

## ***Memorandum***

**To: Mayor Masiello**

**From: Wilson Wong, Consultant**

**Date: December 16, 2007**

**Re: Amending Buffalo's Intergovernmental Relationship with Schools**

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Buffalo is currently facing tremendous fiscal and networking challenges to maintain a successful relationship with its own school districts. The district's teacher union and the Board of Education have long had a tumultuous relationship, strained by the district's financial dependence on the city. Tensions between the union and the Board have grown exponentially, leading to lawsuits and appeals in attempts to rectify labor grievances. However, with the Buffalo Teachers Federation (BTF) winning their court appeals and the school district in financial despair, the already financially strapped city finds itself embroiled in the bitter labor-contract. The fate of both the school district and city are tightly linked, putting the city in a difficult budgetary and political position to determine how pay potentially up to \$140 million to Buffalo's teachers in the settlement suit.

However, dealing with finance of the settlement is not sufficient to resolve the overarching issues between the city and its public school system. Buffalo suffers from a range of challenges in its budgetary and political systems (i.e., policy decisions and implementation, ethics and leadership), while striving to sustain accountability and equity in the process. The poor inter-governmental relationships and workings between the school district and the city result from poor communication, a lack of common goals,

and poor accountability towards implementing a fair and just labor contract. This memo seeks to further explore the issues surrounding the labor-disputes and ultimately investigate ways to better the intergovernmental relationships and foster a healthy school district and community.

## **BACKGROUND**

The city of Buffalo is in a deep economic depression and has been since the 1970's. Struggling with a steady decline in population, shrunken economy, migration of population to outside suburbs, and lack of jobs results in the city being one of the poorest in the nation—in 1990, the median income was \$18,482 and (adjusted for inflation) only risen \$7.00 since 1950. Further adding to the city's financial woes are the limits on its finances due to a cap on property taxation powers, its reliance on fluctuating state aid, and the "structural relationship" with the City School District of Buffalo. The district's budget is "fiscally dependent" on the city for funding, as it does not have independent taxing authority to generate revenues. Unfortunately, Buffalo itself does not have the authority levy additional taxes to offset the schools' budgetary burden.

Amidst the economic hardships, the city also endured political friction, which undermined the relationship the city and the school district. Desegregation efforts in the 1980's caused pressure amongst the community and brought demographic and political changes in the school board. However, with highly regarded peaceful and successful desegregation, the school district had large latitude with state legislature when it came to state funding aid and was essentially given any monies it asked. The reliance on state funds, along with an enormous operating budget (in 1990, the districts' budget

hovered around \$352 million, while the city's budget neared \$226 million), put the district in an unpredictable and delicate fiscal situation if state-backed help ever diminished.

Major issues stem from the backdrop of the school district's reliance on disparate funding sources, its increasing expenditures on busing, and inadequate pay for teachers. The City of Buffalo must contend with challenges (ranging from political systems and relationships, policy decision-making and implementation, political systems and relationships, accountability and equity) to maintain its economy and political standing.

## **ISSUES**

The role of politics and administration in government is a central tenet driving the struggles Buffalo faced when dealing with the school district. Enduring traditions within public administration often promote conflicting values about how best to govern, while being efficient and accountable to stakeholders (Kettl, 2002). The administrators and politicians (district, city, and union leaders) face a principal-agent relationship in which each is guided by complementary autonomous and self-guided principles that direct degrees of accountability and implementation (Svara, 2007). Furthermore, the divisiveness between policy decision-making and policy-implementation perpetuates a critical problem of determining the most effective means of organizing government and underscores significant administration issues (Goldsmith & Eggers, 2004).

### ***Fiscal Challenges—Accountability and Planning***

The school district and Buffalo city equally endured fiscal challenges. Lack of accountability and little budgetary controls are major components missing from the

budgetary and political processes, lending to early budget deficits in the school districts. The school's reliance on state aid and court orders to ensure funding entailed short-term budget planning, which gave the district a false sense of fiscal security (Russo, 2003). In addition, the school district did not possess a level of internal fiduciary responsibility for monitoring appropriate spending and permitted the district's budget to balloon (Finkler, 2005). Ensuring accountability exists at every step of the process and at all governance levels is complicated between these groups, but can be constructed through inter- and intra-organizational interactions, providing oversight and implementing controls to maintain healthy fiscal processes (Ebrahim, A., 2003). Overall, the entire budgetary process was slow and unresponsive; at times budgets were approved long after fiscal years began. No strategic planning occurred to check spending priorities or prevent future budgetary problems (Lee et. al., 2007).

### ***Governance—Political Systems & Intergovernmental Relationships***

Navigating the political system in Buffalo's administration is complicated due to a multifaceted set of inputs stemming from the environment including social, economic and political forces (Theodoulou & Kofinis, 2004). The city must contend with a depressed economy, diminished workforce, social woes, and budgetary limits. Further, external factors strain the city's intergovernmental relationship with the district, which hamper contract negotiations. The framework for the intergovernmental relationship determine how the city, school board, and teacher union deal with each other and what their relative roles, responsibilities, and levels of influence are and should be (Stillman, 2005). The negative rapport and past history has bred contempt between the city and the Board of Education—for example, mayors in the past refused to provide any fiscal

funding to the School District, while the BTF neglected to truly take Buffalo's budgetary constraints into consideration. As the political processes currently stand, city administrators have difficulties fulfilling their fiduciary responsibilities to Buffalo's citizens.

Governance (as defined as "the processes and institutions through which social action occurs") dictates the overall effectiveness and responsiveness of the city and school bureaucracy as a whole to deal with management issues and how to provide equitable pay to teachers (Kettl, 2002). The continued escalation of repeated contract negotiation and lawsuit is the result of a bounded rationality upheld by city administrators, Board members, and BTF leaders—each having different end goals and expectations that prevent full mutual cooperation and collaboration (Stillman, 2005).

In essence, a loose governmental network exists between the board, BTF and the city, in which neither holds significant power over the other. The city relies on the schools for a positive image, while the districts depend on the city for funding. Increasing the difficulty in asserting authority over the network is poor communication, lack of coordinating activities, and negative relationships between each stakeholder (Goldsmith & Eggers, 2004). The currently devised political system puts the city and school district in tenuous positions, neither of which can function nor make rational decisions in isolation of the other. The governmental actors in this case hold relatively equal power and bargain as such, without definitive "capacity to resort always to power if the decision that is made is not what they want" (Peters & Pierre, 1998). The stakeholders each have varying degrees of power and utilize it different ways and contexts.

### ***Inter-group Conflicts—Lack of Integration between Stakeholders***

The relationship between all stakeholders is characterized by entrenched positions and issues surrounding interactions between them. Even within the teacher union, there was strife regarding the progress of contract negotiations and in spite of several compromises reached by the BTF, many teachers maintained stringent stance for back-pay for all active and retired teachers. The situation of conflict between groups is common and results from a divergence of interests and conflicts of power (Morgan, 2006). The relationship the school board maintains with the teacher's union is tense as the board vote fiasco and ruling of improper practices diminished trust between the two. Despite several attempts at reconciliation and compromise, contract negotiations ultimately failed due to failure to manage conflicts and resolution towards a mutually agreeable outcome.

While gaining full cooperation from the teacher union is challenging, even partial levels of agreement could have improved the negotiation process and helped the board and BTF resolve differences in expectations (De Dreu & Van Vianen, 2001). In fact, the central point of tension surrounding retroactive pay for retired teachers intensified hatred amongst community members and angered teachers. Teachers, city leaders, and board members each maintained their own agenda and had differing interests; thus cultural norms, values and experiences influenced the power dynamics and negatively affected how the groups interacted with each other (Kellough, 2003).

### ***Conflicts of Power and Vision***

Constraints within the group relations emerge from a limited governance structure that places the city and school district in mutual positions that are fiscally and

politically subordinate to the other. The change of leadership in the school board meant that the city did not have the same support or political clout within the district to set its agenda and Buffalo's credit rating hindered upon the health of the schools; meanwhile, the school district's budget depended on city financial aid. Not one agency is in direct control of the other and in fact the government actors are interdependent upon the other's mutual accommodation and success (Stillman, 2005).

The separation of powers (especially the judicial branch) adds a layer of complexity to the balance of power, increasing political pressures on the city and board members, encumbering the political cohesion between stakeholders and hindering the city's ability to provide satisfactory schooling (Pacelle, 2002). The role of the courts changed the power dynamics of the contract negotiations—a fact the BTF took advantage of through multiple court appeals and eventually receiving approval of the “settlement agreement” provision. External stakeholders also had influence and power on the process and weighed heavily on how the city proceeded in upholding Buffalo's image, credit ratings, and political standing with other municipalities (Herman & Chomsky, 2003).

A lack of common values and visions promoted the negative culture between the groups and intensified the disparity in power that permeated throughout the negotiation process (Senge, 1990). Values such as obtaining retroactive pay for retired teachers and maintaining Buffalo's bond ratings are strong existing values and goals. However, the groups had different visions for the contract negotiations; shared visions help bind values and ideology to drive communication, progress and overall group interactions (Bolman & Deal, 2003).

## ***Decentralized Authority***

Governmental effectiveness and fiscal health of the City suffer from the lack of a coordinated effort to provide a compromised solution for the negotiated contracts. Authority and power is spread between the teacher union, school board and city administrators, influencing how each interact with the other and without a central source of authority and power, managing the bureaucratic institutions efficiently is difficult (Stillman, 2005). Positive and efficient coordination between the three groups requires exchanging information, altering activities, and sharing resources for mutual benefit –yet none of this transpired (Dees et. al., 2002). Both the city and school district were reluctant to engage as responsive coordinated services, but even more damaging for the partnership is the poor management by the coordinating partner PERB. PERB, as the effective mediating agent between the union and school board, attempted to facilitate accountability and progress towards an acceptable contract between both parties, but did not have the appropriate level of leadership or power to bring the parties together (Trice & Beyer, 1991).

The coordinated service partnership existing between the teacher union and city lacked a high degree of trust and commitment towards reaching a contract that would provide reasonable pay to teachers and not bankrupt the city, mutually beneficial outcomes without which any partnership would fail (Dees et. al., 2002). Neither the union nor the city held the other in high regards, partially due to previous teacher strikes and lack of funding support from the mayor's office. As Bolman and Deal assert, success in the negotiations depended on the cooperation of others and without full member buy-in from all the teachers, success in working towards a common outcome is

challenging (Bolman & Deal, 2003). Division between the two groups led to a breakdown in communication and negotiation, thus both sides refused to make significant sacrifices in the contract bargaining. The unsuccessful cooperative effort resulted in high transaction costs for all parties—essentially a “lose-lose” situation in which goal incongruence left the city with a greater fiscal burden and teachers who must contend with a crippled school system (Ouchi, 1980).

### ***Ineffectual Leadership***

Adding to the difficulties is the deficiency of strong vertical coordination to unify the negotiation efforts together (Bolman & Deal). In the past, school board leaders made decisions that favor the interests of the social backgrounds from which they come (Putnam, 1974). The decentralized management and leadership at all levels made it difficult to reconcile differences in goals or to exercise authority for effective decisions, as evidenced in the decision to continue contract negotiations while court appeals were in process. According to Trice and Beyer, “without an effective and ideologically consistent administrative structure, the social impulse behind any vision or mission will quickly dissipate its energies in all directions or wither for lack of consistent effort.” (Trice & Beyer, 1991). At different times, leaders (i.e., superintendents and mayors) made attempts to compromise and work together with other parties, but in the end were ineffectual since they did not possess the capacity to compel others into action. The lack of an overarching positive central leadership hurt the ability for the groups to function well together and without “synergy and collaboration” progress towards a cohesive solution for the contract negotiations was almost impossible (Cameron & Lavine, 2006).

## ***Policy Decision-Making & Implementation***

Short-sighted policy decisions and poor implementation of current policies reflect a muddled political process in Buffalo that contributed to lengthy and disputed problems. The issues of organization within government structures influence the policy decision-making process and how those decisions are executed. Political organizations and the media had tremendous influence on the process, underscoring the complexity and grand scope that decisions at the school level have on the city government and community on whole (Theodoulou & Cahn, 1995). The political process is complicated and involves many influencing factors and organizations.

Negotiation and decisions of compromise at all levels were made as the result of a multiplicity of factors and as such, compelled the board to approve the provision for legal action in 1994, (Simon, 1947). The crucial decision ultimately allowed Buffalo to be responsible for retroactive pay. The intricacy of the city's economic status and the board's attempt to quickly resolve the settlement, coupled with incomplete knowledge and information, obscured their conceptualization of the political system (Simon, 1947). Their assumption was made through a "bounded rationality" that limited the scope of their understanding. Yet, the decision process is not static and is continuously constructed through multiple values shaping policy design and implementation (Stone, 1997).

All three branches of government have significant influence on shaping policies, particularly the courts which greatly changed policy decisions regarding contracts. While the courts did not have the ability to implement or enforce the policy—that domain is carried out by the legislative and executive branches of government—it reversed the

board's decision to honor retroactive pay (Pacelle, 2002). The power of the court is both a benefit and detriment to Buffalo, as the courts did make an ultimate decision regarding whether to fulfill the teachers' contract, but will not make a final decision as to how the monies will be paid. The open-ended policy decision could possibly lead to differences in interpretations and discrepancies in implementation of how to enforce the back pay (Lipsky, 1980).

### ***Efficiency and Efficacy***

In spite of strict fiscal constraints, Buffalo still faces competing demands for efficiency and effectiveness; yet these often do not have coinciding goals or outcomes and thus creates a tense antagonism between stakeholders (Russo, 2003). Teachers demand higher pay increases, while the city wishes to conserve spending. The fiscally dependent school district places a great financial burden on the city, which cannot raise additional taxes from an already impoverished community or continue to rely on state aid. The city's fate is intertwined with the district's welfare, since the city's bond ratings are based on the condition of the public schools. Governance at all levels relies on a positive investment in the district's welfare and requires reform of the current fiscal structure. To do so needs effective monitoring, assessment of the performances of programs, and fiscal accountability (Frederick, 2001).

### **RECOMMENDATIONS**

Buffalo is gripped is an economic crisis that requires immediate solutions to contend with how to pay back the settlement amounts. However, in moving forward, Buffalo should adopt long-term solutions addressing the larger issues of managing future negotiations and interactions between the school district, the city, and the Board

of Education. Introducing tools for accountability, improved positive work group design, incentive programs, strategic planning and a unified vision can minimize future conflicts between the groups and allow for them to focus on education of Buffalo's children.

### ***Short-term Solutions—What Now?***

The pressing question remains regarding how to finance the retroactive pay settlement. Buffalo's current fiscal situation is dire, since it cannot ethically or reasonably raise additional monies through taxes, nor can it change the school district's budget (Svara, 2007). Unfortunately, the city can barely maintain fiscal solvency, with little general funds available and already utilizing minimal funding levels for basic services other than police and fire departments. The following are possible measures for Buffalo to cope with the massive budget deficit:

- **Declare Bankruptcy:** Buffalo can declare bankruptcy, enabling the city to effectively void the labor contract and not have to pay the negotiated settlement. It would also facilitate management change and permit the city to restructure the school district from the "ground up". However, such an extreme move would virtually ruin the city's credit rating, destroy teacher morale, and hinder Buffalo's connections with other municipalities.
- **State Take-Over:** A state take over of the school system would be least detrimental than declaring bankruptcy. The state would affect a financial control board that brings managerial experience to help reign in Buffalo's budget problems. It would not nullify the negotiation settlement, but provide needed assistance to restructure the district's finances and also help sustain fiscal solvency.

### ***Long-Term Solutions—Don't Repeat the Past***

Irrespective of the decision to deal with the negotiation settlement, Buffalo still must resolve its issues with the school district to prevent problems from reoccurring. Paying back the settlement is a “band-aid” solution to deeper rooted problems that require forethought, planning, and time to implement. The following are recommendations that should be instituted over-time.

#### ***Create a Work Group***

A work group should be created to foster creating a positive work environment for teachers, while remaining within Buffalo’s budgetary constraints. Work groups are mission-focused and work directly towards a shared specific goal (Bolman & Deal, 2003). Using these groups as a vehicle to improve interactions and communication between the city, school board and teacher union can better integration, help remove lateral communication barriers and create common a vision (Bolman & Deal, 2003). A “task-force” like work group can be created to meet regularly, constantly communicating and discussing future contracts on a continual basis--making negotiations and decisions mutually as a group instead of behind close doors or without full cooperation from others. Doing so can help minimize inter-group conflicts by allowing small problems to be resolved incrementally and create mutually shared authority that works toward shared goals (Theodoulou & Cahn, 1995).

Participants should include teachers (active and retired), city administrators and budget officers, and school board members. Surveys can be distributed to determine levels of interests in joining the work group. Participants should also rotate on a periodic schedule to help increase objectivity and full range of opinions. The work

group should meet on a regular basis and collectively decide their goals and possible solutions. However, people working in the groups should be responsible, but be allowed resources and collective accountability to help produce results (Bolman & Deal, 2003).

### ***Strategic Planning: A 3- and 5- Year Plan***

Establishing mutually beneficial long-term goals for the city and school district is important in guiding every aspect of the budget process and daily operations, ranging from informing decisions to providing highly effective tools for creating strategies and carrying them out (Seltzer, 2001). A well-thought out strategic plan that factors growth in the district, teacher pay-raises, and possible budgetary problems can minimize budgetary constraints. A three- and five- year strategic plan for the school system should include a corresponding budget and a vision describing fiscal and school-based outcomes to strive towards. Utilizing the long-term strategy also overrides short-term considerations based on individual concerns or temporary circumstances, reducing unnecessary expenditures and sustaining fiscal solvency (Seltzer, 2001).

Developing a strategic plan entails determining common goals between teachers and the school board, such as when teachers get raises and how much. Part of the process involves gathering information on what the district and city can afford, but also what teachers are willing to sacrifice and for how long (Daley, 2002). An initial meeting between city, board and union leaders should outline common strengths and goals that reciprocally satisfy desirable outcomes. Additional meetings should revise those goals and brainstorm satisfactory solutions that address any concerns or issues brought up. A timeline for each step of developing the strategic plan is equally important to ensure

the plan is ready to implement in a timely and appropriate manner (Bolman & Deal, 2003). Finally, annual review, assessment, and revision of the strategic plan versus actual outcomes are necessary to ensure the plan remains relevant and that goals are being met (Seltzer, 2001).

### ***Vision—Creating Common Goals and Interests***

Part of the strategic planning should include developing a mutual mission and vision that is shared between the city, teacher union, and school district; these reveal common values that improve group integration and help communication. This vision creates ideas of purpose and core values that build a foundation for each to better understand the needs of others in the group (Senge, 1990). In spite of a lack of hierarchy, creating a simple vision statement sets a framework for teachers and the school board to work towards something reasonably acceptable to all. This seemingly simple process is essential for creating a mutual understanding of needs and objectives, ideas that can help guide decisions to look beyond personal interests and really carry the ultimate purpose of helping Buffalo's community (Bolman & Deal, 2003).

### ***Tools for Accountability—Transparency and Performance Measures***

The ability to remain accountable can alleviate future budgetary problems, improve appropriate spending practices and help ensure the city and school district has a healthy budget to provide for equitable pay. The school district and teacher union should detail outcome-related financial goals, which provide achievable and appropriate “yardsticks” and help define a framework to measure outcomes (Buckmaster, 1999). Such goals should include how monies are spent and the amount used to reach certain goals (i.e., # of students per class or a dollar amount pay raise). By building these

goals into the system, expectations become known by all parties; teachers and the school board would have less contention over fiscal issues. Finally, the benefits or changes achieved through these outcome-base goals require an assessment of the results to ensure performance matches desired outcomes (Buckmaster, 1999).

Quantitative and qualitative data collected through surveys, assessments and other means are essential measurement instruments, which in spite of being subjective provide a comprehensive overview of success when linked to clearly stated goals and objectives. Assessments provide a greater basis for justification of future teacher pay increases. Delineated performance measures are meaningful tools in reporting success and achievement of a group's stated mission and a component of increasing organizational transparency (Bolman & Deal, 2003).

Financial audits are essential components to further accountability. Regularly scheduled internal and external audits by outside consultants facilitate objectivity and promote positive internal ethics. Finally, the results and outcomes of goals set by the union and city should be open to the public, increasing transparency, accountability and "public pressure". By providing public access to performance information, there is less margin room for unethical conduct or questionable behavior. Transparency coincides with accountability, making certain outcomes are achieved (Osborne, 2004).

### ***Innovative Leadership***

As mayor of Buffalo, you have the prospect to take a strong, positive leadership role. Leaders are essential for directing a group, invigorating and propelling changes in the work place (Bolman & Deal, 2003). Good leadership involves well-developed strategies and policies to ensure the city and school district sustain continued fiscal

solvency. During this time, it is important to lead by example and establish a positive role model for others to follow: announce that you will take an active approach in developing the school budgets together, participate more cooperatively in contract negotiations, and compromise to teachers through other benefits (i.e., offering additional trainings). Leader behaviors and performance are critical to transforming and sustaining creative and positive change through appropriate policies, strategies and structures to establish strategic growth (Senge, 1990).

### ***Incentive Programs***

Automatic monetary merit raises for teachers can potentially sustain accountability and minimize conflict over future negotiations, while also increasing work performance (Morgan, 2006). However, an incentive program would only be beneficial if the incentives were appropriate and at a level that is desirable by teachers. An incentive program would require built-in funds for future pay increases and is difficult for cash-strapped Buffalo, but an earmarked fund established with forethought can actually save Buffalo money over the long-term and prevent costly lawsuits. The program could be voluntary and teachers who take advantage of it would benefit financially. Enough time should be set aside to develop the program and create goals with teacher input, other wise buy-in will be difficult to achieve.

The incentive program can be administered by first assessing the differences between the goals and teacher performance and then introducing the program and providing everyone the possibility of earning incentives. Realistic benchmarks for teachers can be based on student performance and is crucial for teachers to have the possibility of reaching and exceeding their goals—this can include establishing

baselines for students earning high grades. Further, the program must be assessed and analyzed against performance goals and provide incentives fairly (Clark, Condly, Stovitch, 2005). The incentive program can help teachers become more mission focused and less focused on raises, since the goals would be established with their input. However, establishing incentive programs can be consuming, not accepted by all teachers, and would not benefit retired teachers.

## **CONCLUSION**

The City of Buffalo has a tremendous fiscal and political challenge in dealing with its school district contract settlement that could potentially bankrupt the city. However, the fate of both the school district and city are tightly linked and any decision must account for budgetary and political ramifications that would affect the city and community as a whole. Short-term solutions of declaring bankruptcy or allowing for state takeover would solve the immediate problem of how to pay off the settlement suit, but would not solve entrenched issues inherent of the current governance structure, inter-group conflicts, conflict of power and vision, and divergence of goals. Lasting solutions implemented over time will ease tensions between the teacher union, school board, and city administration. Solutions include crafting a strategic 3- and 5-year plan, mutual work group, incentive programs, common vision and goals, and implementing tools for accountability. While long-term solutions may be lengthy and complicated to put into practice, they minimize recurring problems and increase the networking capacity of the city and improve its ability to manage finances. By resolving the deep rooted issues, the city really acts in the best interest community. Schools, families, and ultimately the children benefit from foresight and time invested to fix problems, rather

than simply put a “band-aid” on bigger issues.

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