (NJ)	121, 989	129, 031	92%	3%	4%	3%	102,683/ 133,107	4%
Morris (NJ)	470, 212	487, 548	85%	3%	10%	8%	99,706/ 128,177	4%
Sussex (NJ)	144, 166	150, 909	93%	2%	6%	2%	79,058/ 93,519	4%
Union (NJ)	522, 541	523, 249	61%	22%	25.8%	4.4%	67,540/ 92,417	9%
Pike (PA)	46, 302	59, 664	92%	6%	8%	1%	<i>Data unavailable for population this size</i>	

Source: Author's retrieval of U.S. census records, 2000, 2007, 2008

OMB defines metropolitan and micropolitan statistical areas according to certain standards including a set urbanite population even though areas and divisions may encompass urban, suburban, and rural areas. The general concept of a

metropolitan or micropolitan statistical area is that of a core area containing a substantial population nucleus, together with adjacent communities having a high degree of economic and social integration with that core.⁴ I use the definitions of CSAs, MSAs and ultimately metropolitan divisions to explore the United States socio-spatial reconfiguration that intersects unevenly the urban and the regional, while deprivileging individuals states in the United States just as the intersection of the urban and the regional with the global deprivileges and thereby transforms the Westphalian nation-state.

Newark, along with adjacent municipalities such as Irvington, Orange, and East Orange anchors the urban core of its metropolitan division. Farther away counties such as Hunterdon, Morris, and Sussex socially and economically interact with the urban core landscape if not the residents, often commuting to work in Newark proper or nearby Union County.

⁴ The U. S. Office of Management and Budget indicates that Metropolitan Statistical Area and Micropolitan Statistical Area definitions should not serve as a general purpose geographic framework for nonstatistical activities, and they may not be suitable for use in program funding formulas which may sometimes be the case during the allocation of Federal funds. (Daniels 2003, 2)

Table 9. Comparative Population, Racial and Economic Characteristics across the Newark Metropolitan Region and Urban Terrain

COMPARATIVE POPULATION, RACIAL AND ECONOMIC CHARACTERISTICS ACROSS THE METROPOLITAN REGION AND URBAN TERRAIN								
Locale or Region	Population	Racial composition by territory (2005-2007)				Economic characteristics, county populous (2005-2007)		
		Wht.	African American	Hispanic/Latino	Asian	Household income		% below poverty line
						Median	Mean	
New York-Newark-Bridgeport, NY-NJ-CT-PA Combined Statistical Area (CSA)	21,924,489	63%	17%	20%	8%	\$61,765	\$88,734	12%
New York-Northern New Jersey-Long Island, NY-NJ-PA Metropolitan Statistical Area (MSA)	18,785,319	61%	18%	21%	9%	\$60,964	\$87,938	13%
Newark-Union, NJ-PA Metropolitan Division (MD)	2,121,076	65%	22%	17%	5%	\$71,343	\$100,064	9%
Newark, Principal City	265,375	22%	54%	32%	2%	\$33,991	44,481	24%

Source: Author's retrieval of U.S. census records, 2000, 2007, 2008

While Newark is the core area containing a substantial population nucleus in the Newark-Union, NJ-PA Metropolitan Division within which adjacent communities have a high degree of economic and social integration, demographic comparisons suggest racial segregation and regional disparities. (See Table 9). While the number of individuals surviving below the poverty line is relatively static between the CSA and

the MSA, the number decreases at the Metropolitan Division by 4% to a 9% rate. However, once the principal city's statistics are disaggregated from the Metropolitan Division, the rate of individuals living below the poverty line more than doubles to 24%. This further highlights the regional disparities and calls the economic and social integration of the region into question. Income disparity, however, is a national not just a regional phenomenon in the United States (Saez, 2004). Under socio-spatial reconfiguration it is important to understand the regional and national context of the city in which a BID is nested. Is it a metro region of coordination and cooperation which promotes regional competitiveness in a global economy? Or is it divisive and replete with regional disparities deterring its global viability?

Regional competitiveness in a global economy is significant, a point well taken by both the previous James and current Booker administration along with such key organizations as the Regional Plan Association (NY/NJ/CT), the Newark Alliance, the New Jersey Performing Arts Center as well as downtown districts outside the NDD such as the Lincoln Park Coast Cultural District and Newark Symphony Hall. Mayor Booker contracted the Regional Plan Association to draft a vision plan for Newark, which the organization did. To date much of the action steps toward making Newark "equitable, accessible, green, smart, and prosperous" have been undertaken by the administration and its partners in entrepreneurialism. Similarly, the Newark Alliance, used by the OECD as an example of a public-private partnership of utility in a competitive city, was required to expand its focus to regional economic development including not just Essex County, but also Bergen Hudson, Morris, Passaic, Sussex, Warren, and Union counties – (Int. 6) encompassing the metropolitan reference at the

outset of this section. The Newark Alliance is implementing its Opportunity Newark plan along with the WIDER plan that required a regional focus. Execution of both the Opportunity Newark plan and the WIDER plan represent mechanisms of neoliberal localization (and regionalization) such as workforce investment – from welfare to work – as well as job creation for those historically socially excluded. NJ Performing Arts Center, Newark Arts Council, the Lincoln Park Coast Cultural District and Newark Symphony Hall each and all draw heavily on the Newark metropolitan area market outside the geographical borders of the city proper, upon which I next focus.

II. The Urban Context

Originally inhabited by the Lenape Native American nation, the land that would become Newark was purchased in 1666 by Robert Treat and a group of Puritan settlers who ventured down the Hudson River from Milford, Connecticut. Even during the 17th century Newark was the site of contestation – then between the Dutch and the English, a conflict that would centuries later manifest in Cape Town as well. As the third oldest major city in the U.S., Newark had become by the 19th and early 20th century, a bustling locale for industrial and innovatory developments as well as financial enterprises. The earliest tanneries were founded in 1698 with three by 1792 and by 1837 there were 155 patent leather tanneries. Ballentine brewing plants occupied as many as 12 acres. Innovators in Newark read like a list of ‘who’s who in inventions’ including Thomas Edison (ticker tape machine, et al.), Seth Boyden (patent leather), John Hyatt (celluloid for camera film). Banking and financial companies were abundant, including the founding of Prudential in 1875 – a company that is a ‘main-stay’ of Newark even until today.

Geographically Newark spans around 24 square miles (62 km²) densely hosting 11,500 people per square mile (29,670 people per km²) (Sidney, 2003). Newark’s population of 273,526 (according to the 2000 United States census) is diverse: 56% African American, 29% Hispanic or Latino and 28% white, in addition to other groups. However, 2008 U.S. census population estimates demonstrate that demographics are changing. Estimates in 2008 suggest a population decrease to 264,128 with an increase

in Hispanic/ Latinos (33%), and whites (30%) but a lessening African American population (54%).

Newark is a coastal city and transportation hub, lined by the Hudson River and Newark Bay with access to global markets, and hosting the Liberty-Newark International Airport. Locally, by bus, car, light-rail, and train Newark provides easily interconnecting ground transportation. However, to lay interstates like I-280 and I-78 and to evolve into the transport epicenter that it is, communities (and mostly those of color) were disassembled despite opposition. These same highways readily provide ingress and egress to outlying counties and were key ingredients, along with federal housing policies that encouraged commerce to disinvest and whites to abandon Newark during the 1970's and 1980's when urban areas were experiencing decline in most parts of the global North. Middle class African Americans and other groups likewise moved elsewhere. To accommodate the workforce of non-Newarkers, main downtown thoroughfares like Raymond Boulevard were once designated one-way east bound during morning rush hour and one-way west bound during rush hour for homebound suburbanites.

Newark is one of those cities to which OECD refers as once eliciting a welfare-state policy planning approach while simultaneously focusing upon infrastructure and transport development and management, the latter of which continues to sustain Newark as an expansive transportation hub, one of Newark's greatest competitive advantage. While urban governance in Newark is changing, as OECD suggests from managerialism to entrepreneurialism, the process is not without complexities, including consequences of demographic outcomes. Newark immigration

demographics incredibly shift over the centuries: largely a varied mix of Europeans in the 17th – early 20th century followed by a heavy influx of African-Americans migrating from the southern United States to Newark after WWII. This new racial composition make rights to the city highly contested. By the late 1950's and early 1960's Newark was no longer the wage-paying industrial and manufacturing urban centre of centuries gone by. Rather, industry moves elsewhere, particularly non-unionized locales, or even off-shore to maximize profit. In Newark, urban labor probabilities for African Americans vanish and disinvestment languishes. Despite Civil Rights gains for African Americans, the then current Newark municipal administration is disinterested in public participation by all Newark citizens.

The city soon becomes an internationally known site of urban rebellion in 1967. However, contrary to popular belief, scholars have found, as an underlying cause of interracial conflict, deprivation theories alone do not hold up under empirical scrutiny (Olzak, et al., 1996, 591; Lieberman and Silverman, 1965; Spilerman, 1970, 1971, 1976). Instead, improving conditions that favor group mobilization – namely, solidarity and competition combined with changing economic and political resources, is more likely to produce racial unrest. In other words, it is not unemployment, intergenerational poverty, inadequate housing or the like; but, segregation or apartheid followed by close quarters between the races that is more likely to generate racial conflict and violence (Olzak, et al., 1996, 591, 609); as was the case in Newark.

In 2007, Mayor Cory Booker along with organizations such as Rutgers University's Institute of Ethnicity, Culture and the Modern Experience and the

New Jersey Historical Society memorialized the events that transpired and for the most part, law-abiding citizens who died during Newark's 1967 urban rebellion and the 'long hot summer' enveloping the United States that year. On one hand truths about Newark's experience were forthcoming through showcasing a new documentary (Revolution '67) and memorializing occurrences through town-hall like discourse among public officials, academia, business executives, and civil society. On the other hand questions of reconciliation remain open. Newark has undergone decades as the poster-city for socio-economic decline in large part because of the (divergently remembered) circumstances surrounding civil unrest that erupted in the contestation for the city. Into the 1970's and 1980's, as urban, regional, national, and global scales begin to interact and interlink as neoliberal policies start to roll out and accumulation of capital acquires new characteristics, urban governance in Newark shows signs of transitioning from managerial to entrepreneurial. During this period, under the Sharpe James administration, Newark brands itself "Renaissance City." Investment in the city increased, as public-private partnerships spurred economic growth for urban revitalization.

While Newarkers are largely affiliated with the democratic political party, it has had the advantage of bipartisan focus given its size and strategic location to New York City as well as to the global market. In the 1990's, Governor Kean, a Republican encouraged the Newark location of the New Jersey Performing Arts Center as a driver of urban revitalization. A public-private partnership gave rise to the world class cultural facility which, since 1997, continues to entertain and educate millions of people otherwise unlikely to visit Newark. This stride toward urban revitalization

through public-private partnerships continued with the establishment of the Newark Downtown District in September 1998. The Newark Alliance, founded the next year, is a corporate and higher education led non-profit organization that partners with government, civic organizations, labor, the non-profit sector and the community to improve Newark's economy and public educational system. Its 2004 Newark Alliance's 'Opportunity Newark: Jobs and Community Development for the 21st Century' initiative is used by OECD as an example of industry cluster policies in metropolitan regions (OECD, 2007) In 2005 Newark is designated 'Best City for Entrepreneurs' by Business Week (Gerdes 2005).

Among the public-private partnerships that the 2006 Booker administration inherits from the previous administration is the multi-purpose \$375 million Prudential Center arena in downtown Newark. In the vein of entrepreneurial urban governance, Booker establishes a multitude of public-private partnerships across a wide spectrum of issue areas: affordable housing (Greater Talent, 2008) health-care (Giambusso, 2009), parks and recreation (Public Land Trust, 2009), and others. In step with OECD's urban entrepreneurial framework – being market driven, inventive, promotional, and planning strategically, Booker establishes the Brick City Development Corporation to attract new and help local executives and entrepreneurs thrive; engages the 6 major colleges and universities in the urban revitalization

projects; and creates positions for a philanthropic liaison to broker strategic public-private partnerships, as well as a planner with staff to help guide the city (Roney, 2009).⁵

At the same time, several of these public-private partnerships, most notably NJ PAC and Prudential Center came into fruition over opposition of Newark residents many of whom feel they were denied participation in political and policy decisions that led to these developments; that there was too much of a focus on ‘downtown’ abandoning quality of life issues in Newark neighborhoods; that the city is being sold to the highest bidder; and that politicians are lining their own pockets and creating economic drivers for the benefit of non-Newarkers, particularly whites, without regard for local citizens. Moreover, since Booker is not ‘from Newark’ he fails to have the interests of city residents at heart and is more concerned with creating profit for his corporate friends and colleagues. (Series of personal interviews and two focus groups).

At the same time, along OECD lines, entrepreneurial governance has clearly been a chief aim of the Booker administration. Several administrative changes included the appointment of a Deputy Mayor for Economic Development, creation of an Office of Innovation and Performance Management, creation of an Office of Planning, and establishment of ‘Super-Neighborhoods’ for citizen engagement.

At the inception of the Newark Downtown District, Mayor Booker was the city councilman for the central ward in which the NDD is located. In any event even

⁵ It should be noted that these public-private partnerships do not amount to privatization and are negotiated between the parties. Unlike Newark, Cape Town public private partnership development and sustainability is strictly construed by local and national legislation such as the Municipal Financial Management Act (MFMA), No. 56 of 2003.

until today, the city as a site for social difference endures and the contestation for the city continues; a contestation that the Newark Downtown District (NDD) has faced from its inception in 1998.

III. Newark Downtown District Special Improvement District



NEWARK DOWNTOWN DISTRICT

A. Introduction to the Case

Name of BID	Newark Downtown District
Date of Establishment	1998
Management	Executive Director
Governance	Board of Directors
Legal Authority	Municipal Ordinance
Assessment	Percentage of tax assessment based upon approved SID budget



Map 3. Newark Downtown District in the boundary of the green lines

B. The SID in Context

The Downtown Newark Special Improvement District was created by the Newark Municipal Council in September 1998. Urban decline was no stranger to downtown Newark. Retail had long since left the vicinity as described above. The opening of the New Jersey Performing Arts Center, a flagship development pivotal to the turnaround of downtown Newark, had just occurred in 1996. Around that same time, corporate representatives of the Newark Regional Business Partnership, the Prudential Financial Corporate Office (Prudential) (a central corporate presence in Newark and one of the largest rate payers), Edison Properties (one of the largest landowners in town), Cogswell Realty, and the Public Service Gas & Electric (PSE&G) Co. along with a representative from the city's Newark Economic Development Corporation (NEDC) were among the initial players who formed a steering committee to determine whether a BID should be established in downtown Newark. Some steering committee members were philosophically opposed to BIDs – having become familiar with New York BIDs. At the same time committee members believed that BIDs could provide a benefit if the driving purpose rested upon public service – if the BID leaders had ideas to improve the quality of life in downtown Newark and create change with a dedicated source of funds to meet those needs. Neither Verizon nor IDT were interested in establishing a BID and the boundaries were drawn accordingly. It was not just difficult to justify landowners paying an additional assessment over and above ever-increasing property taxes; it was just as challenging bringing busy executives to the table. Educating corporate players

as to how and why raising assessments would add value to their individual interests and to the city at large was the most time consuming aspect of organization the BID. (Interviews 2, 3, 4, 7)

The mission of NDD states in part: “To revitalize downtown Newark by improving the economic viability of the central business district” and “Improve the downtown district through capital projects such as streetscape and façade improvements” (NDD Fact Sheet). Building a relationship with the municipal government to realize this mission was not easy. There was disagreement at the beginning as to the roles of the public and private sectors. (Interviews 2, 3, 4, 7) As one organizer indicated, “We wanted the public sector involvement and participation. The public-private partnership is predicated on a good relationship between sectors – we just preferred that the public members be non-voting.” (Interview 3) The initial chairperson of the board of directors was Ed Rytter, formerly of Prudential. Recruiting a suitable BID manager was not an easy feat. The board originally outsourced management to independent contractor and after several other managers, hired the full time executive director who currently manages the BID.

C. SID Relationship Building and Network Management

From the outset the NDD focused upon cleansing and security as is the case with most BIDs. However, the NDD governing body and the municipal council disagreed about the approach to security. The NDD governing body decided that both the organization and the business district were better served by not expending limited resources on security. About security, one board stated: “we just weren’t good at it. We took that \$400,000.00 allocation out of the budget.” Members of the municipal

council did not like the BID's withdrawal from delivering security services which created a problem and complicated other projects. As another board member put it, "public members have their say through budget approval." (Interview 3, 5)

During the time of this research study, NDD enjoys an excellent relationship with the Booker administration which is very entrepreneurial and focused upon economic development and marketing the city to the world. Supplemental services now delivered by the BID are cleansing, marketing, special events, Foodtopia (Farmer's market), and capital improvements/streetscaping. A team of highly valued ambassadors who are clad in bright yellow and black outfits, and referred to as "bumble-bees," busily keeping the district litter and graffiti-free and otherwise clean, offering directions to passersby, while projecting safety through their presence.

NDD believed that ambassadors should be connected to the community on the ground and not in the various machines available. The ambassadors and the NDD security task force work in conjunction with the Mayor's Office of Public Safety and local law enforcement mounted on horse, walking the beat on foot, or traversing by vehicle. Although the sanitation service is contracted out, it is directly managed by the NDD. The operations manager – who is a New Jersey native – and the NDD manager map out work plans for the safety ambassadors, all of whom are Newark residents. Until recently the NDD operated a façade program awarding \$50,000.00 grants that, over the years, accounted for \$800,000.00 in façade improvements for business district properties. (Interviews 1, 2, 3, 4, 5)

Matrix 7. NDD continuum of social capital

Supplemental Service	Continuum of Social Capital			Analytic Notes
	Cooperation	Coordination	Collaboration	
Cleansing	Business & residential stakeholders	Penn Station Newark; NJ Transit	Bumbles bees contracted out; Property owners	
Security	Security Task Force; Appearance of safety through B-Bs			Safety ambassadors play dual roles
Capital Improvements	Newark Alliance; Newark Real Estate Board	Newark Alliance; City/state agencies; NJ Transit; Newark Regional Business Partnership	City of Newark; NJEDA; NJDCA; NJ Transit; Capital imp. Project network actors	Streetscape project caused BID to bring parties to the table
Marketing	Colleges and universities	RU-N Business School – entrepreneurship, Halsey Street Development		
Special Events	27 Mix – Halsey Street Festival	Beaver Street Café Prudential Arena		
Foodtopia	Students; Visitors; Downtown labor force			Same sheet of music is required for this coordination
Other services	Informal traders; Broad & Market building changes; Land use; Community development; Code enforcement Arts Community; Social development	Retail recruitment; Community development		

Sources of primary evidence: Interviews: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

Secondary evidence: BID reports, capital improvement package, board of directors retreat package, marketing portfolio, leaflets, branding items, observation tours, observation events, built environment, archival records

Beyond rendering the district clean and safe NDD is engaged in capital improvements pursuant to its mission and goals. Already involved in a capital improvement project with the City of Newark for the Clinton/Beaver Street Streetscape Project to which NDD contributed \$655,000.00 and the Newark Enterprise Zone a one-time grant of \$387,517.00; and after much deliberation, the NDD board decided upon a strategic plan inclusive of securing a \$10 million dollar bond through the New Jersey Economic Development Authority (NJEDA) for capital improvements. This ambitious and comprehensive undertaking is to be accomplished in three phases between 2007 and 2010 and impacts the entire 56 block business district incorporating curb cuts and sidewalk improvements, landscaping, horticulture advancement such as the planting of four groups of trees and poles with hanging baskets, old fashioned street lamps, roadway double-headed pedestrian-scale lighting, contemporary way-finding signage, street furniture such as benches and graffiti-proof trash receptacles, and other advancements (Interviews 1, 3, 6; NDD 2007 Annual Board Retreat Packet). “We wanted to undertake a project that would enable people to see the progress of the downtown district quickly” (Interview 4).

BIDs, however, are not stand alone organizations (Wolf, 2006; Morçöl and Zimmerman, 2008; Morçöl and Patrick, 2006; Justice and Goldsmith, 2006; Hoyt and Gopal-Agge, 2007; Levy, 2001; Mitchell, 2001; Briffault, 1999). Therefore

it is important for scholars and practitioners to understand BIDs from a network management perspective (Morçöl and Zimmerman 2008; Hoyt and Gopal-Agge, 2007; Wolf, 2006). To advance its \$17.5 million dollar capital improvement project, NDD constructed and managed a network inclusive of the NJEDA, City of Newark, Newark Urban Enterprise Zone, Stantec consulting, Biederman Redevelopment Ventures, H3 Hardy Collaborative Architect and Public Service Electric and Gas (Interview 1). In addition to the \$10 million dollar bond, the City of Newark contributed \$4 million and the Newark Urban Enterprise Zone \$3.5 million, allowing NDD to break ground in June 2007. This is believed to be the largest capital project in a central business area financed by a BID in New Jersey (<http://dailynewarker.com/broad-street-redevelopment-begins/>) (Interviews 1, 2, 3). The NDD board's Capital Committee serves as its liaison for project oversight (NDD Annual Board Retreat Packet 2007). Benchmarks are built into the performance agreements for the capital improvements and progress is reviewed by city and state managers prior to disbursements (Interview 14). As to the bond encumbrance, "we have had to align our budget with performance of our capital improvement long-term plans and goals which means taking debt service into account and cutting back on façade improvements and other line items that we would otherwise pursue" (Interview 1). This has also meant protocol creation and staff development for handling external and internal finance processes and procedures where necessary (Biederman Redevelopment Ventures' Summary Report to NDD 2007). Is NDD demonstrating a movement toward performance-based budgeting to further urban revitalization policy outcomes? This is a question generated by the data collected in the present research study and treated elsewhere by the author (Ruffin, 2010).

The capital improvement project was undertaken in three phases and a grand design vision provides street typologies which in turn inform corresponding light fixtures, street furniture and greening of the design plan for that type of street. Market Street is a ‘ceremonial’ one, Broad Street ‘historical,’ Clinton Street and Halsey Street ‘pedestrian’ venues, and Washington Street, University Street, and Raymond Boulevard ‘fast traffic’ thoroughfares. The NDD’s capital improvement project does not include Broad Street which was simultaneously streetscaped by the municipal government and included expansive mid-street islands, tree-planting, light fixtures, new bold street signs, and in cooperation with NJ Transit, a changing of bus stops to de-congest the heavy citizen traffic frequenting and boarding buses at the city’s historically significant and forever bustling – Broad and Market. The NDD capital improvement project also included way-finding signage created with locals as well as the non-local Newark corporate employees, college students, tourists, and other visitors.

Matrix 8. NDD continuum of network mechanisms

Supple- mental Service	Continuum of Network Mechanisms		Analytic Notes	
	Networking	Networks	Network Structure	
Cleansing	Business & residential stakeholders	Penn Station Newark; NJ Transit	Bumbles bees contracted out; Property owners	B-B managed locally
Security	Security Task Force; Appearance of safety through B-Bs			

Capital Improve-ments & Economic Develop-ment	Newark Alliance; Newark Real Estate Board	Newark Alliance; City/state agencies; NJ Transit; Newark Regional Business Partnership	City of Newark; NJEDA; NJDCA; NJ Transit; Capital imp. Project network actors	City is handling simulta-neous streetscape on Broad Street, rearranging bus stops
Marketing	Colleges and universities	RU-N Business School – entrepreneur-ship, Halsey Street Development	Star Ledger	NDD also has interns from the universities
Special Events	27 Mix – Halsey Street Festival	Beaver Street Café Prudential Arena		
Foodtopia	Students; Visitors; Downtown labor force			Same sheet of music
Other services	Informal traders; Broad & Market building changes; Land use; Community development; Code enforcement; Arts Community	Retail recruitment; Community development		BID is involved in policy advocacy that improves important intersection in the district and the city as a whole

Sources of primary evidence: Interviews: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

Secondary evidence: BID reports, capital improvement package, board of directors retreat package, marketing portfolio, leaflets, branding items, observation tours, observation events, built environment, archival records



Photograph 3. Newark Downtown District's Beaver Street Café

Keeping entrepreneurial governance in mind, clearly the NDD's delivery of cleanliness, use of safety ambassadors in conjunction with the city's security task

force, the façade program and the capital improvement project are all geared toward image enhancing to change the perception that many folks have of Newark and to promote the city as competitive in the global economy. Not only did the BID have a public-private partnership with the town but the BID also developed wider negotiative networks to deliver capital improvements and implement revitalization policy. The underlying strategic policy planning by the municipality revolves around economic development driven by market principles. These factors reveal indicia of OECD's urban entrepreneurial governance.

As to other service provision by the NDD, the BID is not involved in social development but does hire individuals referred by the Goodwill Mission some of whom are former drug users and homeless individuals. The BID officials create network ties, not just through service delivery but also for the purposes of mining social and intellectual capital beyond service delivery. For example there is controversy about how to handle landmark buildings three or more stories high at the pivotal corner of Broad and Market where the deteriorating upper floors have been eye-sore rendering dark, dilapidated vacancies for more than three decades. Believing that the once world-captivating intersection will not improve until the obsolete buildings are handled, the NDD helped create 'dialogue and discourse' to revitalize what could be called the most central intersection in the city, and to an industrializing the United States, the world.

Not unlike other downtown districts in globalizing metropolises the world over, the BID encourages center city residential living – promoting downtown Newark as

the perfect urban venue to live, work, and play as the story line for center city residential living goes. Eleven80 Raymond Boulevard is heralded as a champion of Newark renaissance being located in the heart of downtown, across from one of NDD's Foodtopia locations, near the NJ Performing Arts Center, near the NJ Performing Arts Center, Newark Museum, NJ Devils Arena, Newark Bears Baseball, in the NDD and minutes from the IBID. Thirty-five stories tall, the rental accommodation has exhilarating views of New York City, some units have terraces and the common area boasts a private lounge with billiard tables, bowling alley, multi-media entertainment room, indoor half basketball court, health club, spa, CCTV monitoring, dedicated parking, bicycle storage and other amenities. The building had been vacant for over a decade and was purchased, gutted and fully refurbished by Cogswell Realty, a company represented on the NDD board of directors that also refurbished a nearby office building. To some however, Eleven80 Raymond Boulevard, with its valet service, pickup and delivery for dry cleaning, shuttle service around town and internal environment of amenities amounts to a gated community or residential enclave.

Another residential area in the NDD is a short but vibrant block of New Street between Rutgers University Newark and Halsey Street – the latter of which is said to be redeveloping as the 'Soho' (a trendy eclectic neighborhood in NYC) of New Jersey. The close-knit New Street neighbors garner an inviting home-like atmosphere with hanging flower baskets, pet walking, season appropriate decorations and an infectious sense of family-hood and community. There are several other residential

pockets in or near the NDD, such as the famous ‘James Street Historical District’ lined with brownstones and generous trees and other greenery.

The perception that the NDD has of itself and the views of residents participating in the focus group are inconsistent. A number of residents indicated that they have no idea as to what NDD is doing; that NDD should be resident-friendly if they want to market Newark to the world; that NDD should be more supportive of small businesses instead of just catering to the “big players” on the blocks of downtown Newark. Yet another small business owner stated that she has seen progress in the city and attributes much of it to NDD activity.

Relationship-building and network construction between the NDD and informal traders is strained. The NDD enabling statute permits the NDD to regulate informal trading under certain circumstances. At the same time the relationship between the two is not without tension but at some times it is less strained than others – which some connect to the relationship between the municipal administration’s orientation to dealing with informal traders as well as panhandling and vagrancy. According to one stakeholder:

Peddlers should only be permitted if they are disciplined and presentable, cart designs uniform, and items sold limited. Government should not tolerate panhandling and vagrancy because if they do, people get away with it and it grows. I know there are deeper social problems behind this but I don’t know how to fix them. People in academia, smarter than me, haven’t been able to figure that out. I know you don’t just move them from street to street. On the other hand revitalization, in theory, should present over time upward mobility and job creation for the people who live in that city. (Interview 7)

NDD mission and service delivery finds in alongside other BIDs as a mechanism of neoliberal localization. Its unprecedented capital improvement project has NDD

transforming the built environment and urban form with the construction of large-scale megaprojects intended to attract corporate investment and reconfigure local land-use patterns and the mobilization of entrepreneurial discourses and representations focused on the need for revitalization, reinvestment, and rejuvenation within major metropolitan areas as discussed by Brenner & Theodore (2002, 24-25).

A number of business stakeholders indicate that it is important to them for the BID manager to attend conferences, make international contacts, and to share ideas about BIDs. Another stakeholder pointed out that:

There is nothing new under the sun. You don't have to go through your government to find out what is going on in another country, that's why we have the Internet – go directly to the person who knows what you want to find out. I can send you an email about my problem and not get short circuited by governmental channels. (Int. 7)

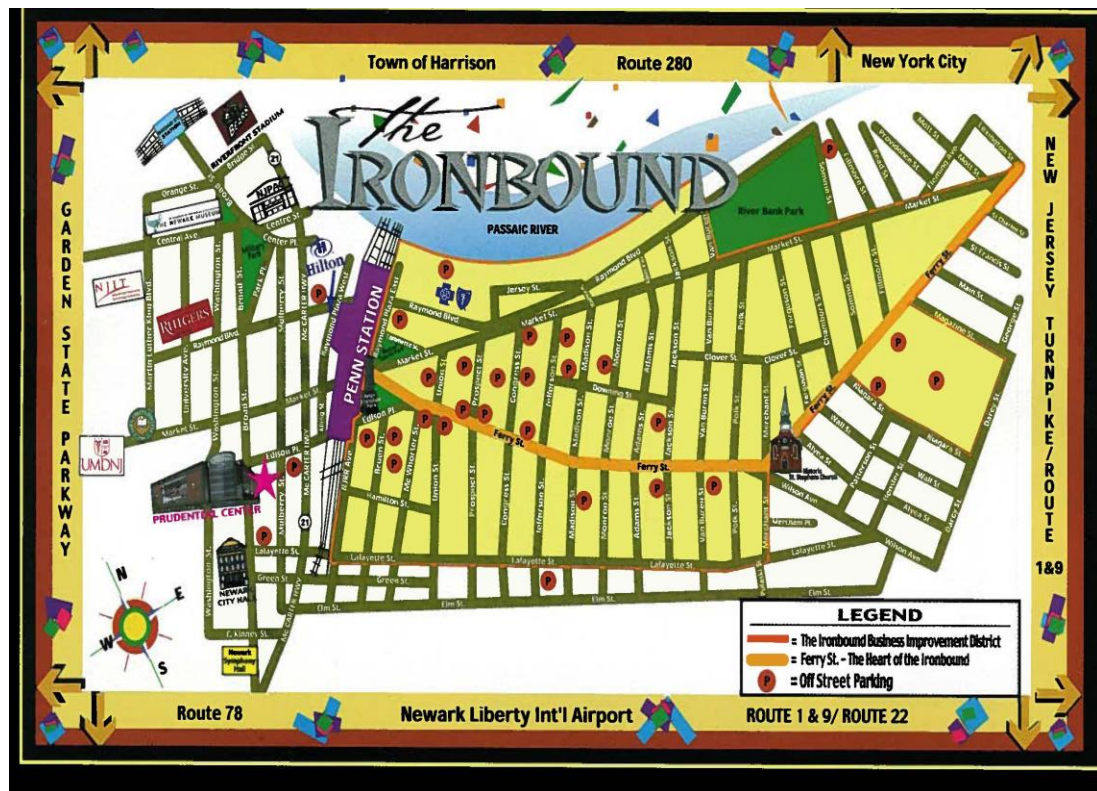
The Ironbound Business Improvement District described below, begins just north of Pennsylvania Station Newark where the Newark Downtown District ends.

VI. Ironbound Business Improvement District



A. Introduction to the Case

Name of BID	Ironbound Business Improvement District
Date of Establishment	2000
Management	Cooperative Professional Services, Inc.
Governance	Board of Directors
Legal Authority	Municipal Ordinance
Assessment	Percentage of tax assessment based upon approved SID budget



Map 4. IBID's commercial corridor, Ferry Street, along the deep gold line

B. The SID in Context

The Ironbound section of Newark, located “down neck” in the East Ward, due east of Pennsylvania Station and bordered on the north by the Passaic River, is geographically suited for the immigrant haven that it became over centuries. “With the completion of the Morris Canal and the first railroads in the 1830s, the iron, chemical, brewing, tanning and leather industries flourished. Waves of new immigrants from eastern and southern Europe—mostly Italians, Poles, Jews, Slavs and Lithuanians—came on the scene as opportunities increased. More recently, Portuguese and Hispanics—from Spain as well as Latin America—have carried on the tradition of this area as a haven for new Americans” (Retrievable from the IBID website

http://www.goironbound.com/portal/index.php?option=com_content&view=article&id=114:ironbound-history&catid=39:about-the-bid&Itemid=50 This area where

Portuguese and Spanish are today spoken more readily than English, took on its name, also from the river and railroad – it lies in a neck of the Passaic River and is bound by the imposing Pennsylvania Station block long and wide iron railway and tracks. The Ironbound is a diverse, vibrant, close-knit, working-class, well-maintained community steeped richly in culture and tradition.

The Ironbound Business Improvement District was established in 2000 after several years of futile attempts. The district runs along the commercial corridor, Ferry Street. Although the BID effort had been undertaken by his predecessor, to more

closely chart the course of IBID creation, Councilman Augusto Amador researched the Internet and visited several successful BIDs such as Red Bank. He noted how BIDs had changed the landscape of areas. From talking to BID business stakeholders, elected officials affiliated with BIDs, and BID managers, Councilman Amador learnt that it takes a long time to build BIDs, that there are political issues involved and problems to be solved through the process (Int. 21, 22).

C. SID Relationship Building and Network Management

Organizing the BID was a difficult task. Major landowners and large restaurants were “stubborn” and, even though they would otherwise support the Councilman, they were against the BID because it affected their finances. BID opponents wanted to know why they should pay for services that the city should already be performing in the first place. The challenges of relationship building meant that the BID organizers had to befriend BID advocates and opponents in order to bridge disagreements and to forestall ethnic tension (Int. 17, 18). As one individual stated:

We are a strong ethnic community and we even have factions within those ethnic groups. Even on this board we get upset with each other and holler at each other. But at the end of the day, we all agree that we love the Ironbound and we want to do whatever it takes to improve our community – even volunteering to serve on this board and to attend committee meetings during the week. The Councilman had everything to do with getting us all together. (FG-2)

Another board member stated:

The BID idea was portrayed to us as a very good vision of how BIDs could succeed. I was part of that original group. I saw the light at the end of the tunnel. I said that if we work together and stick together we can really accomplish a lot. Why don't we make the extra effort and let's listen to each other, let's see how far this can take us. And that was my philosophy. And I

think a few of us got that message, which was one of the catalysts, now we can see it was worth it. (FG-2)

Matrix 9. IBID network actors

Network Actors with the Ironbound Business Improvement District		
Inside the Ironbound	External to the Ironbound	
Ironbound Community corporation	Restaurants	Newark Alliance
Portuguese Sports Club	Newark Downtown District	Newspaper & other media
Businesses that sponsor events	Newark Business Regional Partnership	Other CIDs that use ours as a model
Councilman Amador	NJ Transit	Super-neighborhoods meetings arranged city gov't
Governmental agencies at all levels, especially DCA	Prudential Arena	Boys & Girls Club
Riverbank & other parks	Civic organizations	Spanish & Latin organizations
	NJ Historical Society	GlocallyNewark.com
	Brick City Bike Collective	Penn Station Kiosk

Source: Focus Group of IBID Board of Directors, Public Relations Committee.

Today, IBID is known as Newark's shining star, and the business district is home to over 530 businesses and more than 170 restaurants. As to supplemental public services, IBID delivers destination marketing, sanitation, security, event-planning, and capital improvements. The IBID engages a number of network actors to deliver these services as indicated by Matrix 9 above. Given the cultural diversity of the Ironbound with its old-world ambiance in a new-world flair, IBID presents an urban cultural tourism model. IBID promotes the district through various print

and web based publications to attract and retain consumers. Its sidewalk and street cleaning campaigns are part of its supplemental service delivery. In conjunction with the Newark Police Department IBID implements community-friendly cooperative crime prevention strategies. Event-planning includes culturally specific activities and festivals geared to accommodate stakeholders by enhancing the business district. IBID is regularly and heavily endowed with state and local government grant funded initiatives for comprehensive neighborhood planning, parking analysis, and streetscape redevelopment to transform the business corridor into a first- class shopping, entertaining, and restaurant destination.

(www.goironbound.com).

www.aboutnewjersey.com/Regions/Gateway/EssexNewark/IronboundDistrict.php).

In September 2009 IBID was named by the International Downtown Association, “Downtown of the Month.” The NJ Society of Municipal Engineers issued an award to Mehdi Mohammadish, PE, Newark Municipal Engineer who, with the IBID’s help, designed the streetscape along the commercial corridor. IBID’s aggressive marketing campaign extends relationship-building through distribution of more than 280,000 Explorers’ and Shopping guides throughout the Metropolitan region to hotels, airports, travel and tourist centers, and transportation hubs. IBID boasts virtual tours from its website and YouTube.

Photograph 4. Ironbound Improvement District's Ferry Street commercial corridor



Matrix 10 applies Brown and Keast's continuum of social capital to IBID relationship-building.

Matrix 10. IBID continuum of social capital

Supplemental Service		Continuum of Social Capital		Analytic Notes
	Cooperation	Coordination	Collaboration	
Sanitation	Property owners and business owners report problems to BID office; 592 property owners = 1,084 eyes on the street		Formal contract with cleaning service; Daily reports furnished pinpointing time, location and description of service	BID relies heavily upon business owners to report problems
Security	Individual business & residential stakeholders	Liaison with police dept. attends IBID meetings every other week		BID set the agenda when police liaison attends meeting
Capital Improve-ments	Business stakeholders		City of Newark; private contractor	
Destination Marketing	Hotels; airports; travel centers; transport hubs; Portuguese Sports Club; Glocally Newark	Media; Star Ledger; Penn Station kiosk;		IBID concentrates on this service delivery and dedicates certain personnel to this area of service delivery GlocallyNewark is a social network that connects the local and the global

Special Events	Riverbank Park; Prudential Arena; Brick City Bike Collective	NJ Transit;		Note that IBID actors include those concerned with the arena and Prudential
Community Development	Ironbound Community Corporation Newark Alliance; Other CIDs			

Sources of primary evidence: Interviews: 15, 16, 17, 18, 19

Secondary evidence: BID reports, press packages, media accounts, marketing portfolio, leaflets, branding items, observation tours, observation events, built environment, archival records

Matrix 11 applies Brown and Keast's continuum of network mechanisms to

IBID network construction.

Matrix 11. IBID continuum of network mechanisms

Supplemental Service	Continuum of Network Mechanisms			Analytic Notes
	Networking	Networks	Network Structure	
Sanitation	592 property owners = 1,084 eyes on the street	Property owners and business owners report problems to BID office;	Formal contract with cleaning service; Daily reports furnished pinpointing time, location and description of service	Cleaning contractor hires local individuals
Security	Individual business & residential stakeholders	Liaison with police dept. attends IBID meetings every other week		This network is tightened during major events such as Portuguese festival
Capital Improvements	Business stakeholders		City of Newark; private contractors	
Destination Marketing	Hotels; airports; travel centers;	Media; Star Ledger; Penn Station kiosk;		This network expands to encompass

	transport hubs; Portuguese Sports Club; Glocally Newark			regional players, especially with pending arena events and trolley service
Special Events	Riverbank Park; Prudential Arena; Brick City Bike Collective	NJ Transit;		IBID supports citizen fight to retain park rather than have flagship development
Community Development	Ironbound Community Corporation; Newark Alliance; Other CIDs			IBID considers itself focused on neighborhood relations development

Sources of primary evidence: Interviews: 15, 16, 17, 18, 19

Secondary evidence: BID reports, press packages, media accounts, marketing portfolio, leaflets, branding items, observation tours, observation events, built environment, archival records

Similar to other BIDs, but distinguished by its central focus on destination marketing by the urban tourism model, the IBD too manifests BIDs as a mechanism of neoliberal localism promoting a competitive city in a global economy.

Having concluded the case studies of NDD and IBID in their urban and metropolitan context, I next consider the rule of law on SIDs.

IV. The Rule of Law on SIDs

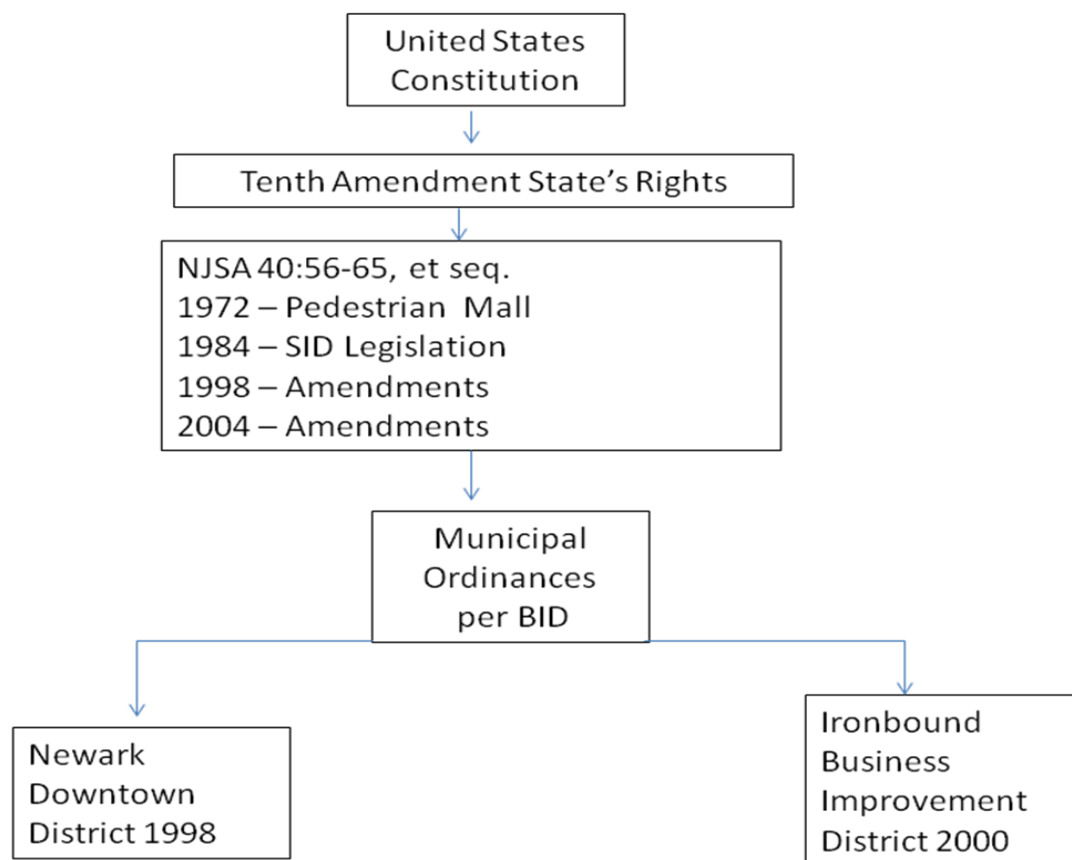
In the United States, the U. S. Constitution is the supreme law of the land. The U. S. Constitution was adopted on September 17, 1787, by the Constitutional Convention in Philadelphia, Pennsylvania. The Constitution has been amended twenty-seven times; the first ten amendments are known as the Bill of Rights. The Tenth Amendment is the States' Rights Amendment. One of the tenets of the Constitution, the Tenth Amendment means that any matter not expressly reserved to the Federal government is reserved to states or to the people who make up the country. BID enabling legislation is state based in the United States. In turn, the state often delegates BID enablement to municipalities.

Table 10. Types and forms of New Jersey municipal government

TYPES AND FORMS OF NEW JERSEY MUNICIPAL GOVERNMENT			
Types of New Jersey Municipal Government	Forms of New Jersey Municipal Government		
Borough	Borough	Council Mayor Act of 1923	
Township	Township	OMCL Mayor-Council Plan	Optional Municipal Charter Law (Faulkner Act(NJSA §40:69-et seq.) encouraging strong executive and professional management
City	City	OMCL Council-Manager Plan	
Town	Town	OMCL Small Municipality Plan	
Village	Village	OMCL Mayor-Council-Administrator Plan	
	Commission	Special Charters	
The five types of municipal governments have characteristics that could make them forms of government			

The municipality and BIDs use statutory law to determine the legal identity and institutional design of BIDs. Schematic 6 provides a schematic of interactive legislation. The evolving BID statute heavily endows the municipality with highly discretionary powers for the creation and oversight of BIDs. The BID statute was first enacted by the state legislature in 1972 for the establishment of pedestrian malls in view of excessive traffic congestion in business areas should the municipality find it in the public interest to do so (N.J.S.A. 40:56-65). The statute was later amended to embrace ‘special improvement districts.’ The law expects district management corporations (DMCs) to assist municipalities in promoting economic growth and employment within the business district, municipalities are encouraged to create self-financing SIDs and DMCs to execute self-help programs to enhance business climates; and municipalities are given the broadest possible discretion in ordaining self-help programs most consistent with local needs, goals, and objectives (Ibid). Within the statute is New Jersey’s public policy: to permit municipal governing bodies to protect the public welfare and health and interests of the public, safe and effective movement of persons, preservation and enhancement of the function and appearance of business districts.

Schematic 6. Newark SID Enabling Legislation



New Jersey law provides for a BID to be managed by a District Management Corporation (DMC). The DMC may self-govern as a non-profit corporation pursuant to Title 15A of the NJ Statutes, or as ‘created by municipal ordinance,’ or the DMC may take the form of a municipal commission or a NPO governed by municipally appointed boards (Justice and Goldsmith, 2006). A list DMC powers as declared by N.J.S.A 40:56-83 is attached as Appendix _____. Most notably, this provision was amended in 2004, removing the limitation that a DMC could only borrow money

from private lenders for periods not to exceed 180 days. Under the old law, the BID could borrow money from governmental entities beyond 180 days. Currently the BID can borrow money from a host of private lenders such as banks, for unlimited periods of time.

The municipality may, by resolution, authorize a feasibility study and the preparation of preliminary plans and specifications for the SID before establishing a BID (N.J.S.A. 40:56-70). The mayor or other chief executive officer of the municipality may create and appoint an advisory board, inclusive of potentially affected property owners, to advise the governing body on the BID plan. That advisory board then folds over into a board of directors for the DMC if the BID is approved (N.J.S.A. 40:56-79). A public hearing must be held when a BID is proposed and property owners in the district have to be notified 10 days before the hearing. Should construction or alteration of building and structure façade be anticipated, either the design criteria must be approved by the municipal planning board – unless the municipality designates the DMC to review and grant or deny approvals for construction (N.J.S.A. 40:56-71). The enabling ordinance may provide that the improvements and facilities of the district be operated and maintained in accordance with the BID statute and that the costs for the business district be assessed or taxed against benefited properties or businesses (N.J.S.A. 40:56-73). The DMC may also be empowered to collect business license fees from businesses in the district (N.J.S.A. 40:56-85).

To enhance the usefulness and appearance of a pedestrian mall or BID, the street or sidewalk in the BID can be constructed or narrowed, street vaults

reconstructed or removed, crosswalks inserted at any point, and roadway caused to unevenly curve and meander, and any types of materials can be used in streetscaping; so long as the municipality approves (N.J.S.A. 40:56-74). While the DMC, as directed by the board of directors who govern it determine the supplemental public services to be delivered, the municipal governing body retains its police powers and other rights and powers over the district, can control and regulate use of the BID, can authorize condemnation proceedings incident to the development or maintenance of a BID, and the statute limits the liability of the municipality and any user under permit in the event of injury to person or property due to moveable structures or appurtenances in the BID (N.J.S.A. 40:56-75; N.J.S.A.40:56-76; N.J.S.A.40:56-77; N.J.S.A.40:56-78). A BID may be located in an urban enterprise zone or any zone or area whose purpose is to encourage improvements, rehabilitation of properties within those bounds or the inducement of private enterprises to locate within those bounds by tax credits, abatements, special public financing arrangements or otherwise.

In contrast, required to be outside the boundaries of an ‘urban enterprise zone,’ the legislature created “downtown business improvement zones,” to specifically promote the economic revitalization of the municipality through the encouragement of business improvements within the downtown area (N.J.S.A 40:56-71.1-7). A municipality may, by ordinance, designate all or any portion of a district which contains primarily businesses providing retail goods and services as a “downtown business improvement zone (DBIZ).” New Jersey law established creates a fund for public improvements in DBIZs, and loan approval and oversight

are handled by a state agency – the Department of Community Affairs (DCA). The DCA Commissioner is authorized by statute to promulgate rules and regulations as permitted by the Administrative Procedure Act (N.J.S.A. 52:14b-1 et seq.) to implement DBIZ law, lending credence to the “public characteristics” of BIDs as public-private partnerships. That BIDs are, at times, public organizations is further borne out by Joseph Haelig v. Seaside Heights Business Improvement District, GRC Complaint No. 2005-50 where the Administrative Law Judge found that, because the BID is authorized by statute to exercise substantial powers to carry out public activities on behalf of municipalities, and by performing such governmental functions, the Seaside Heights Business Improvement District is an instrumentality of the municipality and constitutes a “public agency” as defined under the Open Public Records Act (OPRA). Therefore, the citizen who sought production of a “complete breakdown of the commissions paid to the BID director from 2001 until 2004 and a detail of the sources of the commissions, and how the commissions were calculated, along with a copy of the resolutions authorizing commissions to be paid to the Seaside Heights BID director” was granted his request for production of these public documents. (OAL DKT. No. GRC 00173-06S) <http://www.state.nj.us/grc/decisions/2005-50.html#FInal%20D>. A BID is also treated as a public organization if and when the municipality, by ordinance, delegates to the DMC contracting of work to be one on BID streets, at which time the DMC becomes a “contracting unit” within the meaning of the “Local Public Contracts Law” (N.J.S.A. 40A:11-1 et seq.).

The BID enabling statute sets forth a number of documentation requirements

of the BID to the municipality. BIDs must annually provide the municipal council with

- (1) an audit of the BID's books, accounts and financial transactions;
 - (2) an annual report of the BID's activities for the preceding fiscal year and;
 - (3) a detailed annual budget explaining its contributions to BID goals and objectives;
- which will only be approved by the municipal council after a public hearing on the budget is convened (N.J.S.A. 40:56-88; N.J.S.A. 40:56-89; N.J.S.A. 40:56-84).

Each Special Improvement District is enabled by municipal ordinance.

The Newark municipal ordinances are more fully explored in the findings section, compared and contrasted with the Cape Town Special Rating Areas By-law.

Chapter 7, which follows, includes findings from the research study together with lessons learnt and visions of future research.

CHAPTER 7

FINDINGS, LESSONS LEARNT, VISIONS OF FUTURE RESEARCH

I. Overview

The central research question for this dissertation research study is:

What is the impact of law on the hybrid governance and network management of the business improvement district model in the globalizing metropolises of Cape Town and Newark?

This question is best answered in view of the findings from the interaction of the dependent variables of relationship-building and network construction and the two independent variables of an entrepreneurial municipal government and BIDs as a transnational discourse community. In section II, this Chapter first examines findings from the hybrid and network model by an intra-city comparison of Cape Town BIDs, and an intra-city comparison of Newark BIDs followed by a transnational comparison of Cape Town and Newark BIDs. Section II then presents findings from a transnational comparative analysis of residents as a stakeholder segment followed by a transnational comparative analysis of boards of directors as a stakeholder segment. Section III of Chapter 7 treats the independent variable of an entrepreneurial municipal government and Section IV explores the emergence of BIDs as a transnational discourse community. Section V then returns to the central research question to examine the impact of law of the BID model.

Section VI. of Chapter 7 points out lessons learnt along with emerging theories from this dissertation research study. Section VII, the final section of this chapter, envisages future research.

II. Findings from the Hybrid and Network Model

Relationship building is here operationalized by an adaptation of Brown & Keast's continuum of integrated relationships: 'cooperation,' 'coordination,' and 'collaboration,' the three C's. Network construction, which applies as well to network management, is operationalized by an adaptation of Brown & Keast's continuum of network mechanisms: 'networking,' 'networks,' and 'network structures,' the three N's. To Brown & Keast, integration of relationships and network arrangements line up as cooperative networking, coordinative networks, and collaborative network structures. These findings test that theory. As Brown & Keast indicate, networked arrangements offer a wide array of options, structures and potential outcomes. Customizing relationships between multi-level governments, public and private, domestic and international organizations as well as public-private partnerships and broader civil society takes on added significance in a globalizing networked society. Stakeholders participating in this study responded to questions about the three C's and the three N's and applied the three C's and three N's to the supplemental services delivered by their respective BID organizations. The matrices below reflect responses from CCID and SPCID informants for an intra-country comparison of continuums of social capital and network mechanisms.

Pattern matching on relationship building and network construction is important because (1) it helps capture the stakeholder's world on his or her easel stroked with his or her own paint and brush to get at "what is really going on" in BID work. (2) Investigating pattern matching as it is in real life, not separate from its context, sheds light on how, *inter alia*, the rule of law is being experienced, even if stakeholders may not be familiar with the law (and in many cases they were not).

The first sub-question is, as to the hybrid governance and network management of BIDs in metropolitan regions of urbanized Cape Town and Newark, how are relationships built and networks constructed for sub-municipal supplemental service delivery? To answer this question the data are disaggregated by (1) matrices of intra-city and cross-national comparisons of the BID organization in which individual and stakeholder segment informants are embedded; (2) a matrix displaying relevant data from residents as a stakeholder segment, in which individual resident informants are embedded; (3) a matrix displaying data from boards of directors as a stakeholder segment, in which individual board member informants are embedded; and (4) a narrative transnational comparison of evidentiary data provided by international BID and economic development experts as to whether BIDs are emerging as a transnational discourse community.

First, in the intra-city analysis, relationship-building through the 3 C's is compared and contrasted between the two BIDs in each city. Next, the construction of network mechanisms is compared and contrasted between the BIDs in each city. Then, a comparative analysis of pattern matching between the 3 C's and 3 N's is

conducted in the broader framework of explanation building. The same intra-city comparative analytical process is finally considered in a cross-national framework. By the cross-national framework, the dependent variable of the network model is internationalized. It is important to note that the social capital and network actors listed in the matrices for each BID are not all of the actors involved with each BID, but represent the majority of actors triangulated by multiple sources of evidence.

This first section of findings on relationship building and network construction as they relate to hybrid governance and network management is followed by findings sections on (2) a comparative analysis of entrepreneurial municipal governments in Cape Town and Newark; (3) BIDs as a transnational discourse community; and (4) a cross-national comparative analysis of the BID relevant legal (and to a lesser degree, policy and regulatory) framework in South Africa and the United States. Each of the four sections on findings as to the dependent variables and as to the interaction between the dependent variables and the three independent variables is concluded by a brief description of how the methodology employed shed light on the findings and conclusions. After the section on findings come lessons learnt from the research study and visions for future research.

A. Intra-City Comparative Analysis of Cape Town BIDs

Findings from this comparative analysis are displayed in Matrices 12A to 12 D. Matrices 12A and 12-B cover supplemental services of security and cleansing. Matrices 12C and 12D present an intra-city comparison for Cape Town of communications and destination marketing, social development, and special events. Matrix 12-A presents evidence that security and cleansing are high priorities for

CCID and SPCID. However, the two BIDs do not always build relationships and construct networks with the same actors or in the identical ways with the same actors. Both CCID and SPCID informants build collaborative relationships with their respective security contracting companies and with the South African Police Services (SAPS). According to the Brown & Keast analytic framework, collaboration is a comprehensive relationship, entails jointly determined, well defined multi-level communication channels and actors are regularly part of the total picture.

Collaboration is evident between each BID and its security company and the SAPS. Although each BID contracts with security companies – sometimes the same security companies – the BID chief operating officers and security managers of each BID have command and control over the tasks, positioning, and monitoring of the public safety workers hired by the security companies.

In CCID, the security manager and deputy manager have offices in the larger Cape Town Partnership but also oversee the station where CCID public safety workers employed by the security company daily report for roll call and a review of activity in the district, including specific expectations of the public safety workers on that day. Likewise, the SPCID security manager is stationed at the SPCID office, is in minute to minute conversation with the Chief Operations Officer, but he works for the contracted security company and spends a great deal of time walking the commercial corridor and monitoring the public safety workers hired by the security company – upon consultation with SPCID management. To be sure, each CID contracts with a private security company but, as an agent of municipal governmental due to the CID's intergovernmental and public-private partnership with the city of Cape Town, the CID

does not delegate its governmental authority to the private security company. Rather, the CID uses private financing from rate-payers to manage and protect security interests of the property owners. This is understandably a collaborative relationship not just between the CID and its contracted security company but also between the CID and SAPS.

The South African Constitution and national legislation such as the South African Police Services Act expects that police and community will work together to combat crime and police stations are expected to develop Community Police Forums by law as more fully explained in the section on legal findings below. In any event, the extent to which the relationship is collaborative is especially evident in Hendricks, the CCID security manager and Tager the SPCID chief operations officer. While the researcher was on the road on different occasions with each BID official, each individual was constantly bombarded by telephone calls dealing with security and other emergencies. One example is Tager being called in the middle of an interview by the author to counsel police officers who became deeply shaken and depressed when they were unable to prevent a suicide. Hendricks, whose telephone never stopped ringing during a vehicular tour of the district with the author, indicates that he does not turn off his telephone and is willingly and enthusiastically on call 24 hours a day for protection of the central business district.

Matrix 12-A. Cape Town intra-city comparison of services – social capital

Business Improvement District	INTRA-CITY COMPARISON OF CONTINUUM OF SOCIAL CAPITAL FOR SUPPLEMENTAL SERVICE DELIVERY			
	Security		Cleansing	
	Actor	Three C's	Actor	Three C's
CCID	Security co.	Collaboration	Graffiti removal team	Coordination
SP CID		Collaboration		Coordination
SPCID	Yellow-Bibs	Coordination		
CCID	CCTV Group	Coordination	City of CT	Coordination
SPCID		Collaboration		Coordination
SPCID	Firmont Neighborhood Action Group	Coordination		
CCID	Metro-Police & Law enforcement &	Coordination	Business & residential stakeholders	Cooperation
SPCID		Coordination		
CCID	SAPS	Collaboration	Cleansing Team contract	Collaboration
SPCID		Collaboration		Coordination
CCID	Crime Prevention Forum	Coordination	CCID Property owners	Collaboration
SPCID		Collaboration		
CCID	Joint CID security & BID manager's meeting	Collaboration		
SPCID		Coordination		
CCID	Ward Councillor in security			
SPCID		Coordination		

Sources: See case study section

Both CCID and SPCID see their respective relationships with metro-police and law enforcement (entities with different responsibilities in the Cape Town municipal policing industry) as coordinative. Brown & Keast clarify coordination

as information sharing, joint planning and decision-making, common goals, and the orchestration of people and tasks from time to time. CCID and SPCID respondents indicate that, since CID public safety officers are unauthorized to make arrests, CID security teams often coordinate with metro-police (who can arrest for most crimes committed in the metropole) and law enforcement officers (who enforce municipal by-laws). Another reason that informants from both CIDs portray their relations with security network actors as collaborative and coordinative is the ‘2 by 2 operations’ where the CIDs and the various segments of the policing industry team up for organized ‘drug busts,’ and for removing disallowed informal settlements.

CID orientation to relationship building with security network actors differs going forward according to matrix results. Both CCID and SPCID are under the watchful eye of CCTV. CCID security manager Hendricks took the author on a tour of the highly secured monitor-filled control room where trained observers view CCID and SPCID activities 24 hours a day with surveillance outcome being tightly connected to CCID public safety workers and SPCID management along with other segments of the Cape Town policing industry.

CCID respondents term their CCTV relations as coordinative while SPCID respondents find theirs to be collaborative even though CCID is in center city and SPCID is a neighborhood BID. As to relations with the legally required Crime Prevention Forum, CCID again finds that relationship coordinative while SPCID informants term it collaborative. According to a great number of Sea Point respondents, this can be explained in part by Tager’s long and varied history of (non-employee) citizen engaged policing advocacy at local, metropolitan, and province-wide

levels. On the various days that the researcher spent at the SPCID office, high ranking provincial and locally based commanding officers from the South African Police Services, from the metro-police and from law enforcement, all touched base throughout the day at the SPCID office – discussing with Tager minute to minute occurrences. At the same time, Hendricks too is deeply involved with the CPF covering the central business district. SPCID respondents identify the Yellow-bibs, the Firmont Neighborhood Action Group and their ward councillor as security network actors while CCID informants did not include these groups. This differentiation is explained in part by the utility of the ward councillor and these pivotal citizen engaged groups' participation in the 'Great Sea Point Revival' on a neighborhood level.

There are weekly joint CID security manager and BID manager meetings convened by Hendricks at the CTP/CCID office where managers review security risks and strategic solutions for targeted problem areas across the metropolis. One driving factor behind the meetings is to prevent crime and grime from being displaced from one locale to another and to execute a strategy that encompasses areas between CIDs where security and cleansing are limited. To CCID informants the co-CID relationship building is collaborative while SPCID respondents find it collaborative. This distinction may stem from the fact that CCID sees its role of facilitating CID joint affairs combined with reciprocity of CID security and BID managers as collaborative since the CCID and CTP initiated and hosts the joint meetings. In contrast, CCID 'coordinates' with other CIDs based upon outcomes of the weekly meetings where strategies are informed by outcomes of Crime Prevention Forum which meets at the center city policing station just before the joint meeting of CID managers. A similar

Crime Prevention Forum is weekly held at the Sea Point police station and attended by the SPCID BID and security manager.

Both CCID and SPCID have cleansing contracts and CCID's contract is with a company organized under 'black empowerment' legislation. CCID considers its cleansing contract a collaborative one while SPCID terms its contract a coordinative one. Generally, for CCID and SPCID, cleansing is otherwise largely a matter of coordination – at the fulcrum of the Brown and Keast relationship building analytic framework – for relations with the graffiti removal team and with the city of Cape Town. The graffiti removal team is an ad hoc group comprised of individuals who have been historically excluded from the paid labor force and who would likely be otherwise unemployed – yet another example of the BID as a product of neoliberal localization as discussed in Table 1. To the SPCID BID manager who was a pivotal actor in the organization of the Woodstock CID before becoming part of the SPCID, cleansing coordination with the city of Cape Town entails synchronized pick-up of rubbish at appointed locations and times once the SPCID cleansing team organizes bags of rubbish accordingly. CCID informants reported that they consider themselves in a collaborative relationship with rate payers who finance the CID as well as a cooperative relationship with business and residents when it comes to cleansing the district. Property owners especially directly contact CCID upon sight of a cleansing problem and to this the cleansing team immediately responds to the identified area. CCID mentioned property owners, business and residential stakeholders as part of the cleansing network mechanism but not the Sea Point informants.

Matrix 12- B. Cape Town intra-city comparison of services – network mechanisms

BID	INTRA-CITY COMPARISON OF CONTINUUM OF NETWORK MECHANISMS FOR SUPPLEMENTAL SERVICE DELIVERY			
	Security		Cleansing	
	Actor	Three N's	Actor	Three N's
CCID	Security co.	Network structure	Graffiti removal team	Network
SPCID				
SPCID	Yellow Bibs	Network		Network
CCID	CCTV Group	Network	City of Cape Town	Network
SPCID		Network structure		
SPCID	Firmont Neighborhood Assn.	Network		Network
CCID	Metro-Police & Law enforcement	Network	Business & residential stakeholders	Networking
SPCID		Network		
SPCID	Joint CID security & BID managers' meeting	Network		
CCID		Network structure		
CCID	SAPS	Network structure	Cleansing Team contract	Network structure
SPCID		Network structure		Network
CCID	Crime Prevention Forum	Network	CCID Property owners	Network structure
SPCID		Network structure		
SPCID	Ward Councillor	Network		

Source: see case study section

Turning to network mechanism that grow out of social capital mined during relationship building, does the social capital element pattern match the network mechanisms as Brown & Keast analytical framework would have it? Yes, respondents

pattern match a point on the social capital continuum with the predicted corresponding network mechanism continuum point. Next, three additional supplemental public services are considered followed by further intra-city examination of the CCID and SPCID.

The CIDs engage a host of other actors for hybrid governance in communications and marketing, social development and special events. Interestingly, relationship-building patterns for the delivery of these three services are not matching up as the Brown and Keast theoretical framework would suggest. The CCID is more active in these supplemental service areas largely because of the ongoing strategic actions of its managing agent, the Cape Town Partnership. SPCID initiates a Business Forum to keep businesses aware of safety tips and to better prepare for the World Cup in 2010; this relationship is termed cooperative, however, on the network mechanism continuum it is identified by informants as a network, not the predicted 'networking' continuum. This is explained in part by SPCID recognizing this effort as initially a 'cooperating' one but with the expectation of a jointly engaged continuing one evolving into a network while participating business owners find it to be a networking opportunity. On the other hand, the Business Areas Network indicated by CCID informants is a long-standing operation initiated by the Cape Town Partnership and involves businesses whether or not those business are located in the central business district. Comparing and contrasting communications and marketing, social development and special events brings to bear distinctions between corporate BIDs (e.g. CCID) and smaller neighborhood BIDs (e.g. SPCID).

Matrix 12-C. Cape Town intra-city comparison of services – social capital

B I D	INTRA-CITY COMPARISON OF CONTINUUM OF SOCIAL CAPITAL FOR SUPPLEMENTAL SERVICE DELIVERY					
	Communications & Destination Marketing		Social Development		Special Events	
	Actor	Three C's	Actor	Three C's	Actor	Three C's
C C I D	Cape Town Partnership	Collaboration	Field Worker Forum	Coordination	Give Responsibility campaign	Coordination
S P C I D	Business Forum	Cooperation	Community Police Forum	Coordination		Coordination
C C I D	Business Areas Network	Coordination				
C C I D	Creative Cape Town	Coordination		Coordination		
C C I D	Regional Chamber of Commerce	Cooperation	Street Children's Forum	Collaboration	Co-sponsoring events with NGOs	Cooperation
S P C I D			Shelters	Coordination	Tree Lighting	Coordination
C C I D	SA Property Owner's Assn.	Coordination		Cooperation		

CCID lists as network actors for communication and marketing Creative Cape Town, the Regional Chamber of Commerce and the South African Property Owner's Association (SAPOA) but SPCID does not. As to pattern matching between the CCID

and the last three mentioned network actors, the social capital relations do not match up with the predicted network mechanisms. For example, CCID respondents characterize its relationship-building with Creative Cape Town as coordinative but term the network mechanism a network structure believing the CCID, given its operational relationship with CTP, to be in a tighter network structure than the coordinative relationship would otherwise suggest. Similarly, the CCID relationship with SAPOA is deemed coordinative but, again – due to CCID’s relationship with CTP – the network mechanism is stated to be a network structure. This is explained by the fact that members of the SAPOA were instrumental in founding the CTP which then drove the CCID establishment. In much the same vein, the Regional Chamber of Commerce was involved in the establishment of CTP and CCID so while the CCID terms its relationship with the Regional Chamber of Commerce cooperative – with loose ties and periodic information sharing, CCID respondents nonetheless believe themselves to be in a network with the Regional Chamber of Commerce – not networking which is predicted to line up with a cooperative relationship.

Matrix 12-D. Cape Town intra-city comparison of services – network mechanisms

BID	INTRA-CITY COMPARISON OF CONTINUUM OF NETWORK MECHANISMS FOR SUPPLEMENTAL SERVICE DELIVERY					
	Communications & Destination Marketing		Social Development		Special Events	
	Actor	Three N’s	Actor	Three N’s	Actor	Three N’s
CCID	Cape Town Partner-ship	Network Structure	Field Workers’ Forum	Network Structure	Give Respon- sibly campaign	Net- working
SP CID	Business Forum	Network	Community Police Forum	Networking		Net- working

CCID	Business Areas Network	Network				
CCID	Creative Cape Town	Network structure		Network		
CCID	Regional Chamber of Commerce	Network	Street Children's Forum	Network Structure	Co-sponsoring events with NGOs	Net-working
SP CID			Shelters	Network	Tree Lighting	Net-working
CCID	SA Property Owner's Assn.	Network structure		Network		

Regarding social development, while both CIDs term their social development relationship with the CPF as coordinative, SPCID respondents see their network mechanism with the CPF as cooperating while CCID respondents pattern match the coordinative relationship with the CPF as a network. Explanatory reasons consist of (1) CCID has a social development department however, (2) SPCID does not employ social development staff, but rather shares information, and referrals with a social development coordinator employed by the CPF and whose office is at the Sea Point police station – although she regularly checks in at the SPCID office. For example, the CPF social development worker, encouraged by the ward councillor, decided to approach municipal managers about relocating a group of homeless individuals from the streets of Sea Point to ‘windy housing’ which could potentially turn into a permanent home for the collective. However, the social development coordinator asked the SPCID chief operations officer to write the letter, which was successful. The joint action between the CPF and the SPCID suggests a network. However,

there was no joint planning between the two organizations as the social development coordinator initiated this action on her own with the ‘cooperation’ of the SPCID.

Hence, a cooperative relationship but a strategic network in action – not networking as would-be pattern matched with cooperation.

CCID has pragmatically changed its approach to social development over the years. At one point CCID contracted with NGO’s for certain levels of social development service delivery. Some NGOs indicate that CCID and CTP did not hold up their end of the bargain on those agreements and conversely, CCID believes the NGOs did not satisfactorily perform. In any event, CCID learned that it could more effectively and efficiently handle the rigors of social development through in-house employees although some NGOs still do not believe that CCID/CTP are being successful toward this end. Nevertheless, CCID employs (at the time of this research) a social development team consisting of a managing director who works closely with the CCID chief operations officer along with one senior and two additional field workers. The newly hired social development manager found CCID faced with NGOs complaining that CCID was treating as security and criminal matters what were really social development issues. The social development manager used the in-house approach of providing social development training for CCID public safety workers and the external approach of building relationships with NGOs. That relationship building includes a collaborative one with the Street Children’s Forum and a coordinative one with the Field Worker’s Forum. As to the network mechanism continuum, the Street Children’s Forum is identified as a network structure. At the same time, although the Field Worker’s Forum is considered coordinative, the

network mechanism consistent with it is a closely knit enduring network structure, not a less structured network. The perception is that civil society would be placed at risk if social development workers across the metropolis do not band together as at least facilitators if not service providers for remedying protracted issues of homeless individuals and street children. Both CCID and SPCID listed shelters as network actors. SPCID respondents perceive their relationship with shelters as a coordinative network – which is pattern matched. On the other hand, CCID informants term their relationship with shelters as a cooperative network – which is not pattern matched and which can be explained in part by CCID's past relationships with NGOs and shelters. In other words, CCID would rather cooperate and share information and referrals rather than engage in more long term joint planning – but at the same time cultivate a network sturdy enough for referrals to be made at anytime given goals central to the network actors.

As to special events, both CIDs 'coordinate' 'Give Responsibly' campaigns but see themselves not building a network but 'networking' with the community at large – meaning this effort is not pattern matched. The 'Give Responsibly' campaign encourages do-gooders to donate to NGO's who service homeless individuals and street children rather than encourage these groups to panhandle on the streets by directly rewarding them with food and money on site. CCID, often by and through its managing agent, CTP, cooperatively builds relationships to co-sponsor events with NGOs and pattern matches this with networking. SPCID engages coordinative relationships for holiday tree lighting and parades yet terms the network mechanism 'networking.' Hence the relationship building is deeper and more tightly structured

than the expression of the network mechanism. Joint planning and decision-making and orchestration of people and tasks highlight the relationship building, but the ‘networking’ network mechanism yields a loose level of interconnectedness with short-term information relations as far as the holiday tree-lighting and parades are concerned.

It is not as important for the pattern matching between identifiers to add up as theorists predict as it is important for stakeholders to know what they are doing so that they can (1) gauge their actions and (2) direct their actions toward desired outcomes. I next comparatively analyze relationship building and network mechanisms between the Newark Downtown District and the Ironbound Business Improvement District.

B. Intra-City Comparative Analysis of Newark BIDs

Informant responses from NDD and IBID likewise allow an intra-city comparison of social capital continuums and network mechanism continuums; after which this section of the findings considers a cross-national comparison of BID organizations, residents as stakeholder segments, and boards of directors as stakeholder segments, before moving forward with a comparative analysis of entrepreneurial municipal governments in Cape Town and Newark; BIDs as a transnational discourse community; and finally, a cross-national comparative analysis of the BID relevant legal (and to a lesser degree, policy and regulatory) framework in South Africa and the United States. Just as Matrices 12A to 12D are used to analyze and present data

collected from multiple sources in the two Cape Town BIDs, so are Matrices 13A to 13D used to analyze and present data collected from multiple sources of data in the two Newark BIDs. Matrices 13A and 13B reflect the intra-city comparison of the continuum of social capital for security and cleansing and the continuum for network mechanisms. Matrices 13C and 13D reflect the intra-city comparison of the continuum of social capital and network mechanisms for communications and marketing, capital improvements, and special events.

Taken as a whole, as Matrices 13A and 13B indicate, NDD and IBID informants share similar views on how relationships are built and networks

Matrix 13-A. Newark intra-city comparison of services – social capital

	INTRA-CITY COMPARISON OF CONTINUUM OF SOCIAL CAPITAL FOR SUPPLEMENTAL SERVICE DELIVERY				
	Security			Cleansing	
	Actor	Three C's		Actor	Three C's
NDD	Security task force	Cooperation		Property owners/ Business & residential stakeholders	Collaboration/ Cooperation
IBID	Property & business owners	Cooperation			Cooperation
NDD	Appearance of safety through Bumble Bees	Cooperation		Cleansing service contract	Collaboration
IBID	Liaison with police department	Coordination			Collaboration
NDD				Penn Station	Coordination

constructed. For each SID, 'cooperation' governs most relationships related to security. NDD has a voluntary security task force which informants characterize as cooperative networking. As indicated in Chapter 6, at the outset of NDD's

establishment, NDD contracted out a security team. The NDD governing board and municipal council disagreed as to how the security contract should be let and managed. The governing board then decided, to the chagrin of the then municipal council that NDD would not fund a security team – as one board member put it “we just weren’t good at security – it was a poor use of a substantial amount of funds.” (Int. 3) To NDD informants, the presence of the ‘Bumble-Bees’ – the cleansing team, also known as safety ambassadors, clad in jackets bearing NDD’s branded colors of dazzling bright yellow with conservative black trim – demonstrate a perception of safety in the business district. The safety ambassadors carry walkie-talkies for communicative purposes in the street. Hence, NDD respondents believe themselves in a cooperative networking relationship with the NDD cleansing team as a matter of district security.

IBID informants reference property owners and business owners as network actors for security with whom the IBID is in a cooperative networking arrangement. While both NDD and IBID have cooperative networking arrangements for security through different approaches, IBID additionally has coordinative relations with the police department through an officer who periodically comes to IBID meetings. The liaison informs the IBID board members of what is occurring in the policing industry as it pertains to IBID and in turn, board members express their security concerns for the purpose of joint planning between the groups for the goal of citizen safety. The three C’s on the social capital continuum parallel the predicted three N’s on the network mechanism continuum. Pattern matching is evident with regard to relationship building and network construction for security in NDD and IBID.

Views on cleansing are likewise similar, both NDD and IBID contract out sanitation services and for each BID this amounts to a collaborative network structure. However, even though NDD contracts out cleansing services, the cleansing team manager and the BID manager together strategize the ways in which the ‘Bumble Bees’ will service the district, including consistent graffiti removal, daily street sweeping by a human being on the ground, from painting a fire hydrogen to providing directions for passersby. Although the cleansing company is out of state, the cleansing team manager is a long-time New Jersey resident. NDD ‘Bumble-Bees’

Matrix 13-B. Newark intra-city comparison of services – network mechanisms

	INTRA-CITY COMPARISON OF CONTINUUM OF NETWORK MECHANISMS FOR SUPPLEMENTAL SERVICE DELIVERY			
	Security		Cleansing	
	Actor	Three N’s	Actor	Three N’s
NDD	Security task force	Networking	Property owners/ Business & residential stakeholders	Networking
IBID	Property & business owners	Networking		Network
NDD	Appearance of safety through Bumble Bees	Networking	Cleansing service contract	Network structure
IBID	Liaison with police department	Network		Network structure
NDD			Penn Station	Network

are largely hired from the Newark area. IBID’s sanitation contractor is based in the Ironbound community and cleaning services are provided early to offset debris from

consumers of the Ironbound nighttime economy. Both NDD and IBID informants include property owners and business and residential stakeholders as network actors in sanitation; but while NDD pattern matches cooperation with networking, IBID does not. For IBID respondents there is a moderately tight neighborhood effort, not loose interconnectedness among community members when it comes to keeping the area litter-free. NDD additionally has a ‘coordinative network’ for cleansing near Pennsylvania Station, a pivotal location of Newark’s transportation hub. NDD and IBID share similar approaches to security and cleansing and except for IBID’s ‘cooperative network’ the ‘meaning-making’ of Newark respondents from each BID generally match patterns of the Brown & Keast analytic framework.

Under further consideration are three additional supplemental public services delivered by NDD and IBID; as captured by Matrix 13C & 13D, namely, communications and destination marketing,

Matrix 13-C. Newark intra-city comparison of services – social capital

BID	INTRA-CITY COMPARISON OF CONTINUUM OF SOCIAL CAPITAL FOR SUPPLEMENTAL SERVICE DELIVERY					
	Communications & Destination Marketing		Capital Improvements		Special Events	
	Actor	Three C’s	Actor	Three C’s	Actor	Three C’s
NDD	Colleges & universities	Cooperation	City of Newark	Collaboration	27 Mix Halsey Street Festival	Cooperation
IBID		Coordination		Collaboration	Riverbank Park	Cooperation
NDD	Star Ledger Newspaper	Collaboration	Urban Enterprise Zone	Coordination	Prudential Arena	Coordination
IBID		Coordination		Coordination		Cooperation

IBID	Hotels, airports, travel centers	Cooperation	Private contractors and suppliers	Collaboration	Brick City Bike Collective	Cooperation
NDD				Collaboration	Beaver Street Café	Coordination
IBID	Penn Station kiosk	Coordination			NJ Transit	Coordination
NDD	Glocally Newark	Cooperation	Independent consultants	Collaboration	Foodtopia (Seasonal)	Coordination
IBID		Cooperation				
IBID	Peneda's Ironbound Tours	Cooperation				

capital improvements and special events. As to communications and destination marketing, while the two BIDs share network actors, again, the BIDs do not approach relationship-building in the same manner regarding the 3 C's and the 3 N's. However, for capital improvements, BID informants identified the same actors and use the same approach in terms of the 3 C's and the 3 N's with the exception of NDD's approach to independent consultants. The special events service delivery for each BID differs but the approach for building relationships and constructing networks remains similar.

Both NDD and IBID name the colleges and universities of Newark, the Newark Star Ledger newspaper, and Glocally Newark (a global/local social networking system) as network actors for communications and destination marketing. However, NDD's relationship building with the colleges and universities is more of 'cooperative networking' with information sharing and loose ties while IBID is establishing a 'coordinative network' with joint planning and moderate connectedness in some issue

areas. While each BID management office provides opportunities for interns to gain ‘real world’ work experience, the IBID manager is a Rutgers-Newark alum, played a key role in establishing the Business District Management Certification Program with the National Center for Public Performance at Rutgers-Newark and engaged another Newark college to conduct a study on behalf of the IBID. IBID respondents trumpet their relationship building with hotels, airports, travel centers, and with Peneda’s Ironbound Tours to further destination marketing.

Both BIDs name the city of Newark, the Urban Enterprise Zone, and private contractors and suppliers with whom each BID is involved in a collaborative network structure, when it comes to capital improvements. Unlike IBID however, NDD informants list the use of independent consultants for capital improvements. In fact Dan Biederman is the consultant used by NDD for its \$17.5 million streetscape project discussed in Chapter 6. NDD relationship building with independent consultants revolved around collaboration but the network mechanism is a ‘network’ not a network structure. This is explained in part by NDD informant indicators that, being the first BID in the state to undertake such an ambitious project, at the outset the relations with the independent consultant as part of the developing network were comprehensive as these actors jointly determined missions and strategies, with the actors being regularly part of the picture. As the relationship and network evolved, the network mechanism that emerged was a moderately interconnected ‘network’ not a very tightly interconnected network structure. Hence, the nature of relationship building and network construction may change as the supplement service being delivered or policy being implemented experiences dynamic phases. Therefore, pattern matching is less

significant than the pragmatism of what works in the mismatching of the 3 C's and 3 N's and at the same time pattern mismatching can help pinpoint what is working under the circumstances so that the action can be replicated where appropriate.

Matrix 13-D. Newark intra-city comparison of services – network mechanisms

B I D	INTRA-CITY COMPARISON OF CONTINUUM OF NETWORK MECHANISMS FOR SUPPLEMENTAL SERVICE DELIVERY					
	Communications & Destination Marketing		Capital Improvements		Special Events	
	Actor	Three N's	Actor	Three N's	Actor	Three N's
N D D	Colleges & universities		City of Newark	Network structure	27 Mix Halsey Street Festival	Networking
I B I D		Network		Network structure	Riverbank Park	Networking
N D D	Star Ledger Newspaper	Network structure	Urban Enterprise Zone	Network	Prudential Arena	Network
I B I D		Network		Network		Networking
I B I D	Hotels, airports, travel centers	Networking	Private contractors and suppliers	Network structure	Brick City Bike Collective	Networking
N D D				Network structure	Beaver Street Café	Network
I B I D	Penn Station kiosk	Network			NJ Transit	Network
N D D	Glocally Newark	Networking	Independent consultants	Network	Foodtopia (Seasonal)	Network

D						
I B I D		Networking				
I B I D	Peneda's Ironbound Tours	Networking				

Regarding special events, the only shared network actor is the Prudential Arena as the NDD and IBID focus on different special events as shaped by the individual districts. The common network actor is a controversial flagship development in downtown Newark. NDD has a coordinative network approach to Prudential Arena relationship building and network construction playing an integral role in the opening night of arena activities, lining Market Street – the main thoroughfare for ingress and egress to the arena from Newark Pennsylvania (train) Station, with voluptuous planters and other inviting eye-catchers that emanate ‘clean and safe’. At the time IBID informants were interviewed, the IBID relationship with the Prudential Arena was one of ‘cooperative networking.’ Nevertheless, during the interim between Ironbound fieldwork and study write-up, IBID joined up with the city of Newark and the Prudential Arena for the development of a ‘trolley route’ that transports Prudential Arena-goers to the Ironbound for restaurants and other sources of a nighttime economy. Again, relationship-building is dynamic and the better actors can gauge the nature of the relationship and its most suitable network construction, the more potentially entrepreneurial is the network arrangement and by extension network performance. On this continuum of social capital, IBID is in a cooperatively networking relationship with Riverbank Park citizen-engaged projects to ‘save the

park,’ and in the same type of network arrangement with the Brick City Bike Collective, but is in a coordinative network with New Jersey Transit. On the other hand, the continuum finds NDD cooperatively networking with the restaurant 27 Mix and others for the Halsey Street Festival, but in a ‘coordinative network’ in the production of the Beaver Street Café and Foodtopia. Other than NDD’s capital improvement narrative, and IBID’s narrative regarding the role of business and residential stakeholders in cleansing of the IBID, there is consistent pattern matching between Brown and Keast’s 3 C’s and 3 N’s across all five supplemental public services delivered by these two Newark BIDs. Interestingly, while CCID and SPCID seem to have a coordinative relations with one another, NDD and IBID appear to have more of a competitive relations with one another.

Having considered the intra-city comparison of the social capital continuum and network mechanism continuum for the Cape Town BIDs and then for the Newark BIDs, I next turn to the transnational comparison of supplemental service delivery.

C. Transnational Comparative Analysis of Cape Town BIDs and Newark BIDs

The transnational comparative analysis of Cape Town BIDs and Newark BIDs internationalizes the network model in its local ecological setting. In this cross-country analysis of relationship building and network construction for service delivery, social development and capital improvements have been excluded along with special events. Although an entry for capital improvements was not included in the matrices for Cape Town BIDs and an entry for social development was not included in the matrices for

Newark BIDs does not mean that CCID and SPCID are not involved with capital improvements or that NDD and IBID are not involved with social development. Those particular services are just not treated in the matrices because they do not permit the necessary international comparative components between the network models in each city. Special events as a category has been excluded because, for comparative purposes, security, cleansing, and destination marketing shed enough light on the BIDs' role in image enhancing and promotion of the district, the city, and metropolitan region.

The municipal government and informal traders are listed as entities with which the BIDs have significant relationships. Informants for each BID made abundantly clear their relationship with the municipal government as well as the importance of an entrepreneurial municipal government. CCID, SPCID, and NDD are each facing how to handle the BID's relationship with informal traders in the district. Cape Town has an Informal Traders By-Law, NDD has authority in its establishing ordinance to prohibit and otherwise regulate informal trading.

Matrix 14. Transnational comparison of local relationship building for service delivery: social capital – Cape Town and Newark

	Select Supplemental Services			Significant Entities for Relationship-Building	
BID	Security	Cleansing	Destination Marketing	Municipal Government	Informal Traders
CCID	Collaboration	Collaboration	Coordination & Collaboration	Collaboration	Cooperation
SPCID	Collaboration	Collaboration	Cooperation	Collaboration	Coordination
NDD	Cooperation	Collaboration	Cooperation	Collaboration	Cooperation
IBID	Cooperation	Collaboration	Cooperation & Coordination	Collaboration	

Matrix 15. Transnational comparison of local network mechanism for service delivery - Cape Town and Newark

	Select Supplemental Services			Significant Entities for Relationship-Building	
BID	Security	Cleansing	Destination Marketing	Municipal Government	Informal Traders
CCID	Network & Network Structure	Network & Network Structure	Network Structure	Network structure	Network
SPCID	Network & Network Structure	Network & Network Structure	Network	Network structure	Network
NDD	Networking	Network & Network Structure	Networking	Network structure	Network
IBID	Networking	Network & Network Structure	Network Structure	Network structure	

Reading together the social capital continuum in Matrix 14 and network mechanism continuum in Matrix 15, all four BIDs take an identical relationship-building and network construction approach to cleansing – collaborative relationship building evolving into a mixture of networks and network structures depending upon with whom the BID interacts to deliver services. The BIDs have intra-city static approaches to security, and a variety of approaches to the service delivery of destination marketing. CCID and IBID appear to be more heavily saturated in destination marketing than NDD and SPCID, with CCID showing a tendency for collaborative network structures when it comes to destination marketing. This is explained in part because of CCID's managing agent, the Cape Town Partnership which is constantly creating new ways to brand and market center city. Although IBID seems to generate cooperative and coordinative relationships for destination marketing and CCID shows more involvement with coordinative and collaborative relationships, IBID network mechanisms have a tendency toward network

structures. All of the BIDs have a collaborative network structure with the municipal government. Of the three BIDs handling informal traders, if you consider the BID's and not the informal trader's point of view, these BIDs tend to have a cooperative network approach or, in the case of Sea Point, a coordinative network approach. The way a relationship is built may not predictably indicate how a network is constructed or managed. Differentiating first the relationship building and then network construction helps get at the politics inherent and management need in the network mechanism.

The research epistemological perspective, data collection methods, and data analysis techniques shed light on the findings. In Chapter 5 and Chapter 6 we considered the social capital continuum and network mechanisms of each BID on a case by case basis. This Chapter just examined an intra-city comparison of each BID's use of the 3 C's and 3 N's followed by a cross national comparison which internationalized the dependent variable of the network model. Clearly there are objective networks out there in the BID world, however incomplete they may be. At the same time, the multitudes of stakeholders have different interpretations of how relationships are built and networks constructed and managed. Yet one perspective is not privileged above the others and all are needed to perpetually help complete the network – if completion exists. Semi-structured interviews enable stakeholders to give an account, a narrative, or to explain their perception of what is going on in BID service delivery or policy implementation.

The semi-structured focused-interview narrative is designed to study variation in perceptions and responses of individuals exposed to the same event or involved in the same situation under study (Merton, et al., 1956; Mischler, 1986). BID stakeholders

have different perceptions about when and how the 3 C's and 3 N's apply to service delivery, even though that service delivery is a single event. Similar to Mischler's "narrative analysis", Brenner (1985) advocates the "account analysis" approach to interviewing. Account analysis means:

- In-depth gathering of informant's explanatory speech material and its subsequent content analysis
- Accounts are given from different perspectives
- Material can be qualitatively and quantitatively used

This research used both the focused interview narrative and account analysis for conducting interviews. Narratives and accounts are the joint product of the questions as perceived by the informant and the social situational circumstances within which the questions were put to the informants. Therefore, the interviewing here was done nondirectively with the interviewer acting as a facilitator so as to avoid threats to validity.

The author used the "double hermeneutic" of interpreting the interpretations of the meaning-makers. As Stivers (2007, 2) says, "we cannot understand a social phenomenon, such as the networks or organizations so much under investigation today, without understanding how the actions and interactions of human beings have constituted them as webs of significance, and what that significance consists of in the eyes of the authors who wove them." In other words, "what do, or did, these people believe themselves to be doing (Yanow & Schwartz-Shea, 2006, 61)?"

Semi-structured interviews get at such an investigation and when corroborated with other evidence such as that from focus groups, documentary evidence, participant

and direct observation, archival records triangulate – as was the case in this study – thereby shed light on the findings about relationship building and network construction. For example, there were media accounts that verified with whom BID stakeholders work and how they work. The author observed the interaction among network actors, indirectly questioning them in informal settings without a pen and paper in hand – but in a relaxed sociable manner. Multiple stakeholders provided the same or similar responses while others generated new insight upon which the author followed up. I now turn to findings from the stakeholder segments of residents in or near the BID together with BID board members. Primary data was collected through semi-structured interviews and focus groups and secondary data as listed above.

D. Transnational Comparative Analysis of Residents as a Stakeholder Segment

As a unit of analysis, this study investigated the role of residents in the respective business improvement districts. Table 11 reflects some demographical information about the focus group participants who lived in or near each business district. Matrices 16 to 18 show thematic responses to questions used as a focus group guide. The Focus Group Guide appears in Appendix E. Across the four BIDs all residents lived in Cape Town or Newark for more than 20 years. For CCID focus group participants, the average length of residency in Cape Town is nearly 30 years. The median number of years for residents in or near NDD is 31 years. The median number of years for which SPCID participants have lived in the Western Cape Province is 35 years and for NDD participants in New Jersey, 31 years. Between 40% and 90% of all residential stakeholders owned property in or near the business district. All focus group participants except those in or near the IBID owned property in addition to their

residence in or near the relevant business district. The property of one NDD focus group participant owned property valued at \$4 million. In Cape Town, two property owners in Sea Point and one property owner in central city owned properties in or near the respective districts valued between R3 and R5 million. Focus group participants come from a cross section of racial and ethnic backgrounds, African-Americans, Afrikaans, Coloureds, and Europeans.

Table 11. Characteristics of focus group participants

B I D	Length of Residency				Home Owner- ship	Owner of other prop. in or near BID	Income		Ethnicity & Race
	Avg. # of yrs in City	Median # of yrs. in City	Avg. # of yrs in State or Province	Median # of yrs in State or Province			Average	Median	
C C I D	28.6	29	32.3	33	60%	1 owner R3 Million	*W/O R1.3M R55,250 W/ R1.3M R185,250	R50,000 R62,500	Afrikaans White Coloured
S P C I D	22.8	20	40.6	35	40%	2 owners R5 Million R4.5 Million	R45,000	R35,000	Afrikaans British Coloured
N D D	27	31	30	31	90%	1 owner \$4 Million	\$218,167	\$206,000	Diaspora Caucasian (Swiss, German) African American
I B I D	20.8	21.5	20.8	21.5	40%	None	R162,000	R165,000	Italian Portug. African American
*Income Average and Mean for CCID was computed with and without and outlier.									

Source: Data collected by author during focus groups through the Focus Group Questionnaire for Residents and Residential Property Owners (Appendix F)

Table 12 shows the number of participants in each group as well as the location and duration of the focus group. It is important to note that while Cape Town residential property owners are generally ratepayers, Newark residents generally do not pay assessments.

Table 12. BID residential focus group participants

BID	Number of board member focus group participants	Month and year	Duration	Location
CCID	6	August 2009	1.5 hrs	CTP conference room
SPCID	5	August 2009	1.25 hrs.	New Kings Hotel
NDD	10	November 2007	2 hrs.	Rutgers University seminar room
IBID	5	December 2007	1 hr.	Ironbound Community Corporation conference room

Of the questions posed during the focus group, this section delineates thematic responses to three questions from the focus group guide which is attached in Appendix D. By thematic response the author means a combined theme generated during the focus group through utterances of the participants. The author reduced the interaction to a theme while being careful to preserve the meaning-making of the focus group participants.

Matrix 16. Residents' thematic response to BID work and BID network actors

BID	What does the BID do and with whom does the BID work?
CCID	The CID moves crime and grime from one area to another area – they want to make the central business district appealing to tourists. They work with the city and anyone else interested in tourism.
	The CID encourages businesses to remain in center city by getting and keeping the city bowl clean and safe, also to attract customers
	To me, CIDs just make the rich get richer and the poor get poorer. They work only with property owners to help them get richer.
	Working for an NGO here in town I must say that the CID has accomplished a lot in making the city bowl a better place and they always consult with us about different things.
SPCID	Keep the streets clean and safe – BIDs work with SAPS and with

	the Community Police Forum
	The CID works with Ms. Tager, she has a close relationship with everyone involved in policing
	I am not that familiar with CIDs
NDD	I don't really know that they do. I have not heard much about SIDs here in Newark
	The SID works with city government but it is a mystery about what they do exactly – I think they just cater to the big time property owners in town like Edison Properties and Prudential. I see the guys cleaning the streets though – at least that's something
	I am familiar with the SIDs, they used to give facades grants – but only some businesses were able to get the grant money, I was supposed to get it for my business but it never happened.
IBID	Our SID is just on Ferry Street so, since I am not a property owner, they are not concerned with me so I don't know what they do. I think they work with city government and with the police.
	The SID has too much control on property design – I think they work with developers and businesses that they want to recruit to the district. We are concerned that the developers will get too many variances – like for height restrictions
	I don't see the SID people around much, but I like the banners they put up.

Source: FG-1, FG-3, FG-5, FG-7

Matrix 16 shows that residential stakeholder perceptions vary from being unaware of BIDs to being aware of BIDs but unaware of BID network actors, to being aware of both BIDs and BID network actors. Similar thematic responses come from residential stakeholders in different BIDs. Some residents in Sea Point and Newark are unfamiliar with BIDs. Most respondents who are aware of BIDs recognize that BIDs work with city government and some believed the BID and city government indistinguishable. Most residential stakeholders, who know of the existence of their respective BID, know also the BID's relationship with business. All but one SPCID focus group participant knows of Tager and her involvement with the policing industry. The point often made about BIDs furthering inequities arises at all focus groups, particularly with the CCID group. The belief arises in Cape Town that BIDs move

crime and grime from one area to another, but not in Newark. The NDD residential stakeholders, a few of whom owned or worked for small businesses in Newark, state that the NDD does not use their services and should be more supportive of purchasing goods and services from local small businesses. Translocally, across the four BIDs, residential participants perceive that network actors are city government, police, tourism organizations, cleansing, and developers.

Matrix 17. Residents' thematic response to the question of what work the BID should do and whom the BID should engage in networks

BID	What should the BID do and with whom should the BID work?
CCID	They should be working for the rate payers – that's who pays for work that CIDs do, they should be keeping the street clean and providing security, and I think they should be more involved with making sure parking marshals are able to collect for parking – some people just walk away
	The CID should not be making the homeless get out of center city without helping them. People have reasons for being on the street and the reasons did not just start yesterday, if you know what I mean
	The CID should be looking into what those of us who have moved into the central business district have to say about what happens in the CBD. After all, we are paying an extra rate as a property owner – yet no one is asking us what we think about anything
SPCID	Clean and safe, that's all the CID does and all that it should be doing
	The CID should be working with NGO's and even the schools in Sea Point – there needs to be more interaction with civil society – especially if they want to extend the CID.
	I think the CID could be more involved with businesses in Sea Point, maybe even recruit businesses to locate here and boost our economy.
NDD	I think the SID needs to think about residents. I heard they had someone on their board representing residents but if I don't know who that person is, how can I benefit?
	The SID should be working with Rutgers University –

	after all, part of campus is in the SID. Also the SID needs to reach out to the arts community and help make it more cohesive and interesting – perhaps co-sponsor events with arts organizations – don’t let it all just be about making money – get involved with people and we might spend more time shopping in Newark
	The SID property owners are only concerned with the downtown, fixing up the streets so white people can take over downtown Newark even more than they already have in the past. If we are going to build up an area, what about the neighborhoods?
IBID	Does the IBID work with the Ironbound Community Corporation – seems like that would be a good idea, as far as spreading ‘good will’ is concerned.
	I think the SID should be doing something about making sure that there is security at night. There is nightlife down here in ‘the neck’ and it is not always safe at 2 am and 3 am.
	The SID should be doing something about parking – maybe work with the city of Newark on parking, and get NJ Transit involved.

Source: FG-1, FG-3, FG-5, FG-7

In Matrix 17, thematic responses from residents extend from the BID working solely for the ratepayers and BID delivering only security and cleansing services, to the BID being more involved with businesses and becoming involved with a wide range of non-commercial organizations. CCID and SPCID focus group participants perceive that BIDs should primarily focus on ratepayers and keep the district clean and safe – which lines up with CCID and SPCID informants listed in the section on relationship-building and network arrangements. Yet, taken as a whole, informants from all four BIDs believe that BIDs should be working with a wide range of organizations such as non-profits, NGOs, schools, universities, arts organizations, and the homeless. For example, CCID focus group informants believe that CCID should be helping the homeless and not just “making them get out of center city.” (FG-5) In contrast, CCID believes it is helping

the homeless given services provided by the social development team. One of the themes out of the SPCID residents' focus group is that SPCID should be working with the schools and NGOs in town, which the SPCID does not, so the focus group positional theme is correct. On the other hand, NDD focus group participants point out that the NDD should be working with Rutgers University and the NDD should be working with arts organizations; NDD does work with Rutgers University's CUEED through its financial support of the Halsey Street development project and by creating internships for RU students, although NDD informants indicate that the NDD needs to be more involved with the arts community and wants to do so. Here, the residents are partially on track about NDD not yet working with the arts community but a little off track suspecting that NDD is not working with Rutgers University.

Interestingly, IBID focus group participants indicate that the IBID should be working with ICC "as far as spreading good will is concerned." (FG-3) However, the IBID does engage the ICC, a point about which the focus group participants are not aware. CCID and IBID focus group respondents believe that BIDs should be focused

on parking. CCID and/or CTP were influential in developing the parking marshal system and the IBID has undertaken parking efforts – again, residents are unaware of these factors. CCID and NDD focus group respondents indicate that the

BIDs should be concerned with residents moving into the center city – respondents in each locale are aware that CCID and NDD want to see more residents living in center city. Focus group informants in SPCID and IBID, the neighborhood BIDs, thought the respective BIDs should be more involved with NGOs and NPOs.

The overarching theme here seems to be that citizens have input for BID

activities and some of those activities are already being undertaken by BIDs. Apparently there is a communication deficit, the BIDs are not communicating with residents. BIDs are not required to communicate with residents. However, engaged residents could lead to better performing BIDs and increased consumption by shoppers and individuals who could bolster the nighttime economy in the BIDs.

Next, in Matrix 18 residents provide thematic responses as to his or her role in the BID. The thematic responses are mixed. Some residents indicate that they do not have and do not want a role in BIDs. This theme is particularly prevalent in the SPCID focus group results. The IBID respondents believe that BIDs are not designed for input from residents and NDD respondents disinterested in a role in NDD believe that NDD should at least hire Newark residents. While some CCID focus group (Coloured) respondents state that the BID is democratic to the extent that the majority of landowners (meaning whites) make decisions – the sentiment was expressed that for residential ratepayers, there remains a lack of knowledge about CCID activities. As one informant, Matrix 18. Residents’ thematic response to his or her role in the BID

BID	What is your role in the BID and how do you feel about it?
CCID	I wish I did have a role in the CID.
	The CID is democratic; the majority of people who own the land have the right to make all the decisions – not that I am happy with this. I am a rate payer and I do not know what the Partnership or the CID is doing or not doing.
	There is too much secrecy about what is going on, I would like to have a role in making whatever the CID does more public.
SPCID	There are upwardly mobile individuals such as myself living in town and, even though I am not a property owner, I still want to have input about what goes on here in Sea Point.
	Residents are not supposed to have a role in the CID, just the commercial property owners

	I am not interested in a role with the CID, the CID management is taking care of the CID
NDD	I do not have a role in the SID but I would like to work with them to encourage people to come to downtown Newark, I love Newark which is why I have lived here for so long.
	If I had a role in the SID I would do something about its marketing – we need to hear from and about the SID – not just the Foodtopia. Marketing the SID is marketing Newark which is what we all want
	I am not interested in a role with the SID but I do think that the majority of people who work there should at least be from Newark. We Newarkers are very particular about insiders and outsiders.
IBID	If the IBID was to tell me that I have a role in what the IBID does, I would go to their meetings and speak out
	I do not think that the BID is designed for input from everyday people, only the property owners run things. If I did have a role I would help all different factions of business oriented immigrant ethnicities integrate into the business community more easily.

Source: FG-1, FG-3, FG-5, FG-7

who was also individually interviewed, put it, “I see that rate on my statement and I pay. But I don’t know what use is being made of it.” (Int. 45)

Those respondents who created the themes of wanting a role with the respective BIDs mention making BID activities more public (CCID), giving input about what is going on in Sea Point, marketing and bringing more people to Newark (NDD), and helping the IBID help business-oriented immigrant ethnicities more easily integrate into the business community. Overarching cross-national themes from all four residential stakeholder focus groups were a lack of responsiveness and transparency of each BID – touchstones of democracy.

I next conduct a transnational comparative analysis of board members as a stakeholder segment.

E. Transnational Comparative Analysis of Boards of Directors as a Stakeholder Segment

Focus groups were held for three BID board of directors, CCID, SPCID, IBID. The focus group for the NDD board of directors was unable to be scheduled prior to the completion of this dissertation research. The researcher conducted interviews of nearly half of NDD's board members, and the data from those interviews answer the inquiries set forth in the upcoming matrices. However, the author excluded those data from these matrices since those data are lacking that which arises during focus group interaction. Table 13 shows the number of participants in each board member stakeholder segment as well as the location and duration of the focus group.

Table 13. BID board member focus group participants

BID	Number of board member focus group participants	Month and year	Duration	Location
CCID	5	August 2009	45 minutes	CTP conference room
SPCID	5	August 2009	45 minutes.	Life Church conference room
IBID	12	December 2007	1.5 hrs.	IBID office conference room

The IBID focus group is held in the evening at the end of a Public Relations committee meeting and the board members interactively develop the list of network actors with clarity and passion. The CCID board member segment focus group meets at the close of a regularly scheduled board meeting and is comprised of those who were willing and able to remain after the board meeting. Similarly, the SPCID board member segment focus group convenes at the end of a regularly scheduled board

meeting and a number of participating board members too are so gracious as to remain behind for a focus group. These two focus groups last less than an hour – which is not generally recommended for focus groups. However, both focus groups were ‘intensely focused’ and participants, coming right out of their own respective board meetings provided input in thorough yet succinct matter enabling them to contribute to the research project yet move forward with the next matter on their respective agendas.

Focus group data collection instruments were used for board members as a stakeholder segment but not the questionnaire completed by residential stakeholders. Board members were on exceptionally strict time schedules and the researcher decided early on that it is a more efficient and effective use of time not to ask board members to complete a questionnaire similar to the one completed by residents.

In Matrices 19-22 board members respond to a number of inquiries three of which ask about their roles as board members and a fourth inquiry about their familiarity with foreign BIDs. I take each one in turn.

Matrix 19. Thematic responses to the role of BID board members

BID	What is your role as a BID board member?
CCID	Make decisions about the central business district
	Continue to regenerate the business district, protect our property interests, and prevent what happened in Johannesburg from happening here. We have accomplished this, we joined up to take action just in time
SPCID	We are primarily here to protect our property interests
	Keep the business district safe and secure which is expected to increase returns on my investment
IBID	Serve on committees to improve our community, we love it here and are willing to sacrifice our time to come to meetings often
	Work with each other and make sure the manager carries out what we want.

Source: FG-2, FG-4, FG-6

All board members, whether interviewed individually or as part of a focus group, are very passionate about BIDs and the role that board members play in BIDs. They are all concerned with protection of their property interests and improvement of their respective communities. Board members, cross-nationally, find it a highly worthwhile effort to serve on committees, to use those committees to collect information and offer alternative solutions, and then report their findings to the larger BID board. Board members collectively indicate that they make decisions about the central business district or commercial corridor but do not and do not want to be involved in the everyday activities of the BIDs. Board members in all three focus groups from the different BIDs have a tremendous amount of trust and belief in BID chief operating officers and BID managers. It was not unusual, during personal semi-structured interviews or focus groups, for board members to defer answering questions, referring the researcher instead to the BID chief operating officers for CCID and SPCID and to the BID manager for IBID and for NDD.

Matrix 20. Thematic responses to board member's role in creating and executing network arrangements

BID	To what extent do you create and execute network arrangements?
CCID	I don't have time to create networks, management takes care of it
	I don't think that I do anything special but after having this discussion, maybe we are creating networks without realizing it
SPCID	We did a lot at the beginning with JP Smith and with the police to get unsavory characters out of town. We also set an example by investing in the community even more, which encouraged other investors to invest
	Very important role – even in getting the newspapers to publish what we are doing so that people know Sea Point is a 'vibey' place to be
IBID	We are always creating networks – we work with the schools by having anti-litter poster contests for three grades. That way they

	learn about keeping the streets clean and safe plus the winners get their posters published
	This is important not just for IBID but for the city of Newark. International networks for example, that expose Newark as a source of employees for international companies is very important

Source: FG-2, FG-4, FG-6

As Matrix 20 reflects, considered translocally, board member responses span from perceiving themselves not involved in creating and executing network arrangements to believing themselves always involved in creating networks. In Chapter 6, Matrix 9 depicts the network actors rapidly and collectively espoused during the IBID focus group of the board member stakeholder segment.

At the outset of the CCID focus group of board members, participants defer to BID management about the network creation and execution inquiry. However, as the inquiry is commented upon around the table, perceptions change and board members indicate their contribution to network creation. In Sea Point, participating board members provide network actors and link themselves to network development efforts. At the same time members of this group seem pre-occupied with what action the SPCID is going to take in the future, what relationships they are going to build, and how are they going to extend the CID – preferably to the beach promenade. The Sea Point group also referred to the role of Heather Tager (chief operating officer) and Wayne Ripepi (CID manager) for network construction.

Matrix 21 inquires into the board member's role in strategic planning. All three boards engage in strategic planning. The IBID group believes that its strategic planning goes beyond the business district, they also rely upon Councilman Amador in addition to that which flows from a trusted Design Planning & Quality of Life committee.

Matrix 21. Thematic responses to board member's role in BID strategic planning

BID	Describe your role in strategic planning for the BID
CCID	Much of the strategic planning comes from 'the Partnership'
	As CCID board members I think we strategically plan according to the needs of the CBD and all our planning does not rest with 'the Partnership'
SPCID	We are starting to think about what comes next after making the CID clean and safe is accomplished
	We do undertake strategic planning, for example, we are still considering extending the CID onto the beach promenade even though an earlier attempt proved futile.
IBID	We take action to keep our community the way we want it. When there was an effort to eliminate Riverbank Park, we fought back and got the park revitalized. Many of us board members were part of that fight, so our planning and action goes beyond the IBID
	We rely on our councilman a lot. We also have a committee for Design, Planning & Quality of Life comprised of board members – we trust each other

Source: FG-2, FG-4, FG-6

SPCID includes extending its CID as part of strategic planning and CCID's board engages in strategic planning on its own as well as in conjunction with its managing agent, CTP. One of CCID's board members also represents the CCID on the CTP board of directors.

Matrix 22, the final matrix displaying thematic responses from board members as a stakeholder segment indicates board member familiarity with foreign BIDs.

Matrix 22. Thematic responses to board member familiarity with foreign BIDs

BID	Explain your familiarity with BIDs in other countries
CCID	Yes, we traveled to other countries to learn about BIDs before we created our own.
	Yes, our management works with learns from, and helps BIDs in other countries.
SPCID	No, I never really thought about BIDs in other countries
	Yes, I heard that there are BIDs in London, but that's it as far as I

	know
IBID	No, I am not
	That makes a lot of sense, that there should be BIDs in other countries but I am not sure which countries

Source: FG-2, FG-4, FG-6

While some SPCID board members were unaware of the existence of BIDs in other countries, most CCID board members were aware of BIDs in other countries and somewhat familiar with them. IBID board members were unfamiliar with BIDs in countries other than the U. S. Only the IBID councilman and IBID manager were familiar with BIDs outside of New Jersey. All BID managers across all four BIDs are familiar with BIDs in different countries and attend international conferences related to BIDs.

In exploring how the research methodology and strategies shed light on the findings from data collected on residents in or near the BID and BID board members as stakeholder segments, the interpretivist epistemological approach was helpful during focus group interaction. Participants were also able to learn from and disagree with one another, being co-creators of the research project. However, the author had to be careful not to bias the interaction with her body language or words; to be engaged as a facilitator not a participant. Just as Mischler (1986) and Brenner (1985) raise concerns about the influence of the interviewer on data to be derived from the respondent, so do Côté-Arsenault and Morrison-Beedy (1999); Gibbs (1997); Morgan (1996); and Kruger (1997) raise that concern regarding the moderator and the focus group. The way moderators present themselves set the tone for the entire focus group session (Côté-Arsenault & Morrison-Beedy, 1999). It is up to the moderator to

provide clear explanations of the purpose of the group, help people feel at ease, facilitate interaction among group members, promote debate, and tease out divergent meanings and move things forward while keeping the topic on course (Gibbs, 1997). Moderators are not to show too much approval (Krueger, 1988) of any particular participant but to be a good listener, non-judgmental, and adaptable so as to promote the participants' trust and increase the likelihood of open, interactive dialogue (Gibbs, 1997). By accomplishing these tasks, and equipped with this research design, the author believes she prevented prejudicing the data to be derived from the interaction.

In further defining and gauging the level of involvement of the moderator, Morgan (1996) distinguishes project-level design issues from group-level design issues. Project-level design treats questions of standardization, segmentation, and number of groups (Ibid, 142-144). Group-level design issues entail the level of moderator involvement and group size (Ibid, 144-146). In Table 14, the author juxtaposes Morgan's analysis of project design to how the author handled the focus groups for this research project.

Table 14 Project-Level Design

FEATURE	Morgan's Analysis	BID Research Project Implementation
Standardization	Emergent design approach: questions and procedures shift from group to group	The author used the Combination approach B: The Funnel Pattern. As such the approach facilitated ease in comparing data across the four BIDs. This approach allowed capturing of data about general issues from board members, and residents alike. Yet it
	Fixed design approach: consistent set of predetermined questions and procedures	
	Combination approach A: project phases move from less to more standardized groups building on lessons learned from exploration	

	Combination approach B: Funnel pattern beginning with fixed core questions and proceeding to variable set of specific issues.	permitted use of variable sets of specific issues pertaining to each group given the segmentation.
Segmentation	Capture sampling strategies that consciously vary the composition of groups	The focus groups were varied by board members and residents living in or near the BID.
	Vary the groups to capture some aspect of the research topic	
	Advantages: 1. Comparative dimension throughout the research project 2. Facilitates discussion among similar participants	Varying the focus groups as such permitted the comparative dimension and facilitated discussion given the similarities of participants
	Disadvantage: Greatly multiply the number of groups	This did not unduly multiply the number of focus groups necessary
Number of Groups	Four to six groups	The author conducted 7 focus groups – four of residents in each BID and three of boards of directors for CCID, SPCID and IBID

Source of Morgan's Analysis (Morgan 1996, 1993)

Morgan also provides a useful analysis for devising a framework to handle group level design issues of moderator involvement and group size. In Table 15 the author sets forth how she applied the framework to this dissertation research project.

Table 15 Group Level Design

STRUCTURE & GROUP SIZE	Morgan's Analysis	BID Research Project Implementation
Moderator facilitates structure through questioning	<i>Less structure:</i> Group pursues its own interests	The author's approach was moderately structured. Most board members were concerned about time limitations so the author had to guide herself accordingly while still encouraging the interaction. A focus group guide was used. Questions had to be amended for residential stakeholders as indicated in Appendix E
	<i>More structure:</i> Moderator imposes researcher's interests, guiding the discussion	
Moderator facilitates structure through managing group dynamics	<i>Less structure:</i> Participants talk as much or as little as they please	All participants were willing to speak. Board members were more guarded about their answers than residents.
	<i>More structure:</i> Moderator encourages those who would say little and limits those who would dominate	
Group Size	<i>Smaller groups:</i> (1) emotionally charged topics, (2) high level of participant involvement, (3) group members able to discuss his or her views on topics in which they are highly involved, (4) moderator more easily manages active discussions	The focus groups ranged in size from 5 to 12. Some participants of the CCID residential focus group sought to continue elsewhere which we did. Smaller groups allowed for the incorporation of expansive views which may generate theory grounded in the stakeholders views and experience.
	<i>Larger groups:</i> (1) more neutral topics, (2) lower levels of participant involvement, (3) wider range of potential responses, (4) moderator easily manages group with low level of participant involvement	

Source of Morgan's Analysis (Morgan, 1996, 1992)

The author also used a Focus Group Data Collection form which was completed by student observers, trained by the author. (See Appendix G) The use of focus groups for data analysis matches the research questions in terms of how relationships are built and

networks constructed as well as the BIDs' relationship with the municipal government. The tripod data analysis of template and data matrix along with explanation building facilitated disaggregating focus group interaction as to how outcomes pattern matched the 3 C's and 3 N's. Many study participants were not familiar with the law, and a few were not familiar with BIDs – which is also telling when the aim is to build a competitive commercial area in a political global economy.

I now turn to the first of three (3) independent variables in this study, an entrepreneurial urban government, to examine how it interacts with the internationalized dependent variable network model. I then explore BIDs as a TDC followed by a comparative examination of the impact of the rule of law on BIDs as a public-private partnership and network model.

III. An Entrepreneurial Municipal Government

The question of whether an entrepreneurial government affects BID relationship-building and network management arose early on during field work and was not initially part of the study. This study proceeded to investigate that question as an independent variable against the internationalized dependent variable of the network model, and based upon the findings, it appears that the more entrepreneurial the municipal government, the deeper the collaborative is between the BID and the municipal government. This theoretical proposition at once grew out of and is confirmed by study findings. This section of the findings first compares Cape Town and Newark types and forms of municipal government, then juxtaposes OECD's urban entrepreneurial governance analytic framework against the some of the activities of each municipality and finally explores the municipal government and BID relationship.

There are a variety of types of municipal government available in Cape Town and Newark as indicated by comparative Table 7 and Table 8 below. Newark's Mayor-Council Plan allows for a strong executive as does Cape Town's mayoral executive system. However, Newark's municipal council and Cape Town's sub-council and ward participatory system balance a strong executive with legislators and citizen opportunities for democratic participation beyond the exercise of voting in each locale.

Table 7. Cape Town Type of Municipal Government (in bold below)

Types of Category A Municipalities in South Africa	
Municipal Structures Act 117 of 1998 Section 8: Types of Category A Municipalities (source)	
(a)	A municipality with a collective executive system
(b)	a municipality with a collective executive system combined with a subcouncil participatory system
(c.)	A municipality with a collective executive system combined with a ward participatory system
(d)	a municipality with a collective executive system combined with both a subcouncil and a ward participatory system
(e)	a municipality with a mayoral executive system
(f)	a municipality with a mayoral executive system combined with a subcouncil participatory system
(g)	a municipality with a mayoral executive system combined with a ward participatory system; and
(h)	A municipality with a mayoral executive system combined with both a subcouncil and a ward participatory system.

Table 10. Types and Forms of Newark Municipal Government

TYPES AND FORMS OF NEW JERSEY MUNICIPAL GOVERNMENT			
Types of New Jersey Municipal Government	Forms of New Jersey Municipal Government		
Borough	Borough	Council Mayor Act of 1923	
Township	Township	OMCL Mayor-Council Plan	Optional Municipal Charter Law (Faulkner Act(NJSA §40:69-et seq.) encouraging strong executive and professional management
City	City	OMCL Council-Manager Plan	
Town	Town	OMCL Small Municipality Plan	
Village	Village	OMCL Mayor-Council-Administrator Plan	
	Commission	Special Charters	
The five types of municipal governments have characteristics that could make them forms of government as well. Newark's type and form of municipal government appear in bold. Source: New Jersey League of Municipalities			

Turning to city council, Matrix 23 reflects levels of relationship building between the elected officials governing the BID areas and the respective BIDs. Although each council person serves on the BID board, none of the elected officials are empowered to vote. Augusto Amador, city councilman for the East Ward of Newark was instrumental in establishing the BID, having traveled to other jurisdictions to examine BID development and operation before attempting to formulate the IBID, his predecessor had unsuccessfully tried to establish a BID in the Ironbound. Until today Amador continues to attend BID board committee meetings and advocates for the IBID in city council. He also has a high level of involvement in linking the IBID with other organizations. Similarly, J. P. Smith, whose governance responsibility includes Sea Point, played a pivotal role in initiating the ‘Great Sea Point Revival,’ promulgates legislation that enables BID activities and continues to regularly attend BID board and committee meetings.

Matrix 23. City elected officials – level of relationship-building

Location	Meeting Attendance	Organizing the BID	Linking BID with other organizations
IBID	High level – still attends board and committee meetings	High level Close ties Augusto Amador	High
NDD	Low level	George Branch (deceased)	Indeterminable
CCID	Low Level	Belinda Walker	Lower
SP CID	High level - attends board and committee meetings	High level Close ties J.P. Smith	High

Source: Interviews: 3, 5, 15, 20, 21, 26, 29, 59, 60; Secondary data: media accounts, observation, BID reports

Smith is also highly involved in linking the SPCID with other organizations while otherwise tapping into existing citizens group for strategic policy planning and implementation. On the other hand, while deceased Newark councilman George Branch was supportive of the establishment of NDD, neither he nor subsequent council members were as active in NDD as Amador and Smith have been with IBID and SPCID except for the term of former city councilman Cory Booker who is Newark's current mayor. Belinda Walker, ward councillor for the city bowl, has a lower level of participation on the CCID board when compared to Amador and Smith's participation on their respective BID boards. Nevertheless, the variance of participation of elected officials on BID boards does not seem to prohibitively diminish the caliber of the public-private partnership between each city and its BIDs. At the same time, since the elected officials in the IBID and SPCID are apparently much more active in their BIDs than their counterparts in NDD and CCID, this may suggest a different role for some elected officials in 'neighborhood' BIDs as opposed to 'center city' BIDs. (This is a discussion beyond this research).

Juxtaposing OECD's overarching analytical framework for urban entrepreneurial governance against the activities of each municipality, the pillars of urban entrepreneurial governance are (1) furthering economic development, (2) being market driven, (3) thriving on public-private partnerships and negotiative networks, and (4) having as its back bone strategic policy planning which includes risk-taking, inventive, promotional and effecting a profit motive.

According to OECD, "the role of the Cape Town City administration in economic development strategy has largely been confined to a vision of infrastructure-led

development....However there are encouraging signs that the City administration is informing its economic development strategy through spatial considerations and regional development analysis” (OECD, 2008, 155). The immediate past executive mayor Helen Zille, now governor of the Western Cape, and Dan Plato current executive mayor further economic development in Cape Town. Cape Town city government includes the department of Economic and Human Development and is economic growth-centric in many ways. Ward Councillors such as JP Smith exude seemingly boundless energy in creating entrepreneurial backed legislation and policies that engage public participation of citizens. At the heart of the municipality’s relationship with the Cape Town partnership are the pillars of urban entrepreneurial governance. Through the CTP, the city of Cape Town is better able to manage public space such as historically significant landmarks like the ‘Grand Parade’ and ‘City Hall.’ While these efforts impact public interest, the efforts are also promotional and when determining place-making strategies, involve taking risks while being inventive. (Interviews: 26, 29, 32, 34, observation, marketing portfolio, media accounts) Similarly, the entire municipal and private tourism industry in Cape Town is generated by a profit motive.

The Special Ratings Area By-law of 2009 (which governs BIDs and other areas) is market-driven and public-private partnership endowed as it invokes private financing to improve geographically bound space. The Street Children’s Forum in which CCID participates as well as municipal officials, operates in connection with a social development network of NGOs and funded in part by the Community Chest of the Western Cape (Int. 41). The Community Chest links that funding to network

performance to elicit efficient yet effective value for money. These activities, as OECD suggests, nurture a culture of entrepreneurialism across civil society.

So too is Newark municipal government entrepreneurial. Former Mayor Sharpe James drove the “Renaissance” project and when current Mayor Cory Booker took on the reins of government, entrepreneurialism continued – to the extent that Newark Regional Business Partnership executive director says, “Newark is no longer a promise of revitalization – that promise is now a reality (NJ Biz, 2008) .” To spur economic development the city of Newark has a Deputy Mayor for Economic Development and founded Brick City Development Corporation (BCDC). BCDC is the city’s primary economic development catalyst, organized to retain, attract, and grow businesses; enhance small and minority business capacity, and spur real estate development within Newark. The city of Newark is promotional and market-driven not just on its own merit but also by its partners such as the Newark Alliance. According to one informant, “The Newark Alliance is designed to make Newark more competitive, to link citizens to jobs. While the Newark Alliance does not own anything in terms of economic development, its board of directors is comprised of leading corporate executives with vast resources that lend support to city hall and the public school system in terms of building infrastructure and providing financial, human, and intellectual capital” (Interviews: 6, 15).

The city government partners as well with universities in a variety of contexts. Mayor Booker, Deputy Mayor Stefan Pryor and an entourage of municipal managers attended, for example, the grand opening of “the Coffee Cave” a Halsey Street business in NDD. Start-up capital for the business is provided by the Rutgers University –

Newark School of Business' Center for Urban Entrepreneurship and Economic Development (CUEED) which is the first center of its kind in the nation to integrate venture capital and city resources with university research to study and promote economic development and entrepreneurship. CUEED is planning and developing the Halsey Street commercial corridor which is one block from the university and located in NDD boundaries; as such NDD is financially supporting the development of Halsey Street beyond the streetscape project. The ribbon-cutting event for "Coffee Cave" was attended not just by municipal dignitaries and managers but also by top-ranking university officials such as Chancellor Steven Diner and Dean Marc Holzer. Both Chancellor Diner, Dean Holzer, other deans and numerous professors are involved in the study, practice, and teaching of Newark revitalization – including the Chancellor teaching an honors course on Newark in Urban America and serving on such local boards of directors as the Newark Regional Business Partnership. In sum, both the city of Cape Town and the city of Newark are independently entrepreneurial and entrepreneurial by and through their respective partners and networks.

BIDs have figured prominently into the regeneration of Cape Town and the revitalization of Newark. BID entrepreneurial success; however, seems to parallel the entrepreneurialism of its municipal government in the case of these four BIDs. Each of the BIDs studied demonstrate a strong collaborative network relationship with the Cape Town or Newark municipal government. For instance, the Sea Point BID manager, who cultivated a working relationship with municipal managers having worked with multiple CIDs, and who daily walks the Main Road and Regent Road commercial corridor, indicates that when he sees a problem on the road needing the attention of city

government, the responsiveness that he receives is because of his relationship with individuals, not departments at city hall. In Newark, while NDD is busy with its \$17.5 streetscape project on many significant thoroughfares, Broad Street, one of the most significant roads in the city of Newark, is being streetscaped not by the NDD, but by the city of Newark – even though Broad Street is not a shared project between the city of Newark and NDD, it is being timely completed to match the far reaching impact of NDD’s streetscape into a ‘new and revitalized’ Newark. To implement urban entrepreneurial governance, there must be a willing and consistent alliance between the public and private sectors such that there is joint mobility across the four pillars of urban entrepreneurial governance. Findings from this study suggest that the more entrepreneurial the municipal government, the deeper the collaborative network is between the BID and the municipal government.

Nonetheless, as network governance and management deepen and horizontally expand what becomes of democratic governance and accountability with the rise of public-private partnerships and the network model? This is a question implicitly if not always explicitly raised by non-business stakeholders. What is the role of the elected official in the network model where the public sector is joined by private enterprise, local non-profit organizations and international non-governmental organizations, and civil society? Taking the last question first, according to Sørensen & Torfing (2005, 229): “Governance network theory points to three ways in which politicians can exercise meta-governance (1) designing networks, (2) participating in networks:

and (3) framing networks.” All three modes of operation are present in the relationship building and network construction of ward councilor J. P. Smith in Sea Point and city councilman Augusto Amador in the East Ward of Newark.

Returning to the first question, Justice & Skelcher (2009), Sørensen & Torfing (2005), and Mathur & Skelcher (2007) each offer useful approaches to the question of democratic performance in hybrid governance and network arrangements. To Justice & Skelcher (2009, 750), whose article analyzes democracy in BIDs in the US and UK, individuals designing or redesigning governance institutions must attend to underlying questions grounded in legitimacy, consent and accountability. Legitimacy refers to the authorization of the institution and its mandate: authority to act in the public or public-private interest for which the organization is mandated (Ibid, 741) such as the legal authority of BIDs. Consent means public expectations about transparency, representation, challenge and equity in the decision-making process. Accountability has two dimensions (a) the narrow or broad realm within which a BID gives account and explains its decisions and performance; and the other (b) revolves around the manner in which the mandate of BID decision-makers is reconfirmed, amended or rejected, that is – held to account (Ibid, 742).

Sørensen & Torfing (2005, 231), opine that, “from the perspective of tradition liberal theories of democracy ...governance networks represent a serious threat to democracy.” For these scholars “deliberate attempts at meta-governing the self-regulating governance networks can help to tip the balance in favour of bringing out the democratic potentials while avoiding, or at least reducing, the problems...We must bring political theory and public administration theory closer together in order to

expand and operationalize a list of democratic norms that are relevant for the assessment of the democratic performance of governance networks.” Mathur & Skelcher (2007, 228, 236) argue that, while the criteria-based method of quality-of-democracy studies is useful in accessing an institution’s compliance with normative principles of democracy designs like ample freedom, political equality, control over public policies and policy-makers; quality-of-democracy studies fall short of accessing how democratic freedoms and principles are lived and practiced on the ground. As a result, Mathur & Skelcher contend that criteria-based assessment, if properly formatted, can be a diagnostic tool for public managers, but to get at the ways in which democratic norms may be undermined or enhanced by the less regulated environment of flexible network governance, interpretive analysis offers the desired insight. Those authors suggest that narrative analysis, qualitative interviews using a criteria-based instrument, and Q-methodology provide routes to assess the relationship between network governance and citizens.

In sum, public-private partnerships and the network model are gaining ground as governance and management technologies. Entrepreneurialism is a cross-sector phenomenon. Irrespective of whether government is hierarchical and governance horizontal, democratic underpinnings of government and governance are not to be impinged. Evaluating democratic performance of new governance and management technologies provide a potential safeguard for everyday citizens.

I next turn from the question of an entrepreneurial municipal government to the inquiry about whether the BID movement is emerging as a transnational discourse community.

IV. BIDs as a Transnational Discourse Community?

Another inquiry of this study is, given the global proliferation of BIDs via revitalization policy transfer by policy entrepreneurs, does BID relationship-building and network management amount to a transnational discourse community?

BID transnational discourse is the second independent variable in this study, interacting with the internationalized dependent variable of the network model.

To recant, Bislev, et al. (2002, 207) delineate three clusters of TDCs concerned with governance, namely: (1) global and regional organizations such as UNDP, the World Bank, AU, EU, and ASEAN; (2) the OECD and affiliated organizations and committees; and (3) professional and expert organizations comprised of practitioners and academics. In this global era, we experience a multiplicity of these relatively autonomous purposive international actors functioning in organizational diversity; there is growing demand for their services in governance institutions; they dynamically engage new actors, relations and worldviews while claiming and espousing expertise. The constitutive power of TDCs across all three clusters, challenge the nation-state's traditional monopoly on thinking, articulating, and translating governance. Interestingly, individuals in the third cluster tend to transcend their national identity when it comes to public administration issues – assuming instead a global or regional outlook (Ibid).

While Bislev, et al. analyze public sector professional and expert organizations, this empirical inquiry is whether the BID movement – meaning BID organizations themselves along with an array of policy entrepreneurs – canvassing multiple

continents, amounts to a TDC as the movement generates localized urban revitalization knowledge with entrepreneurial aims paralleling the neoliberal discourse of global and regional organizations. The public administration professional and expert organizations in Bislev et al.'s example grow discourses that tend to be unmediated by and that largely bypass national government. In contrast, BIDs are sanctioned by multi-level government. Therefore, rather than just being unmediated by and bypassing the national government, BIDs are legitimized by government, consented to by citizens, yet privately financed while BID public and private entrepreneurs gather and disseminate expert knowledge that constitutes and even wields urbanized and regionalized power translocally. Are BID property and business owners, BID managers and board members, BID organizations as a collective, local government, elected officials, public agencies, NGOs, private consultant firms, international organizations, scholarly- and applied-oriented researchers, architects, geographers, planners and other professionals and experts emerging as a TDC?

This is a question, among others, posed to policy entrepreneurs. Here is a listing of responses:

Matrix 24. Local business stakeholders' responses to TDC inquiry

Is the BID Movement Evolving in a Transnational Discourse Community? Sampling of Local Business Stakeholder Responses
For local people in the BID, no – but for those consultants out there making money off BID contracts, definitely. (Int. 15, 24, 34,)
I think so. We conducted intensive and extensive research in NYC and London when organizing our BID. We saw in Johannesburg how not to do it – but we have relationships with BID people in all those cities and more (Int. 28, 35)
We learned from people involved with BIDs in different countries, who came to Cape Town knowing that it is an opportune location for a BID – since Cape Town is a global center (Int. 26, 28)

I travel to national and international conferences all the time about urban revitalization and there are always presentations and people involved in BIDs, so the BID community, as you call it, certainly seems to be growing (Int. 1)
IDA and ATCM have been a tremendous help to us. (Int. 31, 32)
International conferences have allowed me to interact with people from all over the world about BID management; I learn from them, they learn from me. I wouldn't hesitate to pick up the telephone and call them if they are in my country, or send them an email if they are in another country (Int. 15, 25)
The Internet is making us into a virtual community – there are so many websites out there related to BIDs and urban regeneration (Int. 26)
Operating BIDs requires specialized knowledge and even that knowledge is always changing. I don't think any of us could keep up with everything that is going on if we did not have the consultants and other managers that we do (Int. 76)
I didn't know that there are BIDs in other countries, I thought this was just unique to those of here in my country (Int. 51)
Economic development practitioners are communicating internationally and I feel associated with them, BIDs in particular, are too new to be considered an international community (Int. 14)
Our BID manager goes to a lot of international conferences; we want him to keep up with what is going on out there to keep us competitive. I don't know if that makes BIDs an international community though (Int. 3, 6, 33, 35, 36)
I think there should be sharing of ideas among BIDs. There is nothing new under the sun. You don't have to go through your government to find out what is going on in another country, that's why we have the Internet – go directly to the person who knows what you want to find out. I can send you an email about my problem and not get short circuited by governmental channels. Is there any international organization for BIDs? We should have a conference in our state for all the BIDs (Int. 7)
We send our BID manager to study what works in other places – I hear everyone gets together at those meetings to talk about strategy. We want our manager in those venues (Int. 2)
I never thought about BIDs being in other places (Int. 47, 53, 62, 64)
I travelled recently and know that there are BIDs where I travelled to but I never thought about contacting the manager or board members. That is a good idea. We need to see what other BIDs are doing beyond 'clean and safe.' Now when I travel I will be sure to find the local BID and meet the folks running it (Int. 49).

Source: (reference to interviews are embedded)

International conferences held by professional and expert organizations, practitioner-oriented educational modalities, university undergraduate and graduate curriculum, and the BID consultancy industry, each and all complement localized BIDs and the stakeholders, who create, manage, govern, and profit from BIDs. Professional and expert organizations in the place management industry that regularly convene conferences and sessions about BIDs also tailor vendor exhibitions that cater to the BID community and widen the spectrum of actors in the BID movement. Besides their regularly scheduled regional, national, and international workshops, seminars and conferences, The International Downtown Association (IDA) and the Association of Town Centre Management (ATCM) together sponsor a World Congress every three years. In 2007 the 4th World Congress was held in New York City, USA and in 2010, the 5th World Congress in London, UK. Both IDA and ATCM are involved with BID development at every phase and level, including educational modalities and policy transfer from the US to the UK, to continental Europe, Africa, and Asia as well. The work of the UK National BIDs advisory is a staple in the BID development diet. Conference sessions, workshops, and other face to face interaction among and between attendees make meanings about BIDs and shape worldviews about downtown and urban management with which attendees are armed upon return to their home-fronts.

Of the nine (9) global and regional experts on BIDs and local economic development interviewed by the researcher, five (5) are familiar with BIDs. Four of those experts have been involved with the global diffusion of policy transfer through BIDs. As a whole they indicate that it is crucial to work with local actors to discover whether BID establishment is appropriate. Even where BID establishment appears

appropriate, local actors may prevent development of the BID for political or other reasons. (Int. 68, Int. 69, Int. 74). As to relationship building and network construction among and between transnational experts, all nine (9) respondents, those who are anti-globalization and pro-globalization alike, point to information technology and communication along with a stream of conferences as being mobilizing forces that have helped the experts seek and discover issues, individuals, and organizations with which to build relationships and create networks. (Int. 66, Int. 67, Int. 68, Int. 69, Int. 70, Int. 71, Int. 72, Int. 73, Int. 74). The BID experts also indicate that working with the academic community is a major part of BID success and of the diffusion of revitalization policy at a rapid pace. (Int. 67, Int. 68, Int. 69, Int. 70, Int. 74).

To be sure, BIDs are not only all over the world but are also multi-disciplinary and interdisciplinary being susceptible to treatment by a wide range of disciplines (Ruffin, 2008). As a result domestic, regional, and international professional and expert organizations make meanings and engage discourse about BIDs from a particular discipline's frame of reference. Transnationally, abundant communicative practices surrounding BIDs penetrate disciplines such as architecture, criminal justice, economics, geography, history, political science, law, planning, public administration, urban studies, and so on. These worldviews grow into and then constitute powerful social constructions that shape the BID movement – indicating best practices and even drawing lines between insiders and outsiders. The Drexel University Center for Public Policy and the Earle Mack School of Law recently assembled an array of scholars and practitioners from a variety of locales to devote a full day conference of case studies about the BIDs throughout metropolitan Philadelphia (Business Improvement

Districts and the Evolution of Urban Governance, 22 January 2010, Philadelphia, PA).

As to training and education about BIDs, ATCM collaborated with the Institute of Place Management to structure university based curriculum to educate and train place managers. Universities like the Urban Studies and Planning Department of the Massachusetts Institute of Technology offers courses on downtown management organizations. The School of Public Affairs and Administration (SPAA) at Rutgers University, Campus at Newark provides undergraduate and graduate courses about downtown management in a global context. In collaboration with the New Jersey Managed District Association, the SPAA also offers an online business district management certification program to help professionalize the field of business district management. Similarly, Kasigo (pronounced Ka-hee-so) Urban Management in Johannesburg, Gauteng Province, South Africa implements “The Training Ground” which is a series of specialized training courses for place managers, local government urban management departments, commercial property facilities managers, community initiative managers, and other property management sectors (<http://www.kum.co.za/tg.php>). At the same time, meeting the development and management needs of BIDs are a number of leading policy entrepreneurs who are internationally known BID experts and consultants such as Lawrence Houston, Neil Fraser, David Feehan, David Beiderman, M. Brad Segal, Paul Levy and Anne Steffney.

Just as local BID stakeholders responded to the question of whether the BID movement is emerging as a TDC, so did transnational BID stakeholders.

Matrix 25. Transnational stakeholder responses to TDC inquiry

Is the BID Movement Evolving in a Transnational Discourse Community? Transnational Stakeholder Responses
My agency, as a global organization, works with local organizations because the problems we handle are local. Sure we have linkages but I do not know if I would go so far as to call it a community. (Int. 71)
The challenges are local, globalization makes local problems, people are out of jobs at home and most jobs go off-shore. I have heard of BIDs and I hope they are not turning into a transnational discourse community because that is just going to worsen globalization and make more distance between the haves and have-nots. (Int. 66)
If we looked at the BID movement as a child growing up, our current level would be middle school. The BID movement has grown considerably but it still has not fully reached parts of South America, Africa and Asia.(Int. 67)
The BID people don't need to have their own community because they think too much alike already. If you have read one BID scholar you have read them all. They just support each other in whatever they research and write. (Int. 70)
Yes, we function as a TDC; we are constantly in and out of different countries handling BID-related work. There is demand for our work and BIDs are successful. (Int. 69)
Now, that I am thinking about it, we are constantly attending conferences and emailing and telephoning each other afterwards, applying what we learned or providing feedback to clarify issues. Maybe we are a TDC.(Int. 68)
Since the 1990's BIDs have been exploding all over the world, yes, we are a transnational discourse community. (Int.74)

Source: (reference to interviews are embedded)

Hence, whether the BID movement has materialized into a TDC is receiving mixed reviews. While business elite are more likely to believe that the BID movement is a TDC, a majority of local stakeholders are unaware of BIDs elsewhere, but expressed interest about investigating further to communicate with cross-national BID

stakeholders in the future. In any event, there is insufficient evidence to definitively substantiate that BIDs have emerged as a TDC alongside (1) global and regional organizations such as UNDP, the World Bank, AU, EU, and ASEAN; (2) the OECD and affiliated organizations and committees; and (3) professional and expert organizations comprised of practitioners and academics – as the three clusters are defined by Bislev, et al. At the same time, with the globally diffused revitalization policy networks through BIDs on one hand and localized service delivery networks on the other hand, there is some semblance of a global/local nexus for BIDs. The global and local forces driving BIDs are mutually constitutive and not oppositional as are many global/local nexuses perceived in the field of global governance.

At any rate, reviewing the literature, attending international conferences, personally observing interaction of the individuals and organizations in the BID movement in different parts of the U. S. and Canada as well as in Europe and Africa, speaking with and learning from transnational policy entrepreneurs, speaking with and learning from local policy entrepreneurs and other stakeholders, the author posits that BIDs are just beginning to expand into a TDC. This finding offers implications for global governance. This means that BID relationship building and network arrangements are becoming more and more not just local, but translocal as global policy networks rise and intersect and as pools of knowledge about local service delivery network are accessed on the ground by one BID from another. A rapidly multiplying form of local management and governance is significant to global governance –

including global studies curriculum development and international practices relating to BIDs as BIDs would be considered a globalizing force; and its global/local nexus more pronounced. BIDs as a globalizing yet localized force adds yet another component to the emerging and burgeoning field of global urban management, which is an area overlapping global governance and international and comparative public administration. To be sure, the BID model, as a public-private partnership is a non-state actor. However, as a TDC BIDs do not only bypass national politics and administration. Rather, BIDs are legitimized by national-state/provincial-municipal law and consented to by citizens making BIDs a potentially powerful translocal force of global dimension.

Thus far this study has considered findings in three different sections (1) the network model as a dependent variable (Section II), (2) an entrepreneurial municipal government as an independent variable (Section III), and (3) transnational discourse of the BID community as a second independent variable (Section IV). In Section II of the findings, data were collected on the network model as operationalized by Brown & Keast's 3 C's and 3 N's. The findings were presented in three subsections. First, the data were displayed and analyzed as an intra-city comparison between the two Cape Town BIDs and then the two Newark BIDs. Secondly, the data were presented and analyzed through a cross-national (RSA and USA) or translocal (Cape Town and Newark) basis. The cross-national comparison internationalized the dependent network model variable, but within its local context. The intra-city and cross-national comparisons draw data from the BID, stakeholder segment, and individual units of analysis. While the BIDs differed in their approach to relationship building and

network arrangements, they were very similar from an intra-city perspective and somewhat similar from a translocal perspective. From a translocal view point, the BIDs delivered the same or similar supplemental services in quest of a globally competitive business district and by extension, city. However, the Cape Town CIDs had more of a tendency toward social development and the Newark CIDs toward capital improvements and both tendencies can be explained by historical legacies of each city. Third, the final subsection of data were presented and analyzed by stakeholder segments: residents and board of directors. This latter data display pulled solely from data collected during focus groups of residents and board members but was triangulated – as were findings in the other two subsections regarding the network model – with secondary data. Some residents believed that BIDs should only focus upon the supplemental services of “clean and safe”, some did not want a role in the BID and others did. The majority of residents were concerned about responsiveness and transparency.

Section III of the findings presented data from the interaction between the BID public-private partnership as part of the network model and an entrepreneurial municipal government. Those data were collected through semi-structured interviews and secondary data with a focus on the BID organization and individuals as units of analysis. Both Cape Town and Newark were found to be municipal entrepreneurial governments. The research project gave rise to the theoretical proposition in Section III that the more entrepreneurial the municipal government, the deeper the collaborative is between the BID and the municipal government. The findings in Section III confirmed the proposition.

Section IV treated BID transnational discourse as an independent variable against the dependent variable of the internationalized network model. On one hand there are globally diffused revitalization policy networks and on the other hand localized service delivery network mechanisms, which creates some semblance of a global/local nexus for BIDs. Findings suggest that BIDs are just beginning to emerge as a TDC.

Section V of the findings uses social science data collection and analysis set forth in the first three section of the findings as evaluators in context and the theoretical proposition that BID law is enabling, as an evaluator of context to examine the impact of law on the Cape Town BIDs and Newark BIDs.

V. The Impact of Law on Hybrid Governance and Network Construction of BIDs

We now return to the central research question, building blocks of relationship-building and network construction in tow, mindful of an entrepreneurial municipal government and the initial emergence of the transnational BID discourse community.

What is the impact of law on the hybrid governance and network management of the business improvement district model in the globalizing metropolises of Cape Town and Newark?

Or, stated another way:

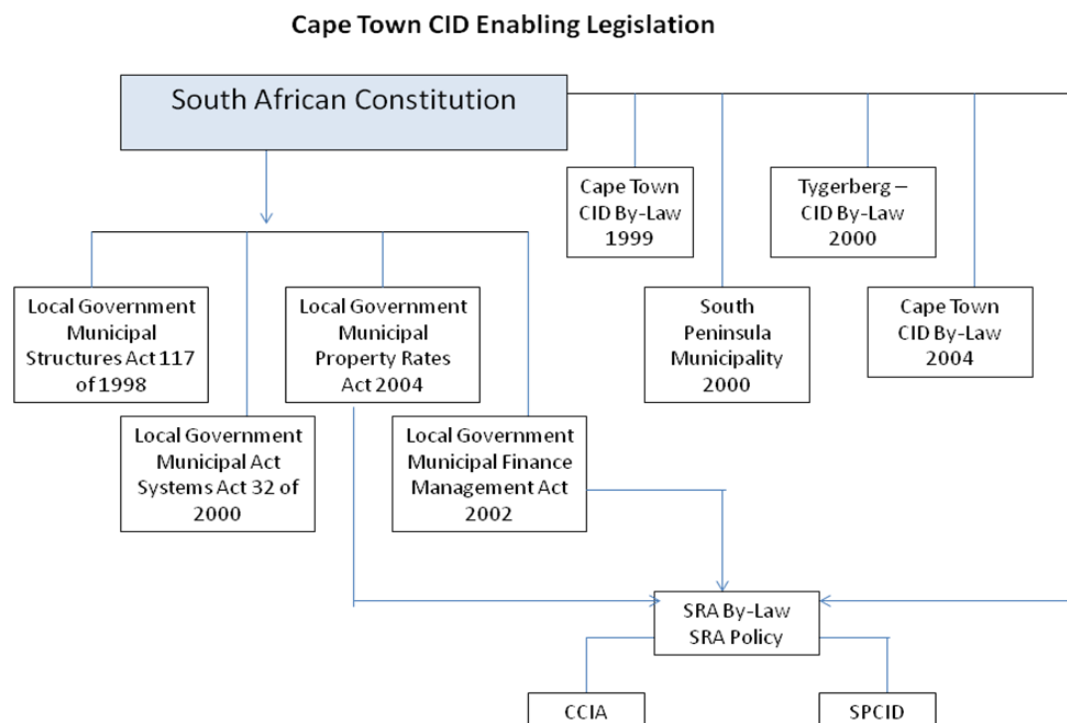
In view of the state's role as national legal architect in a globally competitive economy, how does BID-related law *translate* into BID relationship building and network management on the ground in the globalizing metropolises of Cape Town and Newark?

A. Comparative Analysis of Cape Town and Newark BID enabling law

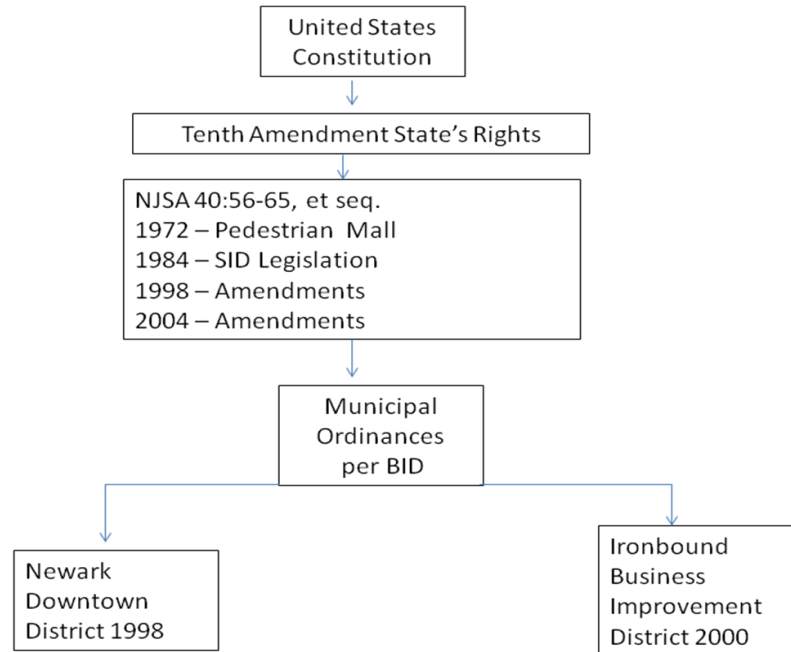
Schematic 5 as partially explained in Chapter 5 reflects the Cape Town CID enabling By-law from its constitutional basis to the municipal by-law. Schematic 6, as partially explained in Chapter 6, is a depiction SID enabling legislation also from its constitutional underpinnings to the municipal ordinance. National legislation for Cape Town and state legislation for Newark is earlier discussed in Chapters 5 and 6 respectively. That point alone speaks to the distinctions in the legal systems. The Cape Town By-law is based on national legislation and the Newark ordinance on state legislation. In the United States, where the pivotal meaning of states' rights

is in the name of the country, BIDs are generally created by state statute. In RSA, provincial legislation may or may not be promulgated for BID in law and policy. For example, Guateng province does have provincial legislation for BIDs, while the Western Cape does not.

Schematic 5. Cape Town CID enabling legislation



Schematic 6. Newark SID Enabling Legislation



This section of analysis compares and contrasts the CID By-law with the SID ordinance, then treats the impact of the rule of law on hybrid governance and network management, while discussing a few New Jersey cases that shed light on BID law and policy. Finally, this chapter concludes the dissertation research report with lessons learnt and visions of future research.

The Cape Town CID By-law of 2004 repealed earlier CID By-laws of 1999 and 2000. The City of Cape Town: Special Rating Areas By-law, of 2009 repealed the 2004 CID By-law (Section 18). CIDs are now subsumed under the broader framework of different types of ‘special rating areas’ (SRA) where once Council, by resolution, determines a special rating area, the city must levy the rate payers. However, council may approve differential rates for certain categories – such as residential or commercial, and allow exemptions from the levy under certain conditions for indigents, senior citizens, and disabled persons (Chapter 2, Sec. 12(2)(3)). Cape Town legislation at all

governmental levels is conscientiously participatory. The SRA By-law is no exception. A public meeting – chaired by a person approved by the Chief Financial Officer (CFO) – must be held even prior to the filing of an application (Chapter 1(5)). Upon the required filing of a ‘motivation report’ and ‘implementation plan’ individuals in favor or against the application for a SRA may be heard before Council (Chapter 1, Section 7(4)). Council must make one of five determinations about the application within 90 days of the last date for the submission of objections (Chapter 1, Section (1)). Those determinations include approval, denial, a limited SRA within the one proposed, or other amendatory procedures. The relevant ward councilor and another person are appointed to the board of trustees of the SRA (Chapter 2, Section 11, (4)). The SRA is managed by a management body qualified as a Section 21 company (not-for-gain) (Chapter 2, Section 11 (2)). The CID, as an SRA has to meet annual reporting requirements of the city including submission of audited financial statements for the immediately preceding year and an annual report of progress on the implementation plan – both of which have to be sent to the CFO and to Sub-Council (Chapter 2, Section 11(6)(7)). The CFO plays a central role in SRAs such as establishing separate accounting and record-keepings systems for SRAs and monitoring compliance with SRA legislation and policy (Chapter 13).

The city government pays the amount of the levies that the city government expects to collect from rate payers – based on the budget approved by city council, prior to the collection of rates. To receive this up-front payment of the additional rates imposed by the CIDs, the CID must have a finance agreement in effect between its management body and the city government (Chapter 2, Section 12(6)). The management

body, in entrepreneurial fashion, is free to raise its own funds (Chapter 2, Section 12(7)). At the close of the 5 year sunset provision attached to the implementation plan, the CID may apply for an extension of the implementation plan in order to let live the CID (Chapter 3, Section 14). At any time during the course of the relevant five year implementation plan, the CID may seek to extend its geographical boundaries (Chapter 3, Section 15). At the time of applying for an extension of the implementation plan or an amendment to the implementation plan, the applicant may be required to undertake notice and hearing procedures or Council may exempt the applicant from abiding by those procedures (Chapter 3, Section 14(4), and Section 14(5)). A majority of relevant rate payers may apply for the dissolution of a CID. If so, they must do so in writing, signed by the majority of payers of the additional rate and the management body cannot wind up the Section 21 company without consulting with the CFO. If there are assets available after wind-up, Council will use it to execute the balance of the implementation plan in effect at the time of the dissolution (Chapter 4, Section 16). The SRA By-law is attached to this dissertation (Cape Town SRA By-law PG 6651; LA 1866). Not discussed here is the SRA policy; the policy provides supportive reasoning underlying the rule of law.

Unlike Cape Town which has an SRA By-law that applies to all CIDs, Newark BIDs are the subject of a separate ordinance each time a new SID is created. The Newark ordinance of 1998 that gave rise to NDD and the Newark ordinance of 2000 that established the IBID, are each attached to this dissertation. Each ordinance sets forth the boundaries of each SID and delineates an assessment process, although the IBID ordinance sets the process forth more fully and clearly than the NDD ordinance. Also

a couple of NDD stakeholders mentioned the challenge of the Newark city government collecting and paying over assessments to the district management company which is understandable given the ordinance. In contrast to the Cape Town SRA By-law's pre-payment of levies to the CID's management body, the Newark process involves first the collection of assessments from tax payers by city government, after which city government pays the funds to the DMC. Many of the processes and requirements set forth in the SRA By-law are matched to processes and requirements in the NJ state legislation which is also attached as an appendix to this dissertation. In much the same vein as the Cape Town SRA By-law, the Newark ordinances expect a base line agreement between the municipality and the BID (Section 4(b) of NDD ordinance).

In its ordinance NDD is actually named the Downtown Newark Special Improvement District. The DMC is named Newark Downtown District Management Corporation. The ordinance provides in pertinent part that the "business community is encouraged to provide self-help and self-financing programs to meet local needs, goals and objectives" (Section 2(e)) and authorizes the charging of "assessments for the purpose of promoting the economic and general welfare of the District and the municipality" (Section 3(a)). Tax exempt properties are also exempt from assessments as are residential properties (Section 3©).

Downtown Newark, being the center of the city, has always been a haven for informal trading. Over the years there have been controversies between the NDD informal trading groups. Nevertheless the NDD ordinance states that "no person shall engage in hawking, peddling, or vending of any foods, beverages, confection, goods, wares, merchandise, or commodities of any nature or description on streets or

sidewalks of district unless specifically authorized by Municipal Council.” However, this provision “does not prohibit activities of person holding a license to operate a restaurant from operating a pushcart on sidewalk adjacent to licensed premises, so long as one obtains health permits and complies with other regulations” (Section 3(d)). Early on the ordinance also authorizes the SID to regulate vendors and sidewalk sales.

Both NDD and IBID ordinance recite affirmative action requirements (NJAC 17:27-5.2) – that the NDD will not discriminate and will to the contrary take affirmative action to recruit and employ applicants without regard to race, creed, sex, and national origin. Each ordinance, mirroring the controlling statutes as most ordinances do, indicates that NDD and IBID will be legally treated and perceived under the “Local Public Contracts Law” N.J.S.A. 40A:11-1 et seq. when the city of Newark delegates to the DMC work to be done on a street or other municipal property in the relevant district.

According to the IBID ordinance, businesses in the Ferry Street commercial corridor are “integral, vital, economic and social.” The SID will “enhance the safety, welfare, and economic growth of the Ironbound.” The IBID ordinance finds property “owners, tenants, and inhabitants as benefitting from a SID Section” 2(a)). Exempt properties are properties owned by municipal, county & state government and 100% of residential structures under 5 units. The legislation further recites that establishing a CID will “assist the city in promoting growth and employment;” that the CID is “in the best interests of the city and its inhabitants;” and that the “business community is encouraged to provide self-help and self-financing programs to meet local needs, goals, and objectives” (Section 2(a)(d) (e)).

In addition to the 17 powers of a DMC, the IBID legislation lists an additional two, empowering it to design and enforce environmental and building design criteria under N.J.S.A. 4:50-66 as amended, and to effectuate the purposes and intents of N.J.S.A. 40:56-66 as amended. The latter is the 'Definitions' section in the state ordinance which delineates, in part, what actions of SID may be based in law.

B. Application of the Rule of Law to Business Improvement Districts

In applying the rule of law to BIDs, the South African BID finds its legal identity primarily through the South African Constitution and national legislation. On the other hand, United Statesian BIDs are bound up in states' rights, and only through a BID's state does it trace its connection to the U. S. Constitution. The national, state/provincial, local laws in each country appear enabling and quite consistent with free enterprise and the globalization and neoliberalization – localized and globalized – discourse executed by political, economic, administrative, and social actors as discussed in this paper.

As to applying BID law to hybrid governance and network management, since contemporary society is more closely connected in time and space, it is helpful to be aware of local matters in a global context. Transformative processes of globalization have shifted deterritorialization and reterritorialization into a transfiguration of geographical scales where urban and regional place management presents challenges and opportunities. BIDs function as network management technologies and actors in urban and metropolitan governance. BIDs are the essence of hybrid governance and are legal institutions shaped as a management technology. As the BID movement becomes more of a TDC, and it is likely that it will, BIDs become more of a globalizing force,

with a global/local nexus. With the world population being and becoming even more urbanized, BIDs become more of a global governance concern generally and a matter of global urban management in particular. Urban place-making in a network society hinges upon an interdisciplinary approach to spatial transformation. In this global/local environment “restoring functional communication through metropolitan planning, providing spatial meaning through a new symbolic nodality created by innovative spatial projects, and reinstating the city in its urban form through the practice of urban design, focused on the preservation, restoration and construction of public space – are the critical issues in the new type of urbanism” (Castells, 2001, 557). In sum, for urbanites of divergent backgrounds, with conflicting interests, and non-uniform values to live together they will need to build relationships and construct networks. Awareness of the impact of national legal systems on network models – global or local is becoming increasingly important to ensure better performing relationships, and more effective policy networks, and network mechanisms.

Comparative socio-legal research facilitates an understanding of the complexity of localized management technologies that – when the micro-fit is available – are being transferred to different parts of the world. Understanding how BIDs and a municipal government work together entrepreneurially and that this network collaborative between the municipality and the BID is internationalized better explains the proliferation of urban entrepreneurial governance. In comparing and contrasting legal systems that create and maintain BIDs, the role of the nation-state as legal architect of national legal systems becomes evident.

In its social context, Cape Town and Newark BID law enables hybrid governance and network management and helps further for some a globally competitive environment. In Cape Town, for example, the SRA management body is free to entrepreneurially raise its own funds. The DMC in New Jersey used to be limited to borrowing funds from a banking lender and repaying it within 180. That restriction has been removed, allowing the DMC to engage in larger property related projects. The Newark ordinance speaks of self-help and self-finance which requires collective action as do promotional activities. The ordinance supports economic development and general welfare of the district which contribute to the desired goal of manifesting a globally competitive business district and city.

On the other hand, there is a relatively obvious stark contradiction in law and policy in Cape Town and Newark for ‘formal traders’ and ‘informal traders.’ The BID law in Cape Town, for example, goes to great lengths to indicate that BIDs are not to perpetuate inequalities. Even during public meetings, stakeholders would ask – “how

can that be?” BIDs are designed to be unequal. Newark, not unlike Cape Town has a policy of inclusiveness, and wanting economic growth within and for people in the ‘neighborhood’ as Cape Town is seeking economic growth for the ‘townships.’ Yet in both places, while BIDs are championing free enterprise and image-enhancing, promotional activities, and risk-taking to entrepreneurially compete in a global political economy, informal traders who seek to entrepreneurially compete at least downtown for starters – are being highly regulated by law and policy in Cape Town and Newark. Cape Town enforces a very detailed Informal Trading By-law and Policy.

Similarly, as to informal traders and BID/municipal government relations, the New Jersey court upheld a Trenton municipal ordinance banning independent peddlers within the SID. The ordinance did not violate any state or federal equal protection or due process rights because the ordinance is rationally based to the legitimate statutory objective of revitalizing downtown shopping districts. Further, since the ordinance is authorized by the SID statute and the anticompetitive effect of the ban is a foreseeable result of that authorization, the result does not violate state antitrust laws and constitutes state action that is immune from challenge under federal antitrust laws. (Finely, et al. v. City of Trenton, et al. (A-82-93). While this state action clearly strengthens the hybrid governance between the SID and the municipality – given that the ordinance survived constitutional muster thereby facilitating the revitalization that uplifts Trenton as a globally competitive city; the municipal government and the SID yet remain in a precarious situation with informal traders. The government is hard pressed to address the needs of ‘all’ of its citizens. The SID falls short of somehow engaging stakeholders through network management to help push the local distinctiveness central to a city or a region being globally competitive – as OECD would have it.

Another impact of BID law on hybrid governance and network management is the extent to which the law is treating BIDs as a public organization. In Haeling v. Seaside Heights Business Improvement District, the complainant wrote to the business district manager seeking a “complete breakdown of the commissions paid to the BID director from 2001 until 2004, a detail of the sources of the commissions,

and how the commissions were calculated.” Haeling also sought copies of payment records and resolutions authorizing payment of commissions to the BID director. Although the BID manager was advised by her attorney that the BID was not bound by the Open Public Records Act (OPRA) and that she therefore did not have to produce all of the records requested, the Government Records Council (GRC), an administrative agency implementing and enforcing OPRA rules and regulations disagreed with the BID manager. Instead, the GRC found that (1) the Seaside Business Improvement District is a “public agency” as defined by N. J. S. A. 47:1A-1.1, being therefore subject to OPRA. Secondly, the court found that the Seaside Heights Business Improvement District, as a SID, is authorized by N.J.S.A. 40:56-65 et. seq. to exercise substantial powers to carry out public activities on behalf of municipalities. Therefore, by performing such governmental functions, the Seaside Heights Business Improvement District is an instrumentality of the municipality and constitutes a “public agency” as defined under OPRA. Haeling v. Seaside Heights Business Improvement District, Complaint No. 2—5-50. Although BIDs may be treated in NJ as public organizations, NY courts construe BIDs as a proprietary model of local government, not a democratic one clad in citizen entitlements.

As to voting in BID governance, the U. S. federal 2nd Circuit Court case of Kessler v. Grand Central District Management Association held the constitutional equal protection entitlement of “one person, one vote” inapplicable to BIDs. Weighted voting in favor of landowners is constitutionally permissible for BIDs. The Kessler case, however, is a Second Circuit case, not a U. S. Supreme court case, was decided over a decade ago prior to the enormous proliferation of BIDs,

and was reached based upon inconsistent precedents of U. S. Supreme Court decisions – namely Salyer Land Co. v. Tulare Lake Basin Water Storage District (Salyer) and Ball v. James (Ball). In determining who is entitled to the franchise, the high court in both cases applies a two-prong test as to whether the district serves a (1) special limited purpose and (2) whether certain individuals experience a disproportionate affect from financing the district. The rulings in each case turn in part on whether the special districts in question performed “normal functions of government” or were “essentially business enterprises”⁸⁴ When the *Kessler* court applies this test to the Grand Central District Management Association it determines that the BID provides a limited purpose and that landowners are disproportionately affected by the burden of the assessment and therefore landowner majority representation on BID boards and weighted voting schemes in favor of landowners is constitutionally permissible.

The Kessler court characterizes BIDs in accordance with the “proprietary model” of local government as shown by the Ball, Salyer, and Kessler cases and not the “democratic model” of local government as evidenced by another line of cases. Yet BIDs are generally viewed as a public administration innovation (Miller, 2001) and as a tool of public policy (Justice & Goldsmith, 2006). This signals the conundrum faced by the courts as elsewhere when public meets private, raising the question of whether the proprietary model and democratic model can co-exist in sub-local governance through BIDs or other public-private partnerships.

Nevertheless, other NJ laws that tend to identify BIDs, in some respects, as a public organization is the fact that DMCs are expected to abide by affirmative

action laws. This brings BIDs into the realm of public organizations because discrimination by private organizations may be legally defensible. Further, when the New Jersey statute was amended to include Business Improvement District Zones as described in Chapter 6, the Commissioner of Community Affairs is now required by law to promulgate, pursuant to the Administrative Procedure Act, rules and regulations necessary to implement the BID Zone. This too suggests that BIDs are being embraced as part of the public sector. At the same time, this is to neither detract from nor diminish the fact that BIDs are private sector driven and operated by landholders and business owners.

Another piece of legislation that impacts BIDs is South African Police Services legislation. That law enables hybrid governance and network management for BIDs. SAPS Act No. 68 of 1995 tells how the police service must work in cooperating with communities to combat crime. It provides rules for: Community Police Forums, Area Community Police Boards, and Provincial Community Police Boards (Chapter 7 of the SAPS Act). The Constitution of the Republic of South, Act No. 108 of 1996 provides that each province may monitor the police service and promote good relations between the police and the community (Section 205 of the Extracts). Additionally, the National Crime Prevention Strategy (NCPS) of 1996 acknowledges that police and courts cannot prevent all the crime on their own. The community must participate. The South African Police Services Amendment Act No. 83 of 1998, Section 64(E) sets out the functions of a municipal police service as: traffic policing; policing of municipal by-laws and regulations; and the prevention of crime. The White Paper on Safety and Security (1998) is the

government's policy for safety and security from 1999 to 2004, reasserting that the community police forums with which the Cape Town CIDs reference as network actors are required by law. SAPS laws – constitutional and provincial – are foundational to the collaborative network structures and coordinative networks that have been formed between SAPS and CIDs.

BID laws along with other laws enable hybrid governance and network management although BID laws can be contradictory depending upon the view of the holder and interpreter. Knowing what the laws are, and when BIDs are legally perceived as a public organization and when they are not is crucial to the BID's approach to hybrid governance and network management in an era of globally competitive cities and regions.

As was the case in earlier parts of this findings section, methodology sheds light on these findings as well. This sociolegal aspect of the study uses contextual modeling as a heuristic device; leading to contextual comparative analysis between BID-related laws in RSA and USA. The inquiry about the impact of law on hybrid governance and network management of the BID model considers evaluators of context and evaluators in context. Evaluators in context draw from social science research – semi-structured interviews, focus groups, documents, archival records, observation- naturalistic and participant, and physical artifacts. Evaluators of context stem from the theoretical proposition that BID law is enabling. Contextual modeling can yield deductive or inductive results. Deductively, the theoretical proposition that BID laws are enabling is confirmed. In social context, the entrepreneurialism of the Cape Town's SRA By-law of 2009 suggests that it is

market driven and designed for place-making and area global competitiveness. New Jersey's SID enabling legislation creates business improvement district zones and by law, encourages economic development of areas. Legal mandates call for BID relationship building and network construction. Yet, how decision-making and meaning-making surrounding mining social capital to build relationships and construct networks is done, as this interpretivist study has tried to show, is a private and differentiated BID matter.

Through the inductive use of contextual modeling, many questions leading to theoretical propositions arise. From a legal standpoint, when are BIDs public and when are BIDs private? The New York 2nd Circuit Kessler case follows contradictory U. S. Supreme Court cases to determine that BIDs belong to the proprietary model of local government and not the democratic model. Meaning BIDs need not be democratic. Across the Hudson River in New Jersey, the GRC finds that BIDs wield enough municipal government power to be a "public agency." How will such contrasting jurisdictional distinctions impact local and global BID organization and performance in the future? In the would-be public-private divide, there is an enduring conflict between confidentiality and transparency. Will BIDs be able to continue to rely upon their private component so as to not be subject to citizenry inquiries like the one above where the BID manager had to supply information about commissions paid to her? Will more courts find that BIDs are subject to the Freedom of Information Act? Or as proprietary entities, will BID officials be safeguarded by confidentiality? What about the competing concerns of public accountability and market-driven free will –

what will this dilemma make of BIDs and what lessons can be learnt by other (democratic) countries seeking to establish BIDs?

The Kessler case arose in part because residents complained of weighted voting by property owners. In Pennsylvania, some property owners complain that, even though they suffer the burden of an added assessment, they are not granted the benefit of making decisions about how their assessments are used by the economic development corporation that manages the BID (Ruffin, 2010). Cape Town residents who are subject to ratepaying have the same complaint – being burdened by an assessment without the benefit of having a vote or other input as to how the assessments or rates paid will be used in the business district. How can BIDs guard against becoming so governmentalized that the private sector property owners and business owners lose interest in paying additional rates? While BIDs proliferate globally but contextualize locally, national legal systems have much to do with how BID characteristics manifest in a socio-legal context.

In the transformation and reconfiguration of geographical and governance scales where regionalism and urbanism figure prominently into the global political economy equation, the nation remains the legal architect and arbiter enabling the worldwide advancement BIDs. Yet, BIDs have legal implications beyond the enabling legislation. Out of this study, a number of lessons have been learnt, some which are set forth in the next section followed by a brief outline envisioning future research.

VI. Lessons Learnt from the Dissertation Research Study

A. Global policy diffusion and local distinctiveness

OECD is a premier TDC, world renowned as an instrument of policy transfer. The policy transfer inherent in urban entrepreneurial governance strikes at the heart of BID activity. BIDs are products of mechanisms of neoliberal localization. BIDs are managed and governed by private business actors who are charged with governmental responsibilities. BIDs are prime candidates for furthering urban entrepreneurial governance which includes image-enhancing, city promotion, destination marketing, flagship developments, public-private partnerships, risk-taking and economic development.

Yet OECD goes on to say, as urban entrepreneurial governance is occurring, it is imperative for cities to focus upon local distinctiveness. Otherwise, a replication of flagship developments that all resemble one another, such as stadiums, arenas, and waterfronts will detract from a city being globally competitive if it is no more than a carbon copy of flagship developments elsewhere. How many Baltimore waterfronts can there be before it is no longer a calling card for individuals or organizations for business or pleasure? The insight and outlook of local indigenous culture – of people and the natural and built environment is necessary for a city to be globally competitive. As Michael Porter puts it – enduring competitive advantages in a global economy lie increasingly in local things – knowledge, relationships, motivation – that distant rivals can't match (1998, 78). Among other ways, Cape Town – the 'Mother City' is expressing its local distinctiveness through Creative Cape Town. Newark,

the “Brick City” is known as the jazz capital of the world – during a membership drive for local National Public Radio station WBGO, subscribers are global as one can listen to the station by traditional radio, over the Internet, or on one’s mobile device. Therefore, ITC empowers Newark’s local distinctiveness such that listening to the jazz capital of the world at any hour or day is a global reality.

In other words, the global and local forces driving BIDs are mutually constitutive, not oppositional as some scholars believe the global/local interactive dynamic to be. BIDs, unlike New Public Management (NPM), are designed to micro-fit and be shaped by local conditions and local stakeholders. While NPM attempted to apply private market rationales to the public sector, its uniformity *inter alia* was prohibitive. BIDs, on the other hand, pull from the public and private sector without diminishing either sector because where one sector is weak, the other is strong – and vice versa.

As revitalization policy is being globally diffused and local distinctiveness brands and promotes the business district and the town – it becomes increasingly clear that global and local forces are not oppositional, but mutually constitutive forces.

B. BIDs as products of neoliberal localization

This study somewhat dwells on BIDs as products of mechanisms of neoliberal localization – such as a product of the retrenchment of public finance, of the reconfiguring the institutional infrastructure of the local state, of restructuring strategies of territorial development, of interlocal policy transfer, of re-regulations

of urban civil society, and of re-representing the city. Neoliberalism, however, is neither a one-track phenomenon nor a one-size fits all drape. Globalization is not “all bad” or “all good.” Likewise, neoliberalism is neither “all bad” nor “all good.” Rather than picture globalization or neoliberalism as some stealthy uncontrollable operation that someone is conducting behind our backs, most BID stakeholders in this study at different levels seem to have taken globalization and neoliberalism into their local hands and done with it as they will to improve the business district while being aware of the contestation of the city. The myth that only “greedy profit-seeking capitalists” rule the world at the expense of everyone else is losing ground. Property owners and business owners in Cape Town and Newark are not just beneficiaries of “old money.” Some of the business and residential stakeholders in this study are self-made millionaires with a social consciousness. Even those of multi-generational and inter-generational wealth showed a human face and painted a human story about BIDs and urban revitalization. There were X generation and Y generation informants in this study who see the myriad of categories of diversity, not as something to be tolerate, but rather, as a way to celebrate life.

As Geoffrey Underhill says, “ how ‘we’ as a society think about states, markets and governance affects what it is believed ‘we’ can do about or with them...If we intend to change the way things work for us, we must also change the way we think about them (Underhill, 2003, 755).

C. BIDs and performance-based budgeting (PBB)

Unlike state and local government that may have embraced either incremental budgeting or program budgeting for decades and therefore experience organizational difficulties in implementing PBB reforms (Andrews & Hill, 2003), NDD seemingly strategically planned for capital improvements, set goals, benchmarked performance agreements, and adjusted external and internal finance process and procedures as outputs that matched its urban revitalization policy outcome. The BID's inclination toward PBB could stem from its nonallegiance to incremental budgeting or program budgeting in favor of the BID's ability to pragmatically shift to what works under the circumstances. NDD's gravitation toward PBB appears to be born from necessity. To meet its capital improvement outcome it had to strategically plan and implement organizational change to get at the alignment between its plan, mission, goals, internal and external office procedures, and collection of performance information (Ruffin, 2010, 473). This situation may be true about other BIDs and helpful in gauging BID network performance.

D. Gaining voice in negotiative networks

Network mechanisms come in all shapes and sizes and can be used for a Multitude of purposes as determined by network actors. How are network actors determined? Do informal traders, homeless individuals, and children who live on the street see themselves as part of an urban revitalization network? Do business stakeholders and residents with homes see these individuals as part of a community of networks? These are questions raised for the author during

fieldwork. The social development work being undertaken in Cape Town by CCID, for instance, appears to create opportunity for networks of social development transformation. Thinking of some of the so-called “hardened” homeless adults and street children who have absolutely no intention of moving off the streets – which the author could tell upon meeting them and speaking with them during a tour of the central business district with the CCID senior fieldworker, are they part of the social development network? Are they part of the entrepreneurial culture of the inclusive center city? They certainly obtain handsome sums of rand through panhandling when they can avoid the watchful eye of social development fieldworkers. Is that their way of giving voice to negotiative networks? Obviously this situation raises a lot more questions than answers.

E. BIDs and legal and governmental implications

BIDs embody more legal implications than the enabling legislation. Beyond The laws that formulate BIDs, are the laws and policies that BIDs must carry out as part of their existence for private financing and supplemental service delivery. The focal point of most BID officials interviewed in the study is on BID enabling legislation. It appears that the BID management staff could perform better if they were aware of BID-related laws beyond the enabling legislation. For instance, code enforcement played a huge role in the “Great Sea Point Revival.” Newark businesses often lower steel protective gates outside the doors and windows of their building at the close of business. Should those gates be on the outside of the building or should those gates be on the inside of the building? Should laws requiring that gates be

installed inside the shops be enforced? After all, which appearance would increase the nighttime economy in downtown Newark? Cape Town security and social development workers have to be cognizant of the Republic of South Africa's Child Justice Act. An aspect of legal training about day to day laws that impact the BID may consciously identify additional network actors and expand network arrangements that underlie BID activities, increasing social capital among relationship-builders.

In the event that the law is too constraining or too enabling from a stakeholder's perspective, socio-legal research could assess whether the law needs to be amended.

F. Elected officials and network governance

Government in North America and Western Europe has been so hierarchical for so long that neither public managers nor elected officials easily make the shift from government to governance. Sea Point ward councillor J. P. Smith and Ironbound's east ward councilman Augusto Amador bring to life Sørensen & Torfing's (2005, 229) network governance theory about three ways in which politicians can exercise meta-governance as they each facilitate all three: designing networks, participating in networks, and framing networks. Confirmation of this theory can enable elected officials serving on BID boards or serving constituents at large to make better use of network arrangements for policy planning and implementation.

G. Democratic performance

In the reconfiguration of geographical scales and rescaling of the nation-state there is a democratic deficit evident in globalization through the work of (often neoliberal) international organizations and in localization through products of neoliberal urbanism like BIDs. The question at each spectrum of geographical scale is the same: how to reconcile the necessary global or local institution with democratic accountability? Global organizations like the WTO, IMF, and WB come under attack because, *inter alia*, their organizational rule-making and distribution of resources is ‘undemocratically’ determined by select decision-makers. At the same time, local organizations such as BIDs are accused of ‘undemocratically’ governing public space and allocating resources as determined by select decision-makers. Proponents and opponents of democratic forms seem to be looking for hybrid and network governance to supply or withhold democratic participation whether the hybrid network arrangement is local, regional, national, or global. For example, regarding NGOs, as altruistic as their mission and goals may be, whom do they really represent? They too are self-selective. Across all geographical scales, themes of transparency and responsiveness seem to resonate as touchstones of democracy that can build bridges in a divisive global era (Nye, 2001, 5; Farazmand, 2009, 1014)

H. Governmental powers

When public-private partnerships take on governmental powers to make use of private financing, the public-private partnership also shares responsibility of governmental authority. This is evident in the way New Jersey administrative courts are treating BIDs. The more BIDs assume governmental powers, the more BID

officials may be required by administrative agencies or otherwise, to be responsive, transparent, and accountability – not just to BID business stakeholders but also to the everyday maker that requests the information.

VII. Visions of Future Research

A. BIDs as tool of development

In view of an ever urbanizing and globalizing world, global urban management research on BIDs as a tool of development in Latin America, continental Asia, and continental Africa would be helpful. Such research should include both a socio-legal and action research approach to discover how the BID model could be shaped to fit local, cultural, social, and politico-economic contexts.

B. Capacity-building for municipal government

In the move from a ‘managing’ municipal government to an ‘enabling’ municipal government, research that revolves around capacity building for local governments that wish to be entrepreneurial without sacrificing the public interest would be useful. This research could include the development of an e-governance inventory for the entrepreneurial municipal government so that municipal governments could participate in the research project and co-produce the findings.

C. Locally grown place management

There are various models available as to how local government is partnering to manage rapidly urbanizing space as well as rural place-making. eThekwin’s (Durban) Area Based Management is such a model. The eThekwin project was partially funded by the European Union and was designed and operated by locals seeking to promote eThekwin distinctiveness in a competitive global economy.

This research study could include evaluative research and the research design could be informed by the town's International Relations and Governance Department so that the research about area based management and development could benefit other African cities.

D. Differentiating public-private partnerships

A number of South Africans are discontent with the country's law on public-private partnerships, finding it to be overreaching and cumbersome. It is clear that the law is designed to prevent private interests from overtaking the public domain. The law grew out of distressing situations where privatization worked against the public interest. Research is needed generally on how local governments in any country can undertake, for example, large urban infrastructure projects while still protecting and building public interests. Socio-legal research on public-private partnerships would be helpful in this area so that local, regional and national government or governance authorities could disaggregate contractual needs.

In that regard, on one hand, legal requirements of large urban infrastructure projects with concessionaire contracts and the like would be different from PPPs concerned with urban regeneration that draws on capital investment: finance, human, intellectual, social, and political. An interpretivist study employing Q-methodology may be useful for such a research project.

E. Global governance

An analytical framework is needed to capture the local/global nexus of issue areas and governance/management technologies (mostly local) while factoring in how the nation-state and metro regions are transforming or are otherwise handling mutually constitutive global and local forces. This could be an exploratory mixed methods research project.

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Appendix B

Research Questions

The central research question:

What is the impact of law on the hybrid governance and network management of the business improvement district model in the globalizing metropolises of Cape Town and Newark?

Questions guiding an understanding of the theoretical propositions from which this question emerged are: What is the globalizing metropolis? What is the new entrepreneurial paradigm in spatial development among competitive cities in a global political economy? Under contemporary processes of global restructuring, what changes are simultaneously unfolding in sub-global territories on the metropolitan region, and urban levels that reconfigure the role of the nation state? To what extent does the BID movement parallel the socio-spatial reconfiguration of competitive cities?

As to the more specific protocol questions guiding the instrumentation:

(Dependent variable underlined)

In the hybrid governance and network management of BIDs in transnational urban areas of Cape Town and Newark, how are relationships built and networks constructed for sub-municipal supplemental service delivery?

(Independent variable underlined)

(1) Does an entrepreneurial municipal government affect BID relationship-building and network management? Why or why not?

- (2) Given the global proliferation of BIDs via revitalization policy transfer by policy entrepreneurs, does BID relationship-building and network management amount to a transnational discourse community?
- (3) In view of the state's role of national legal architect in a globally competitive economy, how does BID-related law translate into BID relationship building and network management on the ground in the globalizing metropolises of Cape Town and Newark?

Appendix C

RUTGERS UNIVERSITY
Office of Research and Sponsored Programs
ASB III, 3 Rutgers Plaza, Cook Campus
New Brunswick, NJ 08901
P.I. Name: Ruffin Protocol #E07-408

July 5, 2007

Fayth A Ruffin
 Graduate
 Division of
 Global Affairs
 177 Camden
 Street
 Newark NJ 07103

Dear Fayth Ruffin:

Notice of Exemption from IRB Review

Protocol # E07-408

Protocol Title: "Multisector Engagement and Network Governance: A Comparative Case Study of the Impact of Law on the Business Improvement District Model in the Globalizing Metropolis: Cape Town and Newark"

The project identified above has been approved for exemption under one of the six categories noted in 45 CFR 46, and as noted below:

Exemption Date: 6/28/2007

Exempt Category: 2, 4

This exemption is based on the following assumptions:

1. that the materials you submitted to the Office of Research and Sponsored Programs (ORSP) provide a complete and accurate account of how human subjects are involved in your project.
2. that you will carry out your research according to the procedures described in those materials.
3. that you will report to ORSP any changes in your procedures and that if such changes are made, you will submit the project for IRB review.
4. that you will immediately report to the ORSP any problems that you encounter while involving human subjects.
5. that if any consent document(s), oral consent script(s), advertisement(s), or other documents which have the purpose of informing the subject about the research are included with this Notice of Exemption, they **MUST** be used per the attached version.

Additional Notes: **None**

Failure to comply with these conditions will result in withdrawal of this approval.

The Federalwide Assurance (FWA) number for Rutgers University IRB is FWA00003913; this number may be requested on funding applications or by collaborators.

Sincerely yours,

James Cavazzoni, Ph.D.

Sponsored

Programs

Administrator

cavazzon

i(&orosp.rutge
rs.edu

CITY IMPROVEMENT DISTRICT RESEARCH STUDY

A research project is underway about the Sea Point City Improvement District and the Central City Improvement District. It is overseen by Rutgers University – Newark, New Jersey, USA, Graduate Division of Global Affairs and the School of Public Affairs and Administration. The project inquires into how certain laws and by-laws impact the managed business district when it comes to performing agreements for providing top-up services in the district. Other research questions of the project are the extent to which CIDs work across networks to deliver supplemental services, whether CIDs attract foreign and national/local investment into the business district and whether “city improvement districts” or “business improvement districts” across the globe are becoming part of a transnational discourse community for sub-local governance in metropolitan globalizing areas worldwide.

ELIGIBILITY FOR PARTICIPATION IN THE STUDY

You must be a stakeholder in or nearby the City Improvement District:

- | | | | |
|---|---|---|-----------------------|
| * | Real Property Owner | * | Business Owner |
| * | Resident of a CID | * | Resident of Sea Point |
| * | Cape Town public official affiliated with the business district | | |
| * | Cape Town public manager affiliated with the business district | | |

BENEFITS TO PARTICIPANTS

- Opportunity to contribute perceptions on the progress of CIDs
- Ability to review and discuss how provincial laws and local by-laws impact performance agreements for providing top-up services in the CID
- Help discover any attraction of investment to the district
- Generate data that inform us about Cape Town area CIDs as models of sub-local governance in a globalizing metropolis from which business improvement districts around the world can learn.

TIME COMMITMENTS

- Participate in a one hour personal interview in Sea Point or by telephone
- Participate in a ninety minute focus group in Sea Point

For further information or, if you would like to be personally interviewed, or to be part of the focus groups organizing to respond to these questions posed by the study please contact:

Fayth A. Ruffin, Esq., Doctoral Candidate, Rutgers University-Newark,
Graduate Division of Global Affairs, locally at 082 968 2737

Or, by email at faruffin@andromeda.rutgers.edu

Institutional Review Board approved June 28, 2007

SPECIAL IMPROVEMENT DISTRICT RESEARCH STUDY

A research project is underway about Special Improvement Districts in Newark. It is overseen by Rutgers University – Newark, Graduate Division of Global Affairs and the School of Public Affairs and Administration. The project inquires into how certain state laws and local ordinances impact the business district when it comes to performing agreements for providing supplemental public services in the district. Other research questions of the project are the extent to which SIDs may be attracting foreign and national/local investment into the business district and whether “special improvement districts” or “business improvement districts” across the globe are becoming part of a transnational discourse community for sub-local urban governance in metropolitan globalizing areas worldwide.

ELIGIBILITY FOR PARTICIPATION IN THE STUDY

You must be a stakeholder in or nearby the Special Improvement District:

- | | |
|--|--|
| <ul style="list-style-type: none"> * Property Owner * Resident of a SID * Newark public official affiliated with the business district * Newark public manager affiliated with the business district | <ul style="list-style-type: none"> * Business Owner * Resident of Newark |
|--|--|

BENEFITS TO PARTICIPANTS

- Opportunity to contribute perceptions on the progress of SIDs
- Ability to review and discuss how state statutes and local ordinances impact performance agreements for providing supplemental services to the SID
- Help discover any attraction of investment to the district
- Generate data that inform us about Newark SIDs as models of sub-local urban governance in a globalizing metropolis from which business improvement districts around the world can learn.

TIME COMMITMENTS

- Participate in a one hour personal interview in Newark
- Participate in a ninety minute focus group in Newark

For further information or, if you would like to be personally interviewed, or to be part of the focus groups organizing to respond to these questions posed by the study please contact:

Fayth A. Ruffin, Esq., Doctoral Candidate, Rutgers University-Newark,
Graduate Division of Global Affairs, Public Administration Concentration,
Directly at 201-838-4355 or through Rutgers University, Newark Campus, NJ
Graduate Division of Global Affairs at 973-353-5585

Or, by email at FARUFFIN@aol.com; or faruffin@pegasus.rutgers.edu

IRB Approved 28 June 2007

Consent Form

Multisector Engagement and Network Governance in the Globalizing Metropolis: A Comparative Case Study of the Impact of Law on the Business Improvement District Model in Cape Town and Newark

You are invited participate in a research study about City Improvement Districts in the Cape Town metropolitan area, specifically the Central City Improvement District and the Sea Point City Improvement District. The purpose of this research is to help us understand how local government, businesses, property owners, nonprofit organization, and residents work together across networks and the CID, locally, regionally, and globally. The investigator is Fayth A. Ruffin, doctoral dissertation researcher for the Division of Global Affairs and the School of Public Affairs and Administration Rutgers University – Newark Campus, USA.

Approximately 120 subjects will participate in this study, some in Newark, NJ, USA and others in Cape Town and Sea Point, Western Cape, South Africa. Some will be interviewed for approximately 45 minutes and others will be interviewed as part of a focus group and for about 90 minutes, and some may participate in both. All subjects must have a stake in the outcome of the CID.

There are no foreseeable risks to your participation in this study. As a CID stakeholder you may benefit from this study directly. In any event, the knowledge that we obtain from you and other participating volunteers like you may help us better understand CIDs.

Participation in this study is voluntary. You may choose not to participate, to only answer certain questions or to withdraw from the study before completing an interview. This research is confidential. We will record your name or affiliation. However, your replies will not be linked to your identity but to a stakeholder group by code. I will keep your name and affiliation strictly confidential by storing that data in a securely locked cabinet and on a restricted access computer limiting availability only to those conducting the study. No reference will be made in oral or written reports of research results that could link you to the study.

If have any questions about the study procedures, you may contact: Fayth A. Ruffin locally at 082 968 2737. If you have any questions about your rights as a research subject you may contact the Sponsored Programs Administrator at the Rutgers University Institutional Review Board for the Protection of Human Subjects Office of Research and Sponsored Programs, 3 Rutgers Plaza, New Brunswick, NJ 08901-8559, USA.

Telephone: +01 732-932-0150, ext. 2104. Email: humansubjects@orsp.rutgers.edu. You will receive a copy of this Consent Form for your records upon request.

Please sign below if you agree to participate:

Subject: _____ Date: _____

Principal Investigator: _____

Date _____

Appendix D

**Multisector Engagement and Network Governance:
A Comparative Case Study of the
Impact of Law on the Business Improvement District Model in the
Globalizing Metropolis: Cape Town and Newark**

The first section comprises questions that will be addressed to local informants and the second section lists those questions that will be addressed to global experts. This section for local informants is organized by questions posed to stakeholders generally followed by additional specific questions for business improvement district managers and board members.

QUESTIONS FOR LOCAL INFORMANTS

I. STAKEHOLDERS GENERALLY

- 1 From who did the idea to formulate the BID/CID originate?

Probes: Business leaders? Laws or policy changes? State or local governmental officials?
- 2 What is the legal formation of the entity governing your BID/CID?

Probes: Public? Quasi public? Non-profit? For-profit? Mixed public-private entity?
- 3 What local and national laws govern the BID/CID?
- 4 What supplemental public services does the BID/CID perform?
 - a. capital improvements
 - b. community development
 - c. consumer marketing
 - d. economic development
 - e. maintenance
 - f. parking and transportation
 - g. policy advocacy
 - h. public space regulation
 - i. security
 - j. social services
- 5 What role do you play in your stakeholder capacity in BID/CID governance?
- 6 What role do you play in your stakeholder capacity in formulating strategic plans

for the BID/CID?

7. Do you play a role, in your stakeholder capacity, in establishing performance indicators for the BID/CID?
8. What role do you play in your stakeholder capacity in creating and maintaining network ties?
9. Name eight-ten organizations that you work with in order to deliver supplemental public services in the BID/CID?
10. Now we are going to discuss the relationship with your BID/CID and some of those organizations further:
 - a. How many times have you worked with XYZ organization?
 - b. Are there any other organizations involved with your BID/CID and XYZ organization when it comes to delivering this particular supplemental service?
 - c. Describe the risks involved among the organizations.
 - d. Who determines the goals for performing these types of agreements?
 - e. What is the nature of information shared among the participating organizations?
 - f. Describe the types and levels of communication channels that exist between the organizations.
11. Now we are going to discuss the ways in which your BID/CID and different organizations function in order to carry out the relationships that you build:
 - a. Describe your information exchange in terms of duration.
 - b. Is there joint planning or individual planning? Explain.
 - c. Does participating in a network affect the way that your organization is accustomed to working when you not participating in a network?
 - d. Do you find yourself sharing risks with the organizations with which you work? Rate the risks.
 - e. Does trust matter when you are performing agreements with other organizations? Describe levels of trust.
 - f. Does reputation matter when you are performing agreements with other organizations? Describe how and why reputation matters.
 - g. What is the level of interconnectedness between your BID/CID and XYZ organization: loose, moderate, or very tight?
12. Are you familiar with BIDs in any other countries? If yes, how so?
13. What have you learned about BIDs in which other countries?

14. Has what you have learned had any impact upon how you handle your own BID? Please explain.

II. ADDITIONAL QUESTIONS FOR MANAGERIAL AND BOARD MEMBER STAKEHOLDERS

1. How many businesses have been attracted to the BID/CID over the last five years?
2. How many businesses have left or declined settlement in the BID/CID to avoid the payment of additional assessments?
3. In view of the existence and operation of the BID/CID what would you say has been the impact upon property values from 2003-2006 inclusive as to the real estate included in the BID/CID? As to the real estate within four to five blocks of the BID/CID?
4. Has traffic congestion been a cause for concern within and in close proximity to the BID/CID area? If so, what has the BID/CID planned or what efforts have been undertaken to relieve traffic congestion?
5. What transportation options exist for BID/CID merchants, employees, shoppers?
6. I would like to ask you some questions about these service performance agreements that I have been able to review, so let's take the agreements in turn:
 - a. Security
 - b. Sanitation
 - c. Tourism

Questions for each agreement:

1. I see that your projected mission is/was ____
Do you feel that this was accomplished? Why or why not?
2. Who were the players in the network of performance of this agreement?
3. Describe how the individuals and organizations worked together across the network.
4. What was the outcome of this agreement?
5. Did this meet with your expectations/satisfaction? Why or why not?

6. Is there a method of engaging stakeholders in performance indicators, measurement, and evaluation? Please explain.
7. Shifting gears, how regularly are you in contact with affiliates of BIDs in other countries?
8. What types of information do you share?
9. Do you find any commonalities among BIDs/CIDs in different countries? If so, explain.
10. Are any businesses in your BID involved in the global economy? Which ones?
11. Have any businesses located into the district from abroad? Which ones?
12. Has there been any foreign investment in relationship-building in the BID/CID from 2003-2005, inclusive? Explain.
13. How have real estate values been impacted within the business district by the establishment of the business district? Explain.
14. Has the performance of the BID/CID had any impact on the reputation of the business district? Explain.
15. Describe sources of foreign investment in the business district.
16. Describe sources of national investment in the business district.
17. Describe sources of local investment in the business district.

Questions for Global Expert Informants

These questions are placed in context for inquiry of global experts on urban revitalization and local economic development such as those from the United Nations, the Organization for Economic Cooperation and Development, the World Bank, the International Monetary Fund, the International Downtown Association and others.

1. What is your role in _____ (name of organization)?
2. For how long have you served in this capacity?
3. Have you served in any other capacity with this organization? If so, will you tell me about these other roles in which you have served?
4. How is _____ involved in public-private partnerships for local economic development in any respect?
5. What type of service is available for public-private partnerships engaged in urban revitalization/economic development in urban areas from your organization?
6. Are you familiar with business improvement districts?
 - i. Probe: How so?
 - ii. Is your organization involved in anyway with BIDs?
 - iii. (If yes, questions are specifically tailored to BIDs, e.g. how has this particular organization assisted BIDs?)
7. What type of resources does _____ (the respondent's organization) offer for public-private partnerships for urban revitalization and/or local economic development in metropolitan areas?
 - i. Probe: On-line resources?
 1. Conferences?
 2. Workshops?
 3. Case studies?
 4. Funding?
8. Based upon your experience and knowledge have you noticed any local/global linkages when it comes to urban revitalization and economic development in urban areas?
 - a. Probe: Explain

9. Does _____ have currently underway any projects geared toward public-private partnerships for urban revitalization/local economic development?

10. From where I can receive additional information about these projects?

11. Is your department involved specifically?

If yes, probe: How so?

12. Would you tell more about a couple of these projects?

13. What has been most problematic?

14. What do you find most promising? Why?

15. What a few lessons drawn from _____ experience where public-private partnerships for urban revitalization/economic development or other services are concerned?

Probe: What other services? Explain

16. Does _____ play any role in capacity-building of public-private partnerships for urban revitalization/economic development (or other services)? Explain.

Appendix E

Focus Group Interview Guide

1. Explain the laws that govern BIDs/CIDs on a local level.
2. What are the laws that govern BIDs/CIDs on a national level?
3. What is the applicability of your national constitution to BIDs/CIDs?
4. Do these laws impact performance of agreements for service delivery between BIDs/CIDs and other organizations? If so, provide two examples.
5. Which laws do you think help further service delivery agreements between BIDs/CIDs and other organizations? Explain.
6. Which laws do you think keep you from furthering certain service delivery agreements between BIDs/CIDs and other organizations?
7. Are there informal rules known to BID/CID stakeholders that help further service delivery agreements between the BID/CID and other organizations? If so, explain.
8. Does your BID/CID work with other organizations to deliver supplemental services such as:
 - a. capital improvements
 - b. economic development
 - c. parking and transportation
 - d. sanitation
 - e. security
 - f. urban tourism? (Seeking a show of hands on each)
9. How many organizations are involved with the BID/CID when it comes to delivery of supplemental services such as:
 - a. capital improvements
 - b. economic development
 - c. parking and transportation
 - d. sanitation
 - e. security
 - f. urban tourism? (Note numerical count from each participant)
10. As to the delivery of each service let's answer the following:
 - a. How do you determine the goals of the agreement?
 - b. Who is in charge?

- c. Who is accountable?
 - d. Is the agreement oral or in writing?
 - e. Who bears the greatest or least risks?
 - f. What level of trust is required?
 - g. Are there performance indicators in the agreement?
 - h. How do you evaluate outcome?
 - i. How do you measure outcome?
11. When you work across networks with other organizations to deliver services, what internal changes does your organization have to make in order to accomplish shared goals with other organizations?
 12. How do you go about building relationships when it comes to working across networks with other organizations to deliver services in the business district?
 13. In what ways does the law help the BID/CID deliver services through network governance?
 14. In what ways does the law seem to frustrate efforts of the BID/CID to deliver services through network governance?
 15. How do informal rules help the BID/CID to build relationships and reputations when delivering services through network governance?
 16. In what ways does BID/CID performance seem to impact the attraction of foreign and national/local investment to the business district?
 17. Is there an exchange among urban metropolitan areas of norms, values, policies and understandings of BIDs/CIDS across national borders without organizational development bypassing national governments? Explain.

Supplemental Questions for Residents

1. Describe your familiarity with the business improvement district in which live or live nearby.
2. Describe what you understand to be the work of the business improvement district
 - Probe: What does the BID do?
 - Who works for the BID?
 - Who runs the BID?
 - What people does the BID work with?
 - What organizations does the BID work with?
3. What people should the BID work with?

4. What organizations should the BID work with?
5. How does the BID raise money do what it does?
6. Between _____ and _____ (name a radius of time three years before and three years after the establishment of the BID, describe the condition of the business district (or commercial corridor)?
7. After _____(two – three years after the establishment of the BID), describe how the business district appeared to you?
8. As a resident, what do you see as your role in the BID?
9. How would you characterize your relationship with the BID? With the BID staff? With the BID board of directors?
10. What would you like to see happen with the BID in the future?

Appendix F

**SPECIAL/CITY IMPROVEMENT DISTRICT QUESTIONNAIRE
FOR RESIDENTS AND RESIDENTIAL PROPERTY OWNERS**

LOCATION:

☐ IRONBOUND BUSINESS IMPROVEMENT DISTRICT (NEWARK)☐ NEWARK DOWNTOWN DISTRICT (NEWARK)☐ CENTRAL CITY IMPROVEMENT DISTRICT (CAPE TOWN)☐ SEA POINT CITY IMPROVEMENT DISTRICT (CAPE TOWN)

1. I have been an Ironbound resident for: _____ (number of years)
2. My current residence is: _____
3. I have lived at this particular residence for: _____ (number of years)
4. I have lived in New Jersey for: _____ (number of years)
5. I have lived in the following states before coming to New Jersey (indicate the number of years for each):

6. My ethnic origin is: This means country of family origin (Check one or two)

<input type="checkbox"/> Portuguese	<input type="checkbox"/> German
<input type="checkbox"/> Brazilian	<input type="checkbox"/> Dutch
<input type="checkbox"/> Hispanic	<input type="checkbox"/> Irish
<input type="checkbox"/> Latin American	<input type="checkbox"/> African (specify country) _____
<input type="checkbox"/> Italian	<input type="checkbox"/> African-American
<input type="checkbox"/> Chinese	<input type="checkbox"/> Japanese
<input type="checkbox"/> Indian	<input type="checkbox"/> Afrikaans
<input type="checkbox"/> Other _____	(Please specify)
7. I personally identify my ethnicity as _____
8. I own my residence in the Ironbound ☐ Yes ☐ No
9. My annual income is \$ _____

10. I own other properties in the Ironbound besides the one in which I live:

_____ Yes

_____ No

11. If you answered “yes” to number 10 above, please respond to the following:

a. I own other residential properties in Newark valued at approximately
\$ _____

b. I own commercial properties in Newark valued at approximately
\$ _____

12. The residential property that I own is located in the Ironbound Business
Improvement District:

_____ Yes

_____ No

_____ Some of it

13. The commercial property that I own is located in the Ironbound Business
Improvement District:

_____ Yes

_____ No

_____ Some of it

14. The main reason that I live in the Ironbound is:

Appendix G. Focus Group Data Collection Instrument

For use by trained student observers

FOCUS GROUP DATA COLLECTION

RESEARCH ASSISTANT: _____

LOCATION:

- ____ IRONBOUND BUSINESS IMPROVEMENT DISTRICT (NEWARK)
 ____ NEWARK DOWNTOWN DISTRICT (NEWARK)
 ____ CENTRAL CITY IMPROVEMENT DISTRICT (CAPE TOWN)
 ____ SEA POINT CITY IMPROVEMENT DISTRICT (CAPE TOWN)

1. How many people are familiar with city improvement districts?

2. Explain your extent of familiarity with the Central City Improvement District or Sea Point City Improvement District.
 Number of people who answered this _____
3. How many people find the CID to be a “stand alone” organization?
 How many don’t know? _____
4. How many people find the CID to work in conjunction with other organizations?
 How many don’t know? _____
5. What are some of the organizations that the CID works with to deliver services?
 How many don’t know? _____
6. How many people identified each supplemental service as one that they provide?
 _____ Capital improvements
 _____ Economic development
 _____ Parking and transportation

_____ Sanitation

_____ Security

_____ Streetscaping

_____ Urban tourism

7. With what organizations does the CID work?

How many don't know? _____

8. a. Name of organization _____

Project worked on _____

Does this involve (number of people that say each):

Cooperation _____ Coordination _____ Collaboration _____

b. Name of organization _____

Project worked on _____

Does this involve (number of people that say each):

Cooperation _____ Coordination _____ Collaboration _____

9. What types of entities should the CID be working with for urban regeneration and the delivery of supplemental public services?

How many people responded? _____

What are some answers given?

10. How many people think that there is a legal foundation for business improvement districts? _____

- a. State statute
- b. City ordinance

How many don't know? _____

11. How many people think the CID is attracting local investment to Cape Town or to Sea Point? _____

12. What type of local investment?

13. How many people think the CID is attracting provincial investment to Cape Town or Sea Point? _____

14. What type of provincial investment?

How many don't know? _____

15. How many people think the CID is attracting national investment to Cape Town or Sea Point? _____

16. What type of national investment?

How many don't know? _____

17. How many people think the CID is attracting foreign investment to Cape Town or Sea Point? _____

18. What type of foreign investment?

How many don't know? _____

19. How many people think that CIDs are becoming a transnational community by sharing ideas and information with other CIDs all over the world?

How many don't know? _____

20. How many people think that, in this age of globalization, cities are communicating and working together from city to city without going through the national government? _____

21. Describe the changes that you have seen in Cape Town or Sea Point over the last 10 years.

Answers given:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Appendix H

Hybrid Governance and Network Management in the Globalizing Metropolis: A Comparative Case Study Examining the Impact of Law on the Business Improvement District Model in Cape Town and Newark

Template for Data Analysis

- I. OECD Entrepreneurial urban governance
 - A. BID activities
 - B. Entrepreneurial municipal government
 - C. Role of municipal government
 - D. Creating and retaining local distinctiveness

- II. Relationship-building
 - A. Cooperation
 - B. Coordination
 - C. Collaboration
 - D. Board member service
 - 1. Board member as property owner
 - 2. Board member background
 - 3. Board member visions
 - E. BID managerial staff
 - 1. Chief operating officers vs. BID managers
 - 2. Passion for work
 - F. BID approach to management
 - 1. Approach to security
 - 2. Approach to cleansing
 - 3. Approach to other service delivery
 - G. Community-building
 - 1. Community action by the BID
 - 2. Community action independent of the BID

- III. Local context impact of shaping the BID
 - A. Determination of BID priorities
 - B. Selection of board members and managerial staff
 - C. Relationship with elected officials
 - D. Relationship with public administrators and managers
 - E. Relationship with citizens in and near the BID

- IV. BID role beyond sub-local service delivery

- V. Diversity in the center city
 - A. Population
 - B. Financial

- C. Built environment
 - D. Socio-political interests
 - E. Values
- VI. Network management
 - A. Network actors
 - B. Network construction
 - C. Networking
 - D. Networks
 - E. Network structures
- VII. Hybrid governance
 - A. Public-private partnership
 - B. Public-public partnership
 - C. Private-private partnership
 - D. BID and businesses
 - E. BID and NGOs
 - F. BID and government
- VIII. Transnational discourse
 - A. Transnational urbanism
 - B. Global policy transfer diffusion
 - C. International best practices
 - D. Policy entrepreneurs
 - E. Meeting local needs
- IX. Supplemental public service delivery
 - A. Sanitation
 - B. Security
 - C. Destination marketing
 - 1. Branding
 - 2. Marketing
 - 3. Attracting consumers to the District
 - 4. Attracting businesses to the District
 - D. Social development
 - E. Performance of service delivery
- X. Urban political economy
 - A. Before the BID
 - B. Struggle organizing the BID
 - C. After the BID
 - D. Reasons for urban decline
 - E. Employment creation
 - F. Homelessness
 - G. Reasons driving BID establishment
- XI. Impact of malls on center city

- E. Pedestrianizing the center city or commercial corridor
 - F. Renewal and extension of BID
 - G. BID boundary problems
 - H. Urban neoliberalism
 - I. Quest for center city residential housing
- XII. Informal traders
- XIII. Property values and global and urban political economy
- XIV. Place-making by the BID
 - A. Establishing sense of place
 - B. Meaning making for specific place-making
 - C. Inclusive
 - D. Exclusive
- XV. Global political economy
 - A. Global neoliberalism
 - B. Global competitiveness
 - C. Reconfiguration of geographical scales
 - D. Global market failures
 - E. Government intervention
- XVI. Regional activities
 - A. Metropolitan contacts of BIDs
 - B. Metropolitan efforts of BIDs
 - C. BID role in expansion of metropolitan regionalism
- XVII. Legislation
 - A. SRA By-law of 2009
 - B. Cape Town repealed CID by-laws
 - C. Child Justice Act, RSA
 - D. SAPS law
 - E. Informal Trading By-law
 - F. NJ SID Statute
 - G. Newark SID By-laws
 - 1. NDD
 - 2. IBID
 - H. Vagrancy laws
 - I. Constitutional underpinnings

Appendix I

CITY OF CAPE TOWN
SPECIAL RATING AREA BY-LAW

APPROVED BY COUNCIL : 27 MAY 2009
C 48/05/09

PROMULGATED 21 AUGUST 2009
PG 6651; LA 18664

CITY OF CAPE TOWN

SPECIAL RATING AREA BY-LAW

APPROVED BY COUNCIL ON 27 MAY 2009

VIDE ITEM C 48/05/09

CITY OF CAPE TOWN

1634

Provincie Wes-Kaap: Provinsiale Koerant 6651

21 Augustus 2009

:S;

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"majority" means the majority of property owners as contemplated in section 22 of the Property Rates Act;

"management body" means the management body of a special rating area to be established in accordance with the provisions of section 10;

"motivation report" means a motivation report as contemplated in section 6;

"**owner**" has the meaning assigned to it in section 1 of the Property Rates Act;

"**Policy**" means the Policy for the determination of special rating areas, or any other policy adopted by the Council in relation to special rating areas, as in force from time to time;

"**Property Rates Act**" means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

"**rateable property**" has the meaning assigned to it in section 1 of the Property Rates Act;

"**special rating area**" means a special rating area approved by the Council in accordance with the provisions of section 22 of the Property Rates Act and section 8 of this By-Law.

2. INTERPRETATION

In the event of any conflict with the Afrikaans or isiXhosa texts the English text prevails.

3. DETERMINATION OF SPECIAL RATING AREAS

The City may by **resolution of the Council determine** special rating areas.

4. APPLICATION

- (1) Any owner located within the area of jurisdiction of the City and who owns property within the proposed special rating area, may lodge an application to the Council for the determination of a special rating area.
- (2) All costs incurred by the applicant in respect of the establishment of a special rating area shall be for his or her own account, provided that after implementation of the implementation plan the management body may reimburse the applicant for some or all of those costs.
- (3) Any application contemplated in subsection (1) must –
 - (a) be in writing and be in the form as the CFO may determine;
 - (b) be submitted not more than **nine months** after the date on which the **public meeting referred to in section 5** is held, or if a second public meeting is held as provided for in section 6(2), nine months after the date of the second public meeting;
 - (c) be accompanied by –

- (i) a motivation report and an implementation plan;
- (ii) the written consent of the majority of the members of the local community in the proposed special rating area who will be liable for paying the additional rate, in a form determined by the CFO;
- (iii) payment of such fee as the Council may determine.

5. PUBLIC MEETINGS

- (1) An application for the determination of a special rating area must be preceded by the holding of a public meeting.
- (2) The purpose of the public meeting is to enable the applicant to consult with those owners within the proposed special rating area with regard to the proposed boundaries of the area and the proposed improvement or upgrading of the area.
- (3) Prior to the holding of the public meeting, the applicant must –
 - (a) give notice in a manner approved by the CFO in terms of this By-law to all owners of rateable property, who will be liable for payment of the additional rate, of the applicant's intention to apply for the determination of a special rating area;
 - (b) in the notice referred to in subsection (3)(a), give notice of a public meeting, which notice must –
 - (i) state the purpose of such meeting; and
 - (ii) contain details of the place, date and time when such meeting is to be held.
- (4) The public meeting must be held not less than seven days and not more than 30 days after the date of the notice.
- (5) The public meeting must be held at such place, date and time as stated in the notice, provided that it must be held at a place which is within the boundaries of the proposed special rating area unless the CFO approves another venue in writing before the public meeting is held.
- (6) The public meeting must be chaired by a suitably qualified and experienced person appointed by the CFO.
- (7) Interested persons must, at the public meeting, be –

- (a) furnished with all relevant information relating to the proposed special rating area, including the information to be set out in the motivation report and implementation plan; and
- (b) given an opportunity to ask questions, express their views and make representations.

6. MOTIVATION REPORT AND IMPLEMENTATION PLAN

- (1) Any application for the establishment of a special rating area must include a motivation report and an implementation plan covering a period commencing on 1 July of a year and ending on 30 June of the fifth year, or covering such lesser period as may be determined by the CFO.
- (2) If the motivation report or the implementation plan are materially amended, as determined by the CFO, after the public meeting referred to in section 5, the applicant must call a second public meeting for approval of the special rating area as amended.
- (3) The provisions of section 5 apply with the necessary changes to the second public meeting.

7. ADVERTISING OF APPLICATION AND OBJECTIONS

- (1) The applicant must within 14 days after the application is lodged in accordance with section 4, or within such further period which the CFO may approve –
 - (a) cause a notice of the application to be published in a manner approved by the CFO, and
 - (b) either before or up to seven days after the date of publication of the notice, give written notice of the application to all owners within the proposed special rating area, who will be liable for payment of the additional rate, such notice to be given by pre-paid registered post, hand delivery or in any other manner approved of in writing by the CFO.
- (2) Every notice contemplated in terms of subsection (1) must state that written objections to the determination of a special rating area or the provisions of the motivation report and implementation plan may be lodged with the Council by a date specified in the notice, which shall not be less than 30 days after the date of publication in terms of subsection (1)(a), and must state where the documentation specified in subsection (5) will be available for inspection.

- (3) Any owner of rateable property who will be liable for paying the additional rate may submit written objections to the determination of the special rating area, which objections must be received by the Council not later than the date stipulated in the notice referred to in subsection (1).
- (4) An applicant and any objector to the application who owns property within the proposed special rating area may make oral representations to Council.
- (5) The application, including the motivation report and the implementation plan, and all objections must be available for inspection at the offices of the City and at a venue determined by the CFO within the proposed special rating area, for the period referred to in subsection (2).

8. DECISION

- (1) After the provisions of sections 4 to 7 have been complied with, the Council must, at a meeting of the Council held 90 days after the last date for the submission of objections in accordance with section 7(2), consider the application and –
 - (a) determine a special rating area which must be implemented in accordance with the motivation report and implementation plan;
 - (b) determine a special rating area with such amendments or conditions as the Council considers to be in the public interest;
 - (c) determine a special rating area in respect of a limited area in terms of section 9;
 - (d) refuse the application, in which event the Council must, within 30 days, furnish the applicant with written reasons for not approving the determination of a special rating area; or
 - (e) refer the application back to the applicant for amendment in such manner as the Council may direct.
- (2) If an application is refused by the Council in accordance with the provisions of subsection (1)(d) or referred back to the applicant in accordance with the provisions of subsection (1)(e), the applicant may, within six months of the Council's decision, re-apply to the Council for the determination of the special rating area, provided that such re-application has been appropriately amended in the light of the reasons for refusal or referral, as the case may be.

- (3) If the motivation report or implementation plan is amended in any material respect at any time before the determination, the Council may require that the application be re-advertised in accordance with the provisions of section 7, with the necessary changes

9. DETERMINATION OF A LIMITED SPECIAL RATING AREA

If an application in terms of section 4 is not accompanied by the majority of the members of the local community in the proposed special rating area required by section 4(3)(c), but the applicant can demonstrate to the satisfaction of the Council, that –

- (a) there are such confirmations from owners of rateable properties in a limited geographical area within the proposed special rating area that would meet the requirements of section 4(3)(c) if they were to be applied to that area; and
- (b) the level of services to be provided will not be reduced and the budget will be reduced accordingly as a result of the provision of those services in the limited area alone, as compared to the provision of those services in the whole of the proposed special rating area.

then the Council may, subject to the other requirements of this By-Law, determine a limited special rating area.

CHAPTER 2

SPECIAL RATING AREAS – STRUCTURES AND FINANCES

10. COMMENCEMENT OF THE IMPLEMENTATION PLAN

Once the Council has approved the establishment of the special rating area, the implementation plan may only be implemented after the management body has been established in accordance with section 11.

11. ESTABLISHMENT, COMPOSITION, POWERS AND DUTIES OF MANAGEMENT BODY

- (1) The applicant must cause to be established a management body for the purposes of implementing the provisions of the implementation plan.
- (2) The management body must be a company incorporated in accordance with the provisions of section 21 of the Companies Act, 1973 (Act No. 61 of 1973).

- (3) The City shall monitor compliance by the management body with the applicable provisions of this By-Law, any guidelines or policies adopted by the City and any agreements entered into with the management body and the City.
- (4) A Sub-Council must nominate the relevant ward councillor and one other person, as representatives to attend and participate, but not vote, at the meetings of the management body.
- (5) Within two months after receipt of the first payment of the additional rate, the management body must begin carrying out the provisions of the implementation plan.
- (6) Within two months of the end of each financial year, the management body must provide the CFO with –
 - (a) its audited financial statements for the immediately preceding year; and
 - (b) an annual report on its progress in carrying out the provisions of the implementation plan in the preceding year to improve and upgrade the special rating area.
- (7) Within two months after the Annual General Meeting, the management body must provide the relevant Sub-Council with –
 - (c) its audited financial statements for the immediately preceding year; and
 - (d) an annual report on its progress in carrying out the provisions of the implementation plan in the preceding year to improve and upgrade the special rating area.

12. FINANCES

- (1) The financial year of the management body must coincide with the financial year of the Council.
- (2) Where a special rating area has been determined, the Council must levy in accordance with the provisions of the Property Rates Act, a property rate in addition to the rates that it already charges on the owners of rateable property in the special rating area for the purposes of realising the implementation plan, provided that the Council may in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), Rates Policy, Credit Control and Debt Collection By-law and the Credit Control and Debt Collection Policy, exempt the indigent, senior citizens, disabled persons or any other category of residents.

- (3) When determining the additional rate referred to in subsection (2), the Council may give consideration to imposing differential additional rates on one or more of the categories set out in section 8 of the Property Rates Act.
- (4) The additional rate due in terms of this By-law is a debt due to the Council and is payable and must be collected in the same manner as other property rates imposed by the Council.
- (5) The Council may, for the purpose of carrying out the provisions of the implementation plan of special rating area and subject to section 67 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), make payment to the management body of a special rating area.
- (6) The payment contemplated in subsection (5) is conditional upon the conclusion of a finance agreement to be entered into between the Council and the relevant management body, and such agreement must regulate, among other things –
 - (a) the mechanisms and manner of payment; and
 - (b) terms on which payment to the relevant management body is to be made.
- (7) Subject to the provisions of its memorandum and articles of association, the management body is entitled to raise its own funds through commercial activities, donations or any other lawful means.
- (8) The Council may, for the purposes of this By-law, determine and impose on the management body an administrative charge.

13. THE ROLE OF THE CFO

In addition to the other responsibilities and obligations of the CFO as set out elsewhere in this By-Law, the CFO must -

- (a) establish separate accounting and other record-keeping systems regarding the revenue generated by the additional rate and the improvement and upgrading of the special rating area;
- (b) monitor compliance with the applicable legislation, including this By-Law and the Policy, by –
 - (i) receiving and considering the audited financial statements and reports regarding the carrying out of duties laid out in the implementation plan;

- (ii) if he or she elects to do so, nominating representatives to attend and participate but not vote at meetings of the management body.

CHAPTER 3

AMENDMENT AND EXTENSION OF IMPLEMENTATION PLANS

14. AMENDMENT TO IMPLEMENTATION PLANS

- (1) An implementation plan, including the geographical boundaries of the special rating area, may be amended by the Council on written application by the management body at any time after the formation of the special rating area.
- (2) The Council may approve an application for an amendment referred to in subsection (1) where the Council considers it not likely to materially affect the rights or interests of any owner, provided that the Council may require the management body to cause a notice of the application for such amendment to be published as approved by the CFO.
- (3) The Council may only approve an amendment in terms of subsection (1), with the changes required by the context, in accordance with the provisions of Chapter 1, which the Council considers is likely to –
 - (a) materially affect the rights or interests of any person;
 - (b) affect the approved budget for the special rating area; or
 - (c) change the boundaries of the special rating area.
- (4) The Council may, for good reason, on written application by the management body, exempt the management body from complying with the provisions, or condone any non-compliance with any provisions, of Chapter 1.

15. EXTENSION OF IMPLEMENTATION PLANS

A management body must, if it elects to extend the term of the implementation plan for a further period, on or before 1 January in the year in which the implementation plan is due to terminate, submit an application to the City for approval of extension of the term of the implementation plan, provided that –

- (a) the extension of the implementation plan may only be approved by the Council in accordance with the provisions of Chapter 1, with the changes required by the context, and the Council may, for good reason, on written application by the

management body, exempt the management body from complying, or condone any non-compliance, with any such provisions;

- (b) the provisions of section 14 shall apply to any amendment of an implementation plan which has been extended in terms of this section.

CHAPTER 4**DISSOLUTION OF A SPECIAL RATING AREA****16. DISSOLUTION**

- (1) The Council may dissolve a special rating area –
- (a) upon written application signed by the majority of owners within the boundaries of the special rating area who are liable for paying the additional rate; or
 - (b) after prior consultation by the CFO with the management body or the community, for any good cause, whereupon he or she may cause the management body to be wound up.
- (2) Upon the winding up of a management body, the assets remaining after the satisfaction of all its liabilities shall be utilised by the Council to provide additional municipal services in accordance with the provisions of the implementation plan for such area.

CHAPTER 5**MISCELLANEOUS PROVISIONS****17. TRANSITIONAL PROVISIONS**

- (1) Any special rating area or City Improvement District determined or established, or deemed to have been determined or established in terms of the By-Law referred to in section 18 shall be deemed to have been determined or established in terms of this By-Law.
- (2) Any –
- (a) application initiated by an applicant, including a motivation report and implementation plan prepared for such an application;
 - (b) advertisement or public meeting in respect of such application;
 - (c) application submitted to Council;
 - (d) approval by the Council of any application.

made, done or given prior to the date of this By-Law, shall be governed by this By-Law, provided that any implementation plan in force on the commencement date of this By-Law

shall, notwithstanding the provisions of section 6, terminate on the termination date of the relevant implementation plan or 30 June 2011, whichever is the earlier.

18. REPEAL OF BY-LAWS

The City of Cape Town City Improvement District By-Law, published in Provincial Gazette No. 6118 of 26 March 2004, is hereby repealed.

19. SHORT TITLE AND COMMENCEMENT

- (1) This By-Law is called the City of Cape Town: Special Rating Areas By-law, 2009.
- (2) No new special rating area determined in terms of this By-Law may implement its implementation plan prior to 1 July 2009.

SPECIAL IMPROVEMENT DISTRICT LEGISLATION

SID No. 1: Enabling Legislation

40:56-65. Legislative findings; public policy

a. The Legislature finds: (1) increases in population and automobile usage have created conditions of traffic congestion in business districts of New Jersey municipalities; (2) such conditions constitute a hazard to the safety of pedestrians and impede the movement of police and fire equipment, ambulances and like emergency vehicles; (3) streets in such districts that now accommodate both sidewalks and vehicular rights-of-way cannot be further widened without taking valuable buildings and improvements, thereby substantially impairing the primary function of such streets, that of being primarily pedestrian facilities, and impairing municipal ratables, the primary source of tax revenue; and (4) limitation on the use of such streets by private vehicles may be found by the governing body of any such municipality to be in the public interest of the municipality and State, to be of benefit to adjoining properties and to be essential to the effective use of such streets for street purposes.

b. The Legislature further finds: (1) that district management corporations may assist municipalities in promoting economic growth and employment within business districts; (2) that municipalities should be encouraged to create self-financing special improvement districts and designated district management corporations to execute self-help programs to enhance their local business climates; and (3) that municipalities should be given the broadest possible discretion in establishing by local ordinance the self-help programs most consistent with their local needs, goals and objectives.

c. It is the public policy of the State of New Jersey to permit the governing body of any municipality to protect the public welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the business districts of such municipalities by the adoption of ordinances as in this act authorized.

L.1972, c. 134, s. 1, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 2, eff. Sept. 10, 1984.

40:56-66. Definitions

2. As used in this act:

a. "Pedestrian mall" or "pedestrian mall improvement" means any local improvement designed to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, whether or not a part of a street is

set apart for roadway for emergency vehicles, transit vehicles and private vehicles or any of them, and a pedestrian mall improvement shall include but not be limited to pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafes, shelters, trees, flower plantings, sculpture, newsstands, telephone booths, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the governing body of a municipality will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the municipality and adjoining properties.

b. "Special improvement district" means an area within a municipality designated by municipal ordinance as an area in which a special assessment on property within the district shall be imposed for the purposes of promoting the economic and general welfare of the district and the municipality. The municipal ordinance may exempt residential properties, residential portions of mixed-use properties, and parcels with any number of residential units, or vacant properties located within the district from special assessment.

c. "District management corporation" means an entity created by municipal ordinance or incorporated pursuant to Title 15A of the New Jersey Statutes and designated by municipal ordinance to receive funds collected by a special assessment within a special improvement district, as authorized by this amendatory and supplementary act.

L.1972,c.134,s.2; amended 1984,c.151,s.3; 1995,c.170,s.1.

40:56-67. Pedestrian mall or special improvement district as local improvement

In addition to the works enumerated in R.S. 40:56-1, any municipality may undertake development and maintenance of a pedestrian mall, or provide for the creation and management of a special improvement district, as a local improvement in accordance with this act and the provisions of chapter 56 of Title 40 of the Revised Statutes (R.S. 40:56-1 et seq.).

L.1972, c. 134, s. 3, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 4, eff. Sept. 10, 1984.

40:56-68. Findings necessary for adoption of ordinance

a. A pedestrian mall ordinance may be adopted if the governing body of any municipality finds: (1) a street or part thereof is not a part of any State highway, is located primarily in a business district, is improved to its maximum feasible width with regard to adjoining buildings and improvements, (2) reasonably convenient alternate routes to other parts of the municipality and State exist for private vehicles, (3) continued unlimited use of the street or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians, (4)

abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials, and (5) it is in the best interests of the municipality and the public and of benefit to adjacent properties to use such street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof.

b. A special improvement district ordinance may be adopted if the governing body of a municipality finds: (1) that an area within the municipality, as described by lot and block numbers and by street addresses in the enabling ordinance, would benefit from being designated as a special improvement district; (2) that a district management corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the special improvement district; (3) that a special assessment shall be imposed and collected by the municipality with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of these payments shall be transferred to the district management corporation to effectuate the purposes of this amendatory and supplementary act and to exercise the powers given to it by municipal ordinance; and (4) that it is in the best interests of the municipality and the public to create a special improvement district and to designate a district management corporation; except that no district management corporation shall be designated to receive any funds or to exercise any powers pursuant to the provisions of this amendatory and supplementary act, unless the board of directors of that corporation shall include at least one member of the governing body of the municipality.

L.1972, c. 134, s. 4, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 5, eff. Sept. 10, 1984.

40:56-69. Ordinance; provisions; limitations

a. A pedestrian mall ordinance shall set forth the findings required by section 4, designate the streets or parts thereof to constitute a pedestrian mall, limit the use of the surface of such streets or parts thereof at all times or during such hours or days as the governing body shall determine to pedestrians and to such classes of emergency, public works, maintenance, service and utility transportation vehicles as are defined in the ordinance and prohibit the use of such streets or parts thereof by other vehicles, and such further provisions as in this act required.

b. The ordinance shall not limit vehicular use of an intersecting street crossing a pedestrian mall street or part thereof, and the ordinance shall so provide.

c. If the governing body shall further find that a pedestrian mall street or part thereof is served by a transit utility engaged in mass transportation of persons within the municipality by bus or street railway, and that continued use of such

street or part thereof by such transit utility will be of benefit to the municipality and the public and to adjacent property, it shall permit such transit utility to use such street or part thereof for such purposes to the same extent and subject to the same obligations and restrictions as are applicable to such transit utility in the use of other streets of the municipality.

d. If any property abutting upon such street or part thereof does not, at the time such ordinance is adopted, have access to some other street or alley for delivery of or receiving merchandise and materials, the governing body shall provide in the ordinance for the issuance of a permit or permits to the owners or occupants of such property for the use of such street or part thereof for deliveries, or otherwise in the ordinance provide for deliveries, during such hours and days, which need not be ordinary business hours or days, as the governing body shall find to be reasonably adequate for such purpose and which will not interfere with the use of the street or part thereof by pedestrians and other authorized vehicles.

L.1972, c. 134, s. 5, eff. Aug. 17, 1972.

40:56-70. Resolution of governing body of municipality; feasibility study

The governing body of any municipality may by resolution authorize the commencement of studies and the development of preliminary plans and specifications relating to the creation and maintenance of a pedestrian mall facility or special improvement district, including, whenever possible, estimates of construction and maintenance, and costs and estimates of potential gross benefit assessment.

In the case of a special improvement district, these studies and plans may include criteria to regulate the construction and alteration of facades of buildings and structures in a manner that promotes unified or compatible design.

L.1972, c. 134, s. 6, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 6, eff. Sept. 10, 1984.

40:56-71. Adoption of ordinances

Upon review of the reports and recommendations submitted, an ordinance may be adopted authorizing and directing the establishment and maintenance of a pedestrian mall facility or special improvement district. In addition to other requirements for the consideration and adoption of ordinances, at least 10 days prior to the date fixed for a public hearing thereon, a copy of the proposed ordinance and notice of the date, time and place of the hearing shall be mailed to the owners of the lots or parcels of land abutting or directly affected by any proposed pedestrian mall or included in the special improvement district proposed by the ordinance, as the case may be.

In the case of a special improvement district, the ordinance may include the requirement that construction or alteration of building and structure facades be subject to prior review and approval to assure compliance with design criteria

included in the ordinance. The design criteria shall be approved by the municipal planning board prior to inclusion in the ordinance. A municipal officer or agency shall be designated by ordinance to conduct the review and grant or deny approvals of proposed construction or alteration of facades. In lieu of that designation, the governing body may designate the district management corporation to conduct these reviews and grant or deny these approvals, but only if the governing body finds in the ordinance that the corporation is so constituted and organized as to be reasonably appropriate and qualified for this role. If the district management corporation is so designated, the ordinance may provide for the appeal of individual determinations of the corporation to the municipal planning board.

L. 1972, c. 134; amended by L. 1984, c. 151, s. 7; 1987, c. 248, s. 1.

40:56-71.1 Definitions relative to downtown business improvement zones.

As used in this act:

"Downtown business improvement zone" or "zone" means a zone designated by a municipality, by ordinance, pursuant to section 2 of P.L.1998, c.115 (C.40:56-71.2) in order to promote the economic revitalization of the municipality through the encouragement of business improvements within the downtown area.

"Downtown business improvement loan fund" or "fund" means that fund established pursuant to section 3 of P.L.1998, c.115 (C.40:56-71.3).

"Improvement" means the purchasing, leasing, condemning, or otherwise acquiring of land or other property, or an interest therein, in the downtown business improvement zone or as necessary for a right-of-way or other easement to or from the zone; the relocating and moving of persons displaced by the acquisition of land or property; the rehabilitation and redevelopment of land or property, including demolition, clearance, removal, relocation, renovation, alteration, construction, reconstruction, installation or repair of a building, street, highway, alley, service or other structure or improvement; the acquisition, construction, reconstruction, rehabilitation, or installation of parking and other public facilities and improvements, except buildings and facilities for the general conduct of government and schools; and the costs associated therewith including the costs of an appraisal, economic and environmental analyses or engineering, planning, design, architectural, surveying or other professional services necessary to effectuate the improvement.

40:56-71.2 "Downtown business improvement zone" designation.

2. With the exception of a municipality in which an urban enterprise zone has been designated, any municipality which has adopted or adopts an ordinance authorizing the establishment of a special improvement district pursuant to section 7 of P.L.1972, c.134 (C.40:56-71) may, by ordinance, designate all or any

portion of that district which contains primarily businesses providing retail goods and services as a "downtown business improvement zone."

Within 10 business days of the adoption of an ordinance pursuant to this section, the municipal clerk shall forward a copy of the ordinance to the Director of the Division of Local Government Services in the Department of Community Affairs.

L.1998,c.115,s.2.

40:56-71.3 Loan fund created.

3. There is created a non-lapsing downtown business improvement loan fund in the Department of Community Affairs, which shall be the repository for all moneys appropriated or otherwise made available to the fund. All moneys deposited in the fund shall be held in the fund and disbursed in the amounts necessary to fulfill the purposes of this act and subject to the requirements prescribed in this act. All moneys in the fund, or any portion thereof, may be invested and reinvested in legal obligations of the United States or of the State or of any political subdivision thereof. Any income from, interest on, or increment to moneys so invested or reinvested shall be included in the fund.

L.1998,c.115,s.3.

40:56-71.4 Loan purposes, application, requirements, review.

4. a. The downtown business improvement loan fund shall be used for the purpose of assisting municipalities that establish downtown business improvement zones in undertaking public improvements to the zones.

b. The municipality or district Management Corporation may submit a loan application to the Department of Community Affairs to borrow moneys from the fund to undertake a public improvement of the zone.

c. The loan application shall meet all of the requirements set forth in rules and regulations promulgated by the Commissioner of Community Affairs and shall include the following information:

- (1) A description of the proposed improvement and how it relates to the special improvement district plan;
- (2) An estimate of the total improvement costs;
- (3) A statement of any other revenue sources to be used to finance the improvement;
- (4) A statement of the time necessary to complete the improvement;

(5) A statement of the manner in which the proposed improvement furthers the purposes of the downtown business improvement zone ; and

(6) An analysis of the costs to be incurred and the benefits anticipated to be derived from the proposed public improvement.

d. In reviewing and approving applications for loans from the downtown business improvement loan fund, the Department of Community Affairs may require that the municipality or the district management corporation receiving the loan provide matching funds, in any percentage that may be deemed appropriate by the department, as a condition for the receipt of the loan.

40:56-71.5 Assessments to repay loan.

5. a. In any instance in which a municipality or a district management corporation receives a loan from the downtown business improvement loan fund, the governing body of the municipality shall establish assessments in the manner in which costs may be assessed pursuant to section 8 of P.L.1972, c.134 (C.40:56-72) within the special improvement district in which the downtown business improvement zone is located in an amount sufficient to produce revenues on an annual basis to repay the loan in accordance with the repayment schedule for the loan established by the Department of Community Affairs.

b. The Department of Community Affairs may, at any time, revoke the approval of an improvement or funding for an improvement if it finds that the payments made from the fund are not being used as required by P.L.1998, c.115 (C.40:56-71.1 et seq.).

L.1998,c.115,s.5.

40:56-71.6 Rules, regulations.

6. The Commissioner of Community Affairs shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations as are necessary to implement the provisions of P.L.1998, c.115 (C.40:56-71.1 et seq.).

L.1998,c.115,s.6.

40:56-71.7 Study of effects.

7. The Department of Community Affairs shall conduct a study of the effects of P.L.1998, c.115 (C.40:56-71.1 et seq.), make a report of the study's findings and recommendations and submit the report to the Governor, President of the Senate and Speaker of the General Assembly no later than three years following the effective date of P.L.1998, c.115 (C.40:56-71.1 et seq.). In conducting the study

the Commissioner of Community Affairs shall seek input from the State Treasurer as well as from a member of the Senate and the General Assembly and a representative of Downtown New Jersey, all to be selected by the Commissioner.

40:56-72. Financing and assessment to properties especially benefited; list

A pedestrian mall or special improvement district ordinance may provide that all costs of development, construction and acquisition relating to the creation of a pedestrian mall or provision of improvements for a special improvement district, as the case may be, shall be financed and assessed to properties especially benefited thereby as provided generally by R.S. 40:56-1 et seq., and the ordinance shall list and describe, by lot and block numbers and by street addresses, all properties to be assessed for the pedestrian mall or special district improvements, as the case may be.

L.1972, c. 134, s. 8, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 8, eff. Sept. 10, 1984.

40:56-73. Operation and maintenance; assessment or taxation of costs to benefited properties; name as improvement district

If the governing body determines that the improvements will involve annual costs in addition to the initial cost of constructing and making the improvements, and that such annual costs relate to maintenance services peculiar to the mall facility or special improvement district, as the case may be, and distinguished from maintenance services normally provided by the municipality outside of the mall facility or special improvement district, as the case may be, and will provide benefits primarily, in the case of a pedestrian mall, to adjacent, surrounding or neighboring property, or in the case of a special improvement district, to property included in the district, rather than to the municipality as a whole, the ordinance may provide that the improvements and facilities thereof shall be operated and maintained pursuant to the provisions of this act and the costs thereof assessed or taxed to benefited properties or businesses pursuant to the provisions of section 16 of P.L.1972, c. 134 (C. 40:56-80) or section 19 of this amendatory and supplementary act. At any time after a pedestrian mall or special improvement district ordinance has been adopted or lands have been acquired or improved for a pedestrian mall or special improvement district, as the case may be, the governing body may upon such determination provide, by separate ordinance or by amendment to the ordinance, that the improvements and facilities thereof shall be so operated and maintained and the costs so taxed and assessed to benefited properties or businesses. In any such case, such ordinance shall describe the properties to be assessed or taxed, or in which any businesses may be contained which may be assessed or taxed, for such annual costs, which area may be given the name "(name of Pedestrian Mall) Improvement District" or "(name of Special Improvement District) Improvement District" .

L.1972, c. 134, s. 9, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 9, eff. Sept. 10, 1984.

40:56-74. Specifications for construction

Notwithstanding any contrary provision of law, ordinance, code or regulation governing standards and specifications for street and sidewalk construction, a pedestrian mall or any street or sidewalk included in a special improvement district may be constructed of concrete, bricks, asphalt tiles, blocks, granite or such other materials and such combinations of materials as the governing body of a municipality shall approve, and the governing body of a municipality may in its discretion narrow any roadway to be kept and maintained in connection with any pedestrian mall or special improvement district, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within a block as well as at the ends of blocks, and may cause the roadway to curve and meander within the limits of the street, regardless of the uniformity of width of the street or curve or absence of curve in the center line of such street, to enhance the usefulness and appearance of a pedestrian mall or special improvement district.

L.1972, c. 134, s. 10, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 10, eff. Sept. 10, 1984.

40:56-75. Police powers and other rights and powers of municipality over pedestrian mall or special improvement district

Notwithstanding the improvement of any street as a pedestrian mall or incident to a special improvement district, the municipality and its governing body shall retain its police powers and other rights and powers relating to the street or part thereof constituting the pedestrian mall or included in a special improvement district, and no such action shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof, it being intended that the establishment of a pedestrian mall or special improvement district pursuant to this act, as the case may be, is a matter of a regulation only. This act shall not prevent the governing body of any municipality, at any time subsequent to the adoption of a pedestrian mall or special improvement district ordinance, by ordinance, from abandoning the operation of the pedestrian mall or special improvement district, changing the extent of the pedestrian mall or special improvement district, supplementing or amending the description of the district to be specially assessed or taxed for annual costs of the pedestrian mall or special improvement district, or changing or repealing any limitations on the use of the pedestrian mall or special improvement district streets by private vehicles or any plan, rules or regulations adopted for the operation of a pedestrian mall or special improvement district.

L.1972, c. 134, s. 11, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 11, eff. Sept. 10, 1984.

40:56-76. Condemnation; procedures incident to development and maintenance

Condemnation proceedings incidental to the development or maintenance of a pedestrian mall or special improvement district, as the case may be, are

authorized and shall be taken in accordance with the provisions of chapter 56 of Title 40 of the Revised Statutes. All procedures incidental to the development and maintenance of a pedestrian mall or special improvement district pursuant to this act, including financing land acquisition and legal challenges and appeals not specifically prescribed hereunder, shall be taken in accordance with other applicable provisions of said chapter 56 of Title 40.

L.1972, c. 134, s. 12, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 12, eff. Sept. 10, 1984.

40:56-77. Uses of mall or special improvement district; control and regulation

a. Any pedestrian mall created pursuant to this act above, or any property of a special improvement district may be used, under the direction of the governing body, for any purpose or activity which will enhance the movement, safety, convenience or enjoyment of pedestrians, including seating, display and sale of merchandise, exhibiting, advertising, public events, and any other use or activity which in the judgment of the governing body will enhance the movement, safety, convenience or enjoyment of pedestrians and any other use or activity permitted by any applicable pedestrian mall ordinance, a special improvement district or other applicable law, ordinance or power.

b. Upon adoption of a pedestrian mall or special improvement district ordinance, the governing body may, from time to time, provide for the control and regulation of:

- (1) The distribution and location of movable furniture, sculpture or pedestrian traffic control devices, landscaping and other facilities belonging to the pedestrian mall or special improvement district, as the case may be, and not otherwise located or fixed by the plans and specifications;
- (2) The uses to be permitted on the mall or special improvement district property by occupants of abutting property, any transit or telephone utility, concessionaires, vendors and others to serve the convenience and enjoyment of pedestrians and the location of such uses;
- (3) The issuance of permits to conduct any special activity consistent with the broad purposes of the pedestrian mall or special improvement district;
- (4) The operation of any lighting, heating or other facilities in the mall or on special improvement district property, replacing landscaping and maintaining the furniture and facilities in the mall or on special improvement district property.

L.1972, c. 134, s. 13, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 13, eff. Sept. 10, 1984.

40:56-78. Limitation on liability for injury to person or property due to movable structures, appurtenances, etc.

Any movable furniture, structure, facility or appurtenance or activity located or permitted in connection with a pedestrian mall improvement or special improvement district shall not, by reason of such location or use, be deemed a nuisance or unlawful obstruction or condition, notwithstanding any rule or regulation or principle of negligence law pertaining to the use of public streets and highways, and neither the municipality nor any user acting under permit shall be liable for any injury to person or property, unless such furniture, structure, facility or use shall be negligently constructed, maintained or operated.

L.1972, c. 134, s. 14, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 14, eff. Sept. 10, 1984.

40:56-79. Advisory board; members; duties; district management corporation

The mayor or other chief executive officer of the municipality may create and appoint an advisory board, consisting of seven or more persons, at least a majority of whom shall be owners or occupants of properties adjoining a pedestrian mall or included in a special improvement district, as the case may be, or representatives of these owners or occupants, to advise the governing body in connection with the acquisition, construction and improvement of a pedestrian mall, or the acquisition and construction of improvements for a special improvement district, as the case may be, the making of a plan therefore and the operation and maintenance thereof and to meet and furnish recommendations or comments and requests of members of the public and of owners and occupants of property adjoining the pedestrian mall or included in the district, as the case may be. Upon designation of a district management corporation, in the case of a special improvement district, the corporation shall exercise the functions of an advisory board, and any other advisory board shall cease to function.

L.1972, c. 134, s. 15, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 15, eff. Sept. 10, 1984.

40:56-80. Annual report; costs of operation and maintenance and annual improvements; hearing on and approval of estimates; assessments; disposition of funds

a. Concurrently with the submission of a plan for a pedestrian mall improvement or special improvement district, and annually thereafter, the mayor or other chief executive officer of the municipality shall, with the assistance of the advisory board, if any, or district management corporation, if appropriate, report to the governing body an estimate of the cost of operating and maintaining and annually improving the pedestrian mall or special improvement district, as the case may be, for the next fiscal year, to be incurred under the plan, and an estimate of changes in the amounts of such costs which would follow upon the adoption of any addition or amendment to the plan recommended to or under

pedestrian malls or special improvement districts, mean and include any reconstruction, replacement or repair of trees and plantings, furniture, shelters and other facilities of a pedestrian mall or special improvement district, furnishing overhead or underground heating for snow removal or for enjoyment of pedestrians, and any other local improvement which benefits properties within the district. For the purpose of this act, "costs" shall, with respect to annual improvements to and operation and maintenance of pedestrian malls or special improvement districts, mean costs of annual improvements; fees of consultants employed by the governing body to assist in the planning of annual improvements; and all other costs incurred or to be incurred in connection with annual improvements to and operation and maintenance of pedestrian malls or special improvement districts, as the case may be.

e. Moneys appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a pedestrian mall or special improvement district shall be credited to a special account. The governing body is authorized to incur the annual costs of improving, operating and maintaining a pedestrian mall or special improvement district, as the case may be, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.

L.1972, c. 134, s. 16, eff. Aug. 17, 1972. Amended by L.1984, c. 151, s. 16, eff. Sept. 10, 1984.

40:56-81. Additional powers

The powers herewith granted are in addition to all powers under existing laws and municipality charters.

L.1972, c. 134, s. 17, eff. Aug. 17, 1972.

40:56-82. Severability

If any provision of this act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of the act and to this end the provisions of this act are severable.

L.1972, c. 134, s. 18, eff. Aug. 17, 1972.

40:56-83. District management corporation; powers

a. In addition to the powers otherwise conferred pursuant to this amendatory and supplementary act, a district management corporation may exercise those of the powers listed herein as may be conferred upon it by ordinance. A district

management corporation incorporated pursuant to Title 15A of the New Jersey Statutes shall exercise its powers in a manner consistent with that title.

b. The district management corporation shall have all powers necessary and requisite to effectuate its purposes, including, but not limited to, the power to:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations, and policies in connection with the performance of its functions and duties;
- (2) Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation;
- (3) Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
- (4) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
- (5) Administer and manage its own funds and accounts and pay its own obligations;
- (6) Borrow money from private lenders for periods not to exceed 180 days and from governmental entities for that or longer periods;
- (7) Fund the improvement of the exterior appearance of properties in the district through grants or loans;
- (8) Fund the rehabilitation of properties in the district;
- (9) Accept, purchase, rehabilitate, sell, lease or manage property in the district;
- (10) Enforce the conditions of any loan, grant, sale or lease made by the corporation;
- (11) Provide security, sanitation and other services to the district, supplemental to those provided normally by the municipality;
- (12) Undertake improvements designed to increase the safety or attractiveness of the district to businesses which may wish to locate there or to visitors to the district, including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, and those improvements generally permitted for pedestrian malls under section 2 of P.L. 1972, c. 134 (C. 40:56-66), pursuant to pertinent regulations of the governing body;

(13) Publicize the district and the businesses included within the district boundaries;

(14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the district;

(15) Organize special events in the district;

(16) Provide special parking arrangements for the district;

(17) Provide temporary decorative lighting in the district.

L.1984, c. 151, s. 17, eff. Sept. 10, 1984.

40:56-84. Annual budget; public hearing; amendment; adoption by municipal governing body

a. The district management corporation shall submit a detailed annual budget for approval by resolution of the municipal governing body. The budget shall be submitted with a report which explains how the budget contributes to goals and objectives for the special improvement district.

b. The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the governing body.

The procedure shall be as follows:

(1) Introduction and approval;

(2) Public advertising;

(3) Public hearing;

(4) Amendments and public hearings, if required;

(5) Adoption.

c. The budget shall be introduced in writing at a meeting of the governing body. Approval thereof shall constitute a first reading, which may be by title.

Upon the approval of the budget by the governing body, it shall fix the time and place for the holding of a public hearing upon the budget.

d. The budget shall be advertised after approval. The advertisement shall contain a copy of the budget and shall set forth the date, the time and place of the hearing. It shall be published at least 10 days prior to the date fixed therefore in a

newspaper published and circulating in the municipality, if there be one, and, if not, in a newspaper published in the county and circulating in the municipality.

e. No budget shall be adopted until a public hearing has been held thereon and all persons having an interest therein shall have been given an opportunity to present objections.

The hearing shall be held not less than 28 days after the approval of the budget.

f. The public hearing shall be held at the time and place specified in the advertisement thereof, but may be adjourned from time to time until the hearing is closed.

The budget, as advertised, shall be read at the public hearing, in full, or it may be read by its title, if:

(1) At least one week prior to the date of the hearing, a complete copy of the approved budget, as advertised:

(a) shall be posted in a public place where public notices are customarily posted in the principal municipal building of the municipality, but if there is no principal municipal building, then in that public place where notices are usually posted in the municipality; and

(b) is made available to each person requesting the same, during that week and during the public hearing; and

(2) The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the budget shall be read by its title and declare that the conditions set forth in paragraph (1) have been met.

After closing the hearing, the governing body may adopt the budget by title, without amendments, or may approve amendments, as provided in subsection g. of this section, before adoption.

g. The governing body may amend the budget during or after the public hearing.

No amendment by the governing body shall be effective until taxpayers and all persons having an interest therein shall have been granted a public hearing thereon, if the amendment shall:

(1) Add a new item in an amount in excess of 1% of the total amount as stated in the approved budget; or

(2) Increase or decrease any item by more than 10%; or

(3) Increase the amount to be raised pursuant to section 16 of P.L.1972, c. 134 (C. 40:56-80) or section 19 of this amendatory and supplementary act by more than 5%, unless the same is made pursuant to an emergency temporary appropriation only.

Notice of hearing on an amendment shall be advertised at least three days before the date set thereof. The amendment shall be published in full in the same manner as an original publication and shall be read in full at the hearing and before adoption.

h. Final adoption shall be by resolution, adopted by a majority of the full membership of the governing body, and may be by title.

L.1984, c. 151, s. 18, eff. Sept. 10, 1984.

40:56-85. Annual licenses for business within special improvement district; fees; special account

a. In lieu of, or in addition to, funding pursuant to section 16 of P.L.1972, c. 134 (C. 40:56-80) of the activities of the district management corporation to be undertaken pursuant to this amendatory and supplementary act, the municipality may, by ordinance, require annual licenses for businesses operating in properties within the special improvement district, and establish fees for those licenses based on the assessment among these businesses of the aggregate amount of the annual budget of the district management corporation, approved pursuant to section 18 of this amendatory and supplementary act, which is not funded pursuant to section 16 of P.L.1972, c. 134. The ordinance may establish reasonable categories of businesses subject to licensing, and reasonable exemptions therefrom or abatements of the fees therefor. The assessments to businesses pursuant to this section shall be by floor area of licensable business space, or sales volume, or some other reasonable basis or combination of bases.

b. Moneys appropriated and collected on account of annual costs to be funded pursuant to subsection a. of this section shall be credited to a special account. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied toward the financial requirements of the succeeding year.

c. The ordinance shall provide for a reasonable appeal procedure for any administrative determination made under the provisions of this section.

L.1984, c. 151, s. 19, eff. Sept. 10, 1984.

40:56-86. Delegation of work by municipality; approval of work

The municipality may, by ordinance, delegate to the district management corporation the contracting of work to be done on any street or streets, or on other municipal property, included in the special improvement district. The

corporation shall be a "contracting unit" within the meaning of the "Local Public Contracts Law," P.L.1971, c. 198 (C. 40A:11-1 et seq.). The plans and specifications for the work to be contracted shall be approved by the municipal engineer prior to initiation of any action for the awarding of a contract under that act.

L.1984, c. 151, s. 20, eff. Sept. 10, 1984.

40:56-87. Inclusion of pedestrian mall or special improvement district in other improvement or rehabilitation district

Nothing contained in P.L.1972, c. 134 (C. 40:56-65 et seq.) or in this amendatory and supplementary act shall prohibit a municipality from including a pedestrian mall or special improvement district within the bounds of any area, district or zone established pursuant to law, which has as one of its purposes the encouragement of the construction of improvements or the rehabilitation of properties located within those bounds, or the inducement of private enterprises to locate within those bounds, whether by the provision of tax credits, exemptions or abatements, or by provision of special public financing arrangements. The provisions for the pedestrian mall or special improvement district shall be included within the plans for the area, district or zone so established, whether by integration into the original plans or by amendment.

L.1984, c. 151, s. 21, eff. Sept. 10, 1984.

40:56-88. District management corporation; annual audit

The district management corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the governing body of the municipality, and for that purpose the corporation shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporation, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five days of the filing of the audit with the governing body of the municipality.

L.1984, c. 151, s. 22, eff. Sept. 10, 1984.

40:56-89. Annual report to municipal governing body

The district management corporation shall, within 30 days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the governing body of the municipality.

L.1984, c. 151, s. 23, eff. Sept. 10, 1984.

Form 002, 2-0000-24 0. 25% Reg Band

Ordinance

of the
City of Newark, N. J.

No. 654FE (05) AUG 05 1998

No. 654FE SEP 02 1998
Public Hearing
Ordinance and Final PassageNo. Reconsidered
Approved as to Form and Legality on Basis of Facts Set ForthCouncilman *John P. White*
Mayor *John P. White*
City Clerk *John P. White*
The following Ordinance:8K (A.S.) 080598
654FE 090298
6PH54FB090298

Date to Mayor 9-4-98

Date Returned 9-10-98

Date Submitted to Council

Date Advertised 8-11-98

1st Reading 9-16-98

Final Reading

Factual comments certified to by

AN ORDINANCE CREATING A SPECIAL IMPROVEMENT
DISTRICT WITHIN THE CITY OF NEWARK AND DESIGNATING
A DISTRICT MANAGEMENT CORPORATION

WHEREAS, the Mayor and Municipal Council regard the business community as a vital economic and social force in the City of Newark; and

WHEREAS, a Special Improvement District proposal has been submitted to the Mayor and Municipal Council urging the adoption of an Ordinance creating a Special Improvement District and designation of a non-profit corporation to manage the anticipated services of the Special Improvement District; and

WHEREAS, the Mayor and Municipal Council deem it desirable to create a Special Improvement District for a portion of the Central Business District (CBD) in anticipation that the Special Improvement District will encourage self-help and self-financing programs within the community to enhance the commercial viability and attractiveness of the Central Business District as well as promote economic growth and employment within the City; and

WHEREAS, the creation of a Special Improvement District shall provide for the regulation and limitation of vendors and sidewalks sales,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Municipal Council of the City of Newark, pursuant to N.J.S.A. 40:56-65 et seq., as follows:

SECTION 1. DEFINITIONS.

a. "Special Improvement District" (sometimes also referred to as the "District") means an area within the City of Newark designated by this Ordinance as an area in which a special assessment on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District and the Municipality.

b. "District Management Corporation" means the "Newark Downtown District Management Corporation" (also referred to as "Management Corporation"), an entity to be incorporated pursuant to Title 15A of the New Jersey Statutes and designated by Municipal Ordinance to receive funds collected by a special assessment within the Special Improvement District, as authorized by this Ordinance and any amendatory supplementary ordinances.

CITY CLERK'S OFFICE
NEWARK, N.J.
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No. 654FE

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SEP 02 1998

SECTION 2. FINDINGS.

The Mayor and Municipal Council find and declare:

- a. That the area within the City of Newark, described in Schedule A of this Ordinance, will benefit from being designated as a Special Improvement District;
- b. That a District Management Corporation would provide administrative and other services to benefit the businesses, employees, residents, visitors and consumers in the Special Improvement District. Also, the District Management Corporation will assist the City in promoting economic growth and employment;
- c. That a special assessment shall be imposed and collected by the City with the regular property tax payment or payment in lieu of taxes or otherwise, and that these payments shall be transferred to the District Management Corporation to effectuate the purposes of this Ordinance and to exercise the powers given to it by this Ordinance;
- d. That it is in the best interest of the municipality and the public to create a Special Improvement District and to designate a nonprofit District Management Corporation;
- e. That the business community should be encouraged to provide self-help and self-financing programs to meet local needs, goals and objectives and should be encouraged to supplement any of the authorized services and improvements through formation of independent District Management Corporations formed under Title 15A of the New Jersey statutes.

SECTION 3. CREATION OF DISTRICT

- a. There is hereby created and designated within the City of Newark a Special Improvement District authorized pursuant to N.J.S.A. 40:56-65 et seq. to be known as the Downtown Newark Special Improvement District consisting of the properties designated and listed on Schedule "A" attached hereto. The Downtown Newark Special Improvement District shall be subject to special assessments on all affected property within the District which assessments shall be imposed by the City of Newark for the purposes of promoting the economic and general welfare of the District and the municipality.
- b. All commercial or industrial properties within the Downtown Newark Special Improvement District are deemed included in the assessing and taxing provisions of this Ordinance including properties subject to agreements for payments in lieu of taxes and are expressly subject to potential assessment made for Special Improvement District purposes. In the case of properties not exclusively commercial or industrial, the Assessor shall exclude the value of the residential portion or portions for purposes of any special assessment pursuant to this Ordinance.
- c. All properties within the Downtown Newark Special Improvement District that are tax-exempt and not subject to any payment in lieu of taxes or the portion of property used exclusively for residential purposes are deemed excluded from the assessing or taxing provisions of this Ordinance and are expressly exempt from any tax or assessment made for Special Improvement District purposes.

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No. 654PE

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Date SEP 02 1998

d. Limitations on Uses. No person shall engage in hawking, peddling or vending of any foods, beverages, confections, goods, wares, merchandise or commodities of any nature or description on the streets and sidewalks within the City of Newark's Downtown Special Improvement District unless such use, and the location thereof, has been specifically authorized by the Municipal Council pursuant to rules and regulations formally adopted by the Municipal Council in accordance with the standards enunciated in N.J.S.A. 40:56-65 et seq. This Ordinance shall not prohibit sales activities conducted by a person holding a license to operate a restaurant from operating a pushcart on a sidewalk immediately adjacent to a licensed premises, provided that all health permits and other regulations established hereby are obtained and complied with.

SECTION 4. ASSESSMENTS.

a. Operation and Maintenance of District. Annual operation and maintenance costs relating to services provided at a level specific to the District, as distinguished from services normally provided by the City, will provide benefits primarily to the properties included within the District rather than to the City as an entirety. These annual costs shall be assessed and taxed to the benefited properties pursuant to the provisions of this Ordinance and N.J.S.A. 40:56-65, et seq.

b. Baseline Maintenance of Service. The City within 90 days of passage of this Ordinance, shall enter into an Agreement and/or Memorandum of Understanding with the Designated District Management Corporation. The Agreement shall provide for the provision of and maintenance of "Basic Services" within the District, or greater than presently provided in the District, subject to certain qualifications. "Basic Services" shall include but not be limited to police protection, trash collection, landscaping, maintenance of public areas and facilities.

c. City Participation. The City may, subject to availability of funds and demand, annually make available monies to the District Management Corporation in addition to those funds derived pursuant to paragraph 4a herein. Said funds may not be less than twenty (20%) percent of the monies collected by the District Management Corporation.

SECTION 5. THE DESIGNATED DISTRICT MANAGEMENT CORPORATION.

a. The non-profit corporation, Newark Downtown District Management Corporation, is hereby designated as the District Management Corporation for the District. This Management Corporation, shall have all powers necessary and requisite to effectuate the purposes of this Ordinance and the District, including, but not limited to:

- (1) Adopt by-laws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;
- (2) Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation;
- (3) Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
- (4) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
- (5) Administer and manage its own funds and accounts and pay its own obligations;

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Date SEP 02 1998

- 1 (6) Borrow money from private lenders for periods not to exceed 180 days and
2 from governmental entities for that or longer periods;
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- 4 (7) Fund improvements for the exterior appearance of properties in the District
5 through grants or loans;
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- 7 (8) Fund the rehabilitation of properties in the District;
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- 10 (9) Accept, purchase, rehabilitate, sell, lease or manage property in the District;
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- 12 (10) Enforce the conditions of any loan, grant sale or lease made by the
13 corporation;
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- 15 (11) Provide security, sanitation and other services to the District supplemental to
16 those provided normally by the Municipality;
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- 18
- 19 (12) Undertake improvements designated to increase the safety or
20 attractiveness of the District to businesses which may wish to locate there or to
21 visitors to the District including, but not limited to, litter cleanup and control,
22 landscaping, parking areas and facilities, recreational and rest areas and facilities,
23 pursuant to pertinent regulations of the City of Newark;
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- 26 (13) Publicize the District and the businesses included within the District
27 boundaries;
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- 30 (14) Recruit new businesses to fill vacancies in, and to balance the business mix
31 of, the District;
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- 34 (15) Organize special events in the District;
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- 36 (16) Provide special parking arrangements for the District;
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- 39 (17) Provide permanent and temporary decorative lighting and signage in the
40 District; and
- 41
- 42 (18) The District Management Corporation shall utilize affirmative action goals
43 and guidelines in its hirings and expenditures whenever possible. Pursuant to
44 N.J.A.C. 17:27-5.2 the District Management Corporation will not discriminate
45 against any employee or applicant for employment because of age, race, creed, color,
46 national origin, ancestry, marital status or sex. The District Management
47 Corporation will take affirmative action to ensure that such applicants are recruited
48 and employed, and that employees are treated during employment, without regard to
49 their age, race, creed, color, national origin, ancestry, marital status or sex.
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b. Upon further written agreement, the City of Newark may delegate to the District Management Corporation the contracting of work to be done on any street, or on other municipal property, included in the Special Improvement District. In that event, the Corporation shall be a "contracting unit" within the "Local Public Contracts Law" P.L. 1971, c. 198 (N.J.S.A. 40A:11-1 et seq.). The plans and specifications shall be approved by the municipal engineer prior to initiation of any action for the award of a contract under the act.

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FORM 600, 4-10-60 (Rev. 10-27-60) (Reg. 200)

No. 6547E

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SEP 02 1998

SECTION 6. ANNUAL BUDGET, HEARING AND ASSESSMENTS.

a. The fiscal year of the District and of the Management Corporation shall be the calendar year. The District Management Corporation shall submit no later than December 15 of each year a detailed annual budget for approval by the Mayor and Municipal Council. The budget shall be processed and adopted by the City in accordance with the procedures set forth in N.J.S.A. 40:56-84.

b. The budget shall be submitted with a report, which explains how the budget contributes to goals and objectives for the Special Improvement District. The budget shall be reasonably itemized and shall include a summary of the categories of cost properly chargeable as follows:

(1) The amount of such costs to be charged against the General Funds of the municipality, if any.

(2) The amount of costs to be charged and assessed against properties benefited in the District in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the District during the ensuing year;

c. Each year, when the Mayor and Municipal Council shall have acted on the estimated costs and/or on the budget, upon approval of a budget by the City Council submitted by the non-profit Corporation designated by the City Council, the Municipal Assessor shall prepare an "assessment" roll setting forth separately the amounts to be specially "assessed" against the benefited and assessable properties including properties subject to payments in lieu of taxes in the District. Descriptions of such properties, and the names of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the Municipal Clerk and be there available for inspection. The Mayor and Municipal Council shall annually meet to consider objections to the amounts of such special assessments at least 10 days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the time and place of the meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the governing body shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the Municipal Clerk shall forthwith certify a copy of the assessment roll, with such changes, if any, to the Essex County Tax Board.

d. For the purpose of this section, "annual improvements" shall mean and include any reconstruction, replacement or repair of trees and plantings and other facilities of the Special Improvement District and the furnishing of any other local improvement, which benefits properties within the District. For the purpose of this Ordinance, costs shall, with respect to annual improvements to and operation and maintenance of the Special Improvement District, mean costs of annual improvements and all other costs, including planning costs, incurred or to be incurred in connection with annual improvements to and operation and maintenance of the District.

e. Moneys appropriated and collected on account of annual improvement costs and costs of operating and maintaining a Special Improvement District shall be credited to a special account. The Mayor and Municipal Council may incur the annual cost of improving, operating, and maintaining a Special Improvement District, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year, so long as the total amount of the account as approved for the year shall not exceed the prior year's expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.

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Date SEP. 02 1998

f. The Mayor and Municipal Council shall pay over funds to the District Management Corporation quarterly on the first day of March, June, September and December of each year.

SECTION 7. ANNUAL AUDIT OF DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Municipal Council and for that purpose the Corporation shall employ a Certified Public Accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporation, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs within five days of the filing of the audit with the Mayor and Municipal Council.

SECTION 8. ANNUAL REPORT TO MUNICIPALITY.

Any District Management Corporation formed under this Ordinance shall within 30 days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Municipal Council.

SECTION 9. MUNICIPAL POWERS RETAINED.

Notwithstanding the creation of a Special Improvement District, the City of Newark expressly retains all its powers and authority over the area designated as within the Special Improvement District.

SECTION 10. SEVERABILITY.

If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not effect other provisions or applications of the act and to this end the provisions of this act are severable.

SECTION 11. NOTICE

At least 10 days prior to the date fixed for a public hearing for this Ordinance, a copy of and notice of the date, time and place of the hearing shall be mailed to the Owners of assessable property within the proposed Special Improvement District.

SECTION 12. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as required by law.

SCHEDULE "A"

The following properties make up this Special Improvement District.

STATEMENT

This Ordinance provides for the designation of An Area in the Central Business District to be treated as a Special Improvement District (S.I.D.) pursuant to N.J.S.A. 40:56-65 et seq. and the designation of the "Newark Downtown District Management Corporation" to manage same. It further provides for the powers of said Corporation and the manner of assessment for funding and operation of the S.I.D.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE						RECORD OF COUNCIL VOTE FOR RECONSIDERATION					
Council Member	AYE	NAY	AB	Council Member	AYE	NAY	AB	Council Member	AYE	NAY	AB
AMADOR				QUINTANA				AMADOR			
BOOKER				TUCKER				BOOKER			
BRIDGEFORTH				WALKER				BRIDGEFORTH			
CARRINO				BRADLEY				CARRINO			
CHARFIELD-JEROME				BRADLEY				CHARFIELD-JEROME			
				President							

✓ - Indicates Vote

AB - Absent

NV - Not Voting

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on AUG. 05 1998

Adopted on second reading after hearing on SEP. 02 1998

Approved
Referred

Donald Bradley Council President
Robert J. Morgan City Clerk

This Ordinance when signed must remain in the custody of the City Clerk. Certified copies are available.

SENIOR CITIZEN & ADULTS: 1-2-4-12-20TH CITY OF NEWARK 1 3/4 344 32201#10/20
 6PM-11:30P 6PM-11:30P 6PM-11:30P

No. **G.F.O.** NOV 01 2000
 1st Reading

Ordinance

Date to Mayor: **NOV 15 2000**
 Date Returned: **OCT 16 2000**

No. **G.F.O.** NOV 13 2000
 2nd Rdg. and Final Passage

City of Newark, N.J.

Date Resubmitted
 to Council
 Date Advertised
 1st Reading

No. **G.F.O.** NOV 13 2000
 2nd Rdg. and Final Passage

Final Reading

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

John J. Abate
 Corporation Counsel

Charles B. Anderson
 Title

Council member *Charles B. Anderson* presents the following Ordinance:

ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT FOR IRONBOUND - FERRY STREET BUSINESS COMMUNITY

WHEREAS, business and property owners in the Ironbound - Ferry Street business area have petitioned the Governing Body to create a Special Improvement District with a Management Corporation pursuant to N.J.S.A. 40:56-65 et seq.; and

WHEREAS, the Governing Body finds that businesses in the Ironbound - Ferry Street business area are integral, vital, economic and social; and

WHEREAS, the anticipated services to be provided to this Special Improvement District will serve to enhance the safety, welfare and economic growth of the Ironbound - Ferry Street business area, its inhabitants, and the City of Newark as a whole; and

WHEREAS, based upon these findings and the desires of business owners, merchants and property owners of the Ironbound - Ferry Street business area, the Governing Body hereby desires to establish the Ironbound Special Improvement District designated in Schedule A as the Ironbound Business Improvement District;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWARK as follows:

SECTION 1: Definitions.

- a. "Special Improvement District" (sometimes also referred to as the "District") means an area within the City of Newark designated by this Ordinance as an area in which a special assessment on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District and the Municipality.
- b. "District Management Corporation" means the "Ironbound Business Improvement District Management Corporation" (also referred to as "Management Corporation"), an entity to be incorporated pursuant to Title 15A of the New Jersey Statutes and designated by Municipal Ordinance to receive funds collected by a special assessment within the Special Improvement District as authorized by this Ordinance and any amendatory supplemental ordinances.

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 CITY CLERK'S OFFICE
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SECTION 2: Findings - pursuant to N.J.S.A. 40-56-65 et seq. ("The Act") the Governing Body of the City of Newark hereby determines the following:

- a. That the areas within the Ironbound - Ferry Street business area that are described by block and lot and by street address as set forth in Schedule A of this ordinance, and the property owners, tenants and inhabitants therein benefit from being designated as a Special Improvement District and will benefit the whole of the City of Newark with the exception of the following properties that will not be part of the Special Improvement District:
 - i) Any property owned and operated by the municipal, county and state governments, and,
 - ii) 100% of residential structures under 5 units;
- b. That a district management corporation would provide administrative and other services to benefit the businesses, employees, residents, and consumers in the Ironbound - Ferry Street business area, the Ironbound Special Improvement District, and will also assist the City of Newark in promoting economic growth and employment;
- c. That a special assessment may be imposed and collected by the City of Newark either with the regular property tax payment (or payment in lieu of taxes) or otherwise on properties located within the Ironbound - Ferry Street business area and that these payments shall be transferred to the district management corporation to effectuate the purpose of this ordinance and to exercise the powers given to it pursuant to this ordinance;
- d. That it is in the best interests of the City of Newark and its inhabitants to create a Special Improvement District and to designate a nonprofit District Management Corporation in the Ironbound; and
- e) That the business community should be encouraged to provide self-help and self-financing programs to meet local needs, goals and objectives and should be encouraged to supplement any of the authorized services and improvements through formation of an independent District Management Corporation formed under Title 15A of the new Jersey statutes.

Section 3 - Creation of the District.

- a. There is hereby created and designated within the City of Newark a Special Improvement District authorized pursuant to N.J.S.A. 40:56-65 et seq. To be known as the Ironbound Special Improvement District ("District") is hereby established consisting of the properties designated and listed on Schedule A, annexed hereto by tax block and lot numbers and street addresses. The Special Improvement District

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Date

will be governed by a District Management Corporation as defined in Section 5 of this ordinance.

- b. Schedule A of this ordinance may be amended by ordinance to add and delete particular properties which have a change in use affecting the appropriateness of including them as part of the Special Improvement District. Any change in the classes of properties to be considered part of the Special Improvement District will require an ordinance.

Section 4 - Assessments.

- a. All costs of improvements and maintenance, other than the costs of improvements and maintenance ordinarily incurred by the City of Newark out of general funds, shall be determined and approved pursuant to N.J.S.A. 40:56-80 or N.J.S.A. 40:56-85 as determined by the District Management Corporation. The formula for the assessment is as follows: each property's current assessed value, as determined by the City of Newark Tax Assessor for real estate tax purposes, will be multiplied by the appropriate factored amount to sustain the approved annual budget to determine the amount of the special improvement district assessment. The foregoing assessment shall be collected as a special assessment against the properties that are within the district as defined in Schedule "A."

Section 5 - Designated District Management Corporation

- a. The Governing Body of the City of Newark hereby designates the Ironbound Business Improvement District Management Corporation ("district management corporation"), a non-profit corporation, as the District Management Corporation for the District.
- b. That the District Management Corporation, in addition to acting as an advisory board to the governing body, shall also have all powers necessary and requisite to effectuate the purposes of this ordinance, including but not limited to:
1. Adoption of by-laws for the regulation of its affairs and the conduct of its business and prescribe rules, regulations and policies for the performance of its functions and duties;
 2. Employ such persons as may be required, and fix and pay their compensation from funds available to the Corporation;

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3. Apply for, accept, administer and comply with requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
 4. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the Corporation including contract with any person, firm, corporation, government agency or entity;
 5. Administer and manage its own funds and accounts and pay its own obligations;
 6. Borrow money from private lenders for periods not to exceed 180 days and government entities for that or longer periods;
 7. Fund the improvement of exterior appearance of properties in the district through grants and loans;
 8. Fund rehabilitation of properties in the district;
 9. Accept, purchase, rehabilitate, sell, lease, or manage property in the district;
 10. Enforce the conditions of any loan, grant, sale or lease made by the corporation;
 11. Provide security, sanitation, and other services in the district, supplemental to those normally supplied by the City of Newark;
 12. Undertake improvements designed to increase safety, attractiveness of the district to businesses which may locate there or visitors to the districts, including, but not limited to parking, litter clean-up and control, landscaping, signage, and those improvements generally permitted for pedestrian malls under N.J.S.A. 40:56-66 pursuant to pertinent regulations of the governing body;
 13. Publicize, promote, and plan for the district and the businesses included within the district boundaries.
 14. Recruit new business to fill vacancies in, and to balance the business mix of, the district;
 15. Organize special events in the district;
 16. Provide special parking arrangements for the district;
 17. Design and enforce environmental and building design criteria under N.J.S.A. 4:50-66 as amended;
 18. Provide temporary decorative lighting in the district; and,
 19. Effectuate the purposes and intents of N.J.S.A. 40:56-66 as amended.
- a. That the District Management Corporation shall utilize affirmative action goals and guidelines in its hirings and expenditures whenever possible. Pursuant to N.J. A. C. 17:27-5.2, the District Management Corporation will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, or sex. The District Management Corporation

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Date NOV 13 2000

will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment without regard to their age, race, creed, national origin, ancestry, marital status or sex.

- b. Upon further written agreement, the City of Newark may delegate to the District management Corporation the contracting of work to be done on any street, or on other municipal property, included in the Special Improvement District. In that event, the Corporation shall be a "contracting unit" within the "Local Public Contracts law" P.L. 1971, c.198 (N.J.S.A. 40A:11-1 et seq.). The plans and specifications shall be approved by the municipal engineer prior to initiation of any action for the award of a contract under the act.

Section 6 - Annual Report and Budgets.

- (a) The district management corporation shall submit a detailed business plan and budget for the upcoming year, no later than November 1 of the current fiscal year starting the year after this ordinance is adopted, for the approval by resolution of the governing body, pursuant to the provisions of N.J.S.A. 40:56-84. The budget shall be submitted with a report, which explains how the budget contributes to the goals and objectives for the Special Improvement District.
- (b) The fiscal year of the district management corporation shall be January 1st to December 31st.

Section 7 - Annual Audit of the District Management Corporation

- a. The District Management Corporation shall also cause an audit of its books, accounts and financial transactions to be made and filed with the governing body. This audit shall be completed and filed with the Governing Body within four (4) months after the close of the fiscal year of the corporation. A certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs within five (5) days of the filing of the audit with the governing body.

Section 8 - Annual Report to Municipality

- a. The District Management Corporation shall submit an annual report to the Governing Body pursuant to N.J.S.A. 40:56-80 within 60 days of the close of the fiscal year. This report shall consist of a narrative covering the previous year's operation and detailed financial statements.

No. **6S&FN**Page **-6-****6PHS&FO 110100**
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Date **NOV 13 2000****Section 9 - Municipal Powers Retained**

Notwithstanding the creation of the Special Improvement District, the City of Newark expressly retains all its powers and authority over the area designated as the Ironbound Special Improvement District.

Section 10 - Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 11 - Effective date

This ordinance shall take effect upon passage, approval and publication as required by law.

SCHEDULE "A"

The attached map and following properties make up this Special Improvement District.

STATEMENT

This Ordinance provides for the designation of a Special Improvement District (SID) pursuant to N.J.S.A. 40:56-65 et seq., and the designation of the Ironbound Business Improvement District Management Corporation to manage same. It further provides for the powers of said Corporation and the manner of assessment for funding and operation of the SID.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE										RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB					
AMADOR <i>M</i>	<input checked="" type="checkbox"/>				QUINTANA	<input checked="" type="checkbox"/>				AMADOR									
BOOKER	<input checked="" type="checkbox"/>				TUCKER	<input checked="" type="checkbox"/>				BOOKER									
BRIDGEFORTH <i>S</i>	<input checked="" type="checkbox"/>				WALKER	<input checked="" type="checkbox"/>				BRIDGEFORTH									
CARRINO	<input checked="" type="checkbox"/>				BRADLEY	<input checked="" type="checkbox"/>				CARRINO									
HANETFIELD JENKINS	<input checked="" type="checkbox"/>				President					HANETFIELD JENKINS									
<input checked="" type="checkbox"/> Indicates Vote					AB - Absent					NV - Not Voting									

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on **NOV 01 2000**Adopted on second and final reading after hearing on **NOV 13 2000**

Approved

Rejected By

Donald Bradley Council President*Robert C. Marasco* Council President

Fin. Plan.

Appendix J Curriculum Vitae of Fayth A. Ruffin

1955 – Born 28 March in Cincinnati, OH, USA

1973 – Withrow High School, Honors Student, Diploma

1974-77 – Attended University of Cincinnati, Undergraduate Studies

1977-78 – Career Planning Center, Los Angeles, CA, Counsellor

1978-80 – Attended Antioch School of Law, Juris Doctor Degree

1979-82 – D. C. Dept. of Employment Services, Washington, Curriculum Designer and Employability Counselor

1983-83 – Inner City Community Resources, OH/IN/KY, Regional Director for community development agency

1985-87 – Delaware Council on Crime and Justice, Wilmington, Corrections Specialist, creating inmate grievance procedures and training corrections staff

1987-1990 – Greene & Braker, Esqs., Newark, NJ, Associate Attorney, general practice

1990-2005 – Attorney, Solo Practitioner, Offices at various times in East Orange/West Orange/Morristown, NJ, municipal land use, commercial and residential real estate

2004-2007 – Rutgers University-Newark, Division of Global Affairs Doctoral Student & Candidate, Graduate Research Assistant, Cornwall Center for Metropolitan Studies

2007-2009 – Rutgers University-Newark, Division of Global Affairs, Doctoral Candidate and Teaching Assistant

2009-2010 – Rutgers University-Newark, Division of Global Affairs, Dissertation Fellow

2010 Ph.D, Rutgers University-Newark, Division of Global Affairs

Ruffin, F. (2010) Roxborough on the Rise: Case Study about Law and Policy of a Philadelphia Business Improvement District, *Drexel Law Review*, forthcoming 2010

Ruffin, F. (2010) Collaborative Performance Management for Urban Revitalization: The Business Improvement District Model in the Context of Urbanism, Regionalism, and Globalism, *Public Performance and Management Review* 33(3) pp. 486-515

Ruffin, F. (2008) Professionalizing the Field of Business District Management, *Journal of Place Management and Development*, Vol. 1 Issue 1 pp. 29-45