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The Archive and the Square: Access to Archival Records Surrounding Privatized Public Space

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Since the late twentieth century, the governance of many public spaces in U.S. cities has shifted from municipal control to a variety of public–private partnerships (PPPs). Today, parks conservancies and other PPPs drive operational decisions, including siting, management, and budgets. They function as extrastate actors, working on behalf of the state, in place of the state. Whereas many scholars have written about the effects of this change on spatial access and inclusion in public life, this article examines how the archival records practices of public space PPPs affect popular data access and, in turn, the transparency and accountability attributed to the democratic state. I propose that when extrastate agencies are not required to make their records publicly available or to persistently contribute to the state archive, as state agencies are, the absence diminishes the long-term memory-making function of the state. This dynamic lessens the ability of stakeholders to make claims or to intervene in the democratic governance of public spaces and normalizes the structures of privatization. I use the case of Pioneer Courthouse Square (PCS) in Portland, Oregon, and its adjunct conservancy, Pioneer Courthouse Square, Inc. (PCSI), to illustrate this dynamic. **Key Words:** archives, extrastate organization, privatization, public space.

Urban public spaces are having a (protracted) moment in the spotlight: In the past decade, books,¹ think tanks, policy institutes, and foundations² have moved to revitalize the urban public square as a place of social cohesion, vitality, and equity. The parks and plazas of our cities are not only physical venues where social life happens, however, but also largely state territories sedimented with more than a century of ideas surrounding their purpose and, in turn, the ways in which they are governed.

A common claim about the benefit of public space to our society links physical public spaces to the democratic public sphere (M. Clarke 2021). Theories about the relationship between public space and democracy range from an overt political type, in which public space functions as a site for popular protest and dissent toward those in power (Mitchell 1995; Hou and Knierbein 2018), to an everyday type, which maintains that the spaces of the city should be available to all comers, thus supporting a robust democratic sphere of dialogue and interaction across difference (Kohn 2004; Low, Taplin, and Scheld 2005; Staeheli 2010; Shepard and Smithsimon 2011).

Democracy, however, does not just describe how people behave in the space. Rather, questions of local democratic governance surround these spaces in less visible ways: through decisions about funding, security, and programming (Mitchell 2003; Madden 2010), as well as the channels for including local voices in these decisions. The latter might include formal frameworks surrounding particular projects (Berner, Amos, and Morse 2011), the ability to publish in local media, or the ability to organize

demands around a particular space. In this article, I connect these mechanisms of informed stakeholder intervention that support a democratic public sphere to the data available in the state archive, a site where the state constructs its official narrative. I consider how the materials stored in the archive—as one part of the public record—are tied to democratic governance of these spaces that are themselves central to the public life of the city. More specifically, I consider how new forms of governance through a range of public–private partnerships (PPPs) can change the archival structures of state memory, how these changes might influence claims to knowledge of state spaces, and the attendant possibilities for affecting local democratic practice.

Structures for governing urban public spaces in North American cities have shifted significantly in the past forty years or more, as sources of capital, management, and labor devolve away from state institutions (Krinsky and Simonet 2017). In their place, the PPP has arisen, in the form of parks conservancies, foundations, business improvement districts (BIDs), and the contracts they award to other private firms.³ Through various PPP models, the state enters into arrangements with private organizations for revenue collection, design choices, management, maintenance, or policing surrounding urban lands, based on a claim of shared governance (Harvey 1989; Carmona, de Magalhães, and Hammond 2008; Forrer et al. 2010; Krawchenko and Stoney 2011). The private actor is usually a nonprofit entity whose only client is the public agency.

Although the land at the center of PPPs generally remains under the ownership of the municipality—which also frequently contributes some part of

the capital budget or maintenance costs—most of these models rely on some combination of individual donations, corporate sponsorship, and philanthropic fundraising. Proponents hail these forms as nimble and trim in their operations, yet their sources of funding and, in turn, their transparency and accountability in governance raise some fundamental questions about the institutionally “public” qualities of these organizations (J. Clarke and Newman 2009; Murray 2010). Broader questions arise regarding how the move from state to extrastate entities affects democratic governance and inclusion surrounding municipal public spaces.

Here, I examine the shift to PPPs from the perspective of the archival researcher. Unlike the records of state agencies, such as parks departments, the body of files generated by PPPs that operate municipal public spaces in general are not legally bound in the same way by public records laws and archiving schedules. This is significant because decisions that these organizations make regarding budgets, revenue streams, vendor contracts, and security affect how public spaces include or exclude groups of people and activities.

Ogborn (2003) argued that “the archive is part of the state’s construction and use of power” (14). Following Ogborn, I contend that the archival practices of extrastate organizations function within—rather than exceptional to—these ongoing processes of state formation. That is, when the state delegates its power to govern territory, in all of the ways noted earlier, the associated concerns surrounding state power and accountability move with it. In turn, access to the attendant records affects the potential for well-informed public intervention in these decisions.

I propose that the absence—or the absent presence—of extrastate records in the municipal archive contributes to the naturalization of PPP management of municipal public spaces and of public life. Put plainly, if the state’s proxy in governing urban space does not contribute to the state archive for posterity, bound by the same legal guidelines as the state, it obfuscates its role in diminishing transparency while doing the same. Although all archives are in some way incomplete (Mills 2013), the state archive in the era of increasing extrastate governance is forming around a particular exclusion. This is crucial because the lack of clarity and oversight in recordkeeping will lead to a loss of collective memory—and thus a mechanism for long-term accountability—surrounding the spaces of gathering that are central to an inclusive urban life. This issue is particularly pertinent at this juncture: After many years of pilot projects and new models, forms such as the conservancy⁴ are hardening as a way of governance over and through public space (Harnik and Martin 2015).

In the work that follows, I outline the scholarly debates surrounding the role of PPPs in public space governance. Then, using the case of Pioneer

Courthouse Square (PCS) in downtown Portland, Oregon, and its affiliate conservancy, Pioneer Courthouse Square, Inc. (PCSI), I demonstrate one way in which a PPP can form in a North American city and how the archival concerns enumerated here can affect transparency. I then discuss the role of the archive in the project of accountability related to state governance more broadly. In the Conclusion, I make recommendations for clarity on this issue, and propose areas for future research.

Public Spaces and Private Partnerships

When considering what makes urban public space, in fact, public, a host of different models and metrics abound. Central to many, however, is *access*, which can describe physical proximity as well as cultural, social, and political modes of inclusion and exclusion.⁵ What is the source of this access? This is central to the debate surrounding PPPs in governing public space.

The context for studying PPPs is what came before: Since the turn of the twentieth century, the municipal state has been central to developing and managing formally public spaces in North American cities (Cranz 1982). City agencies such as parks departments were charged with a program of maintaining open spaces using public funds, derived from tax revenue, and some fees or concessions.⁶ In the 1990s, however, North American urbanists began to take note of privatization: the foreclosure of the state-centered public realm in favor of urban spaces ruled by private entities. This included the “mallification” of the public realm through privately held spaces that impersonated main streets (Davis 1992; Sorkin 1992), the rise of gated communities (Low 2003), and a new set of PPPs set up to raise money and “revive” urban public spaces where the cash-strapped state could not (Harvey 1989; Peck and Tickell 2002).

Continuing scholarship on privatization of public space has since raised concerns over uneven distribution of spatial and operational resources across city regions; privatized security forces and other forms of surveillance; pressure for individuals to spend money to stay in public space; a chilling effect surrounding what counts as legitimate behavior in public, leading to the exclusion of “undesirables”; and a self-reinforcing logic of private funding (Kohn 2004; Smith and Low 2006; Miller 2007; Brecher and Wise 2008; Taylor 2010; Joassart-Marcelli, Wolch, and Salim 2011; Shepard and Smithsimon 2011; Walls 2014; Reichl 2016). Broadly, the shift has been attributed to larger trends toward neoliberal urban governance, ascendant since the 1970s, favoring market over state forces for funding and governing cities and the instrumentalization of urban space as a driver of interurban competition for capital

(Smith 2002; Hackworth 2007; Brash 2011; Peck 2012; Loughran 2014).

Others argue, however, that the “end of public space,” or the effects of private governance, is exaggerated. Rather, it is the rights accorded to users—not owners or managers of public spaces—that determine its public character (Van Melik, Van Aalst, and Van Weesep 2009; de Magalhães 2010; Dempsey and Burton 2012; Carmona 2015; de Magalhães and Freire Trigo 2017). Langstraat and Van Melik (2013) argued, “It cannot be said that a privately-owned public space is by definition less accessible, or a privately-managed space automatically more exclusive” (444). Furthermore, they claimed, the move to nonstate ownership or operation of public spaces is yet another reconfiguration in a dynamic of public space that has been historically unstable; it is one form in a plurality of ways that public space is governed (de Magalhães and Carmona 2009; de Magalhães 2010; de Magalhães and Freire Trigo 2017; Boydell and Searle 2014).⁷

Yet even among scholars who view a variety of public-private arrangements as having little effect on access, “the main difference seems to reside in who secures the right to have a say in the governance and management of the space, i.e., the right to make public space management bodies accountable” (de Magalhães and Freire Trigo 2017). That is to say, the rights and responsibilities associated with public life are derived from structures of governance. In turn, they call on local governments that turn to these hybrid structures in the face of austerity “to produce judiciously designed accountability mechanisms and clear decisions about whose aspirations are to be privileged in devolving the governance of public space” (de Magalhães and Freire Trigo 2017).

To achieve these “accountability mechanisms” requires modes of procedural access, such as clear channels for contacting officials, or forums for broad stakeholder participation in developing and maintaining public spaces. Procedural access, further, is predicated on the availability of data to support informed decision making. These might include legible processes for board appointments; explicit personnel and labor practices; notes on operations, including permitting for specialized uses; and transparent reporting on budgeting, such as sources of revenue and types of expenditure. In the present PPP framework, these records, as discussed later, are held at times by various agencies (municipal and private) and at others by the state archive, with varying degrees of availability.

I focus here on the PPP model, specifically, as a form of “extrastate” organization.⁸ Unlike spaces of public access that are privately leased from the state, those with concession contracts (Crompton and Kaczynski 2003), or voluntary “friends-of” groups, extrastate organizations are highly state-adjacent,

territorially bound to state spaces and serve what have long been state functions, such as maintenance, operations, and security. Related to the larger category of “shadow state” organizations that have taken up the slack of the absent or abandoning state (Geiger and Wolch 1986), they are organized in partnership with the state, to serve only state organizations, but operate under different legal, organizing, and management principles than state entities.

Whose Records: The Case of Pioneer Courthouse Square

State records are central to the state’s story about itself, in both their content and form. Ogborn (2003) argued that “questions of meaning and identity are essential in understanding how states work” (10). The archive is a central site of identity formation, where the state legitimates the story of its own process for governing and for organizing its structures of governance. Dirks (2015) added, “The archive is a discursive formation in the totalizing sense that it reflects the categories and operations of the state itself” (58–59). By the same token, I contend that the material made absent to the archive by the extrastate organization indicates a parallel but unknown set of categories and operations, also tied to the formation of meaning through state territories. As a result, the extrastate organization recedes from memory, even as it becomes ascendant.

In a more concrete way, given the extrastate arrangement for managing public space described previously, how should each partner in a PPP be held to account in their financial and organizational practices, and how are they currently? For municipal agencies, public access to records tends to be regulated through state-level legislation in a few ways. First, through laws that vary across states, citizens can ask to view many records of city agencies within a proscribed time period. Second, there is commonly a schedule for moving records from their home agencies to a central repository or municipal archive, where they are available in some meaningful way for public viewing. Private partners, however, are held to quite different reporting requirements. Nonprofit organizations are required to submit annual federal tax statements (discussed later), which are publicly available and searchable but do not include extensive budgetary information.⁹ What lands in the archive, however, is generally unlegislated and therefore uncertain: One can sometimes locate records of the interface between public and private partners, such as a memorandum of understanding (MOU) or change in budgetary share of each party. This is not necessarily required by law, however.

This distinction appeared to me in the context of a larger research project on PCS in downtown



Figure 1 *Pioneer Courthouse Square*. Source: <https://www.portland.gov/>

Portland, Oregon, and its relationship to its adjunct nonprofit partner organization, PCSI.¹⁰ PCS is a bustling plaza and transit hub, dubbed “Portland’s Living Room”; it attracts more than 9.5 million visitors each year. Since 1984, when the square debuted where a parking structure previously stood (and a larger one was planned), PCS has been recognized as an emblem of a city that has gained wide acclaim for progressive, citizen-led planning efforts (Abbott 1991). The City of Portland owns the site, and the Parks Department contributes funds, but PCSI raises significant additional revenues to operate the square, including 300 days of programming each year (see Figure 1).

The City of Portland entered into a management agreement with PCSI in 1983, in a hand-off from its predecessor, Friends of Pioneer Square, which was a fundraising vehicle to finance the construction of the square (City of Portland 1983). PCSI’s board of trustees, once consisting of nine members,¹¹ is presently made up of “a minimum of 25 elected members who serve two consecutive three-year terms. The members are representatives of the Community, the Region at-large and Downtown Businesses. The City Commissioner in charge of Portland Parks & Recreation automatically serves on the Board” (see <https://www.thesquarepdx.org/management/>).¹²

The terms of the financial partnership have also changed over time: In the past four decades, the Parks Department’s share of the total budget for the square has gone from “half of the estimated total operating costs (except the maintenance cost which [was] completely assumed by the Park Bureau)” in 1987 (Kim 1987, 198) to about 21 percent of the total budget, with about a quarter of that amount in in-kind maintenance costs (PCS 2016). In turn, PCSI makes up this difference in funding through individual and corporate contributions, events and sponsorships, and tenant income. The relationship between PCS, the space owned by the municipality, and PCSI, the organization that manages the space, is emblematic of the kind of extrastate arrangement I describe in this article.¹³

I began my study looking for a record of the change from the founding of PCS to the contemporary moment of PPP entrenchment to understand the changing public character of urban places.¹⁴ Taking the shift in funding as a proxy for this change, I asked: Who made this series of budgetary decisions and how? How have the state, the media, and the extrastate organization spoken about this shift to one another and with the public, if at all? What kinds of discourse surrounding property, maintenance, and tax revenues helped to rationalize

these decisions, and how do such discourses accrete over time? This research called for parallel sets of financial data from both the Portland Parks Bureau and PCSI back to 1980: annual budgets along with adjacent decision-making records, such as minutes and memos.

Two major sources offer budgetary data from the City of Portland and its agencies: first, the municipal archive, to which certain sources are requisitioned by law.¹⁵ Here, we find city council minutes, detailed parks budgets, and contracts between the city and PCSI for some years. The other is an online system of public records requests, through which specific files can be requested from agencies.¹⁶ In addition, several annual reports are regularly available online, such as that of the City Budget Office (2020), the city's Comprehensive Annual Financial Report, and reports from the city auditor. In some years, some parts of agency budgets are organized into viewer-friendly presentations—presented at public meetings and then posted online—but these are not consistent over time. That is, there is no singular source of detailed municipal budgetary data for each agency but an archipelago of sources that a plucky researcher can acquire with little friction.

In contrast, the system for requesting budgetary data from PCSI relies on two sources, neither of them readily located in the municipal archive. As an organization with 501(c)(3) nonprofit tax status, the organization must file federal Form 990, which is the public-facing mandatory form of the Internal Revenue Service. This provides a broad overview of revenues and expenditures, as well as names of employees who earn above a certain threshold and board members (without affiliations). The other, as part of PCSI's own public-facing communications, consists of annual reports posted on its Web site.¹⁷ Based on pie charts of its revenues and expenditures, followed by a list of individual and corporate donors, the reader can get a sense of how the organization raises revenues and sets priorities, but few raw numbers are available. Specifics on commitments to those donors or programming decisions that are left to the organization as a term of its autonomy are hidden from popular view.

Some PCSI sources do occasionally appear in the archive, under public agency filings. More detailed budgetary data are available in Parks Department files in the years 1984 through 1990 when, it seems, Portland Parks and PCSI were more closely aligned and then recede from view. Per the 2008 MOU between the City of Portland and PCSI (the most current I was able to find), PCSI is required to report annually on all its finances to Portland Parks and Recreation but not explicitly to the public at large.¹⁸ At times, Portland city commissioners saved reports from PCSI in their own files, some of which have been deposited in the archive.

Because archival sources on PCSI were thin, I requested data directly from the organization. Over the course of almost two years, using a form on the PCSI Web site, over e-mail, and in person, I struggled repeatedly to obtain records from PCSI staff.¹⁹ These included requests for the complete series of published annual reports, as well as more detailed budgets (from accounting) where possible. Ultimately, the organization passed me to Portland Parks and did not respond to any further e-mails. PCSI was not legally obligated to produce any of these documents, nor were they required to deposit them in the municipal archive over time.

Varieties of Memory and Accountability: The Public Record and the Archive

Why this difference in records, and what does it matter? The municipal archive, and the larger program of public records transparency it belongs to, is based in a series of laws that dictate accountability practices for state agencies and terms of access for users to promote participation in democratic governance. Like any legal framework, though, these have uneven edges, places subject to interpretation. Here, I examine both the archive and the public record in terms of their guiding premises, legal terms, and discursive potential.

Public records legislation describes a variety of “sunshine laws,” including the Freedom of Information Act (FOIA, at the federal level)²⁰ and related state laws, which were developed since the mid-twentieth century to make state records accessible to the public in an organized manner and legal channels to acquire them if they are not readily available. When searching for a contemporary document of a state agency, Oregon's public records law (ORS 192.314(1)), for example, states that “every person has a right to inspect any nonexempt public record of a public body in Oregon” (Oregon Department of Justice 2020b). This seemingly straightforward definition can become complex in several ways, however, such as in the extrastate PPP arrangement. What qualifies as a public body? When do the sources of the contemporary public record become the archive and how? Each of these elements contributes to standards of transparency and to popular access to these documents.

To apply the Oregon public records law to the present case, does PCSI qualify as a public body? The answer is unclear. According to the *Public Records and Meetings Manual* of the Attorney General of Oregon (Oregon Department of Justice 2020a), “If the ostensibly private entity is the ‘functional equivalent’ of a public body, the Public Records Law applies to it.” That is, any citizen may request to see their records. The manual goes on to note, “Determining whether a private entity is the

functional equivalent of a public body depends on the entity's character and its relationship with government and government decision-making," followed by factors that include "the entity's origin," "the nature of [its] function," and its "scope of authority" (State of Oregon Department of Justice 2019, 3–4). In the case of PCSI, the Attorney General of the State of Oregon would require that I submit a petition to the Multnomah County (Portland) District Attorney to determine whether the nonprofit is subject to the public records law (personal communication, 14 June 2021). Significantly, however, this request would necessarily focus on a particular record or set of records; it would not transform all of PCSI's files into the equivalent of those belonging to a public body.

If the premise of public records law is access to particular documents, the premise of the state archive in a democracy is popular access to the composite set of files of the historical record.²¹ To this end, the archive of state agencies at each level—in Oregon and in many states—is governed by laws, based on the agency and the type of record (Oregon Revised Statutes *n.d.*, chapter 192). Local archives, such as the Portland Municipal Archive, are further governed by local laws (see note 14). That said, in Portland, as in any U.S. city, the municipal archive does not provide a perfect, coherent record of the past. Although any archive is fragmentary by nature (Brown and Davis-Brown 1998; Mills 2013), many North American municipal archives were long underfunded or just ignored (Cox 1981; Baskerville and Gaffield 1984). Furthermore, neither complete transparency nor a complete record always result from legal mandates.²² Nonetheless, a clear path to obtaining a coherent or comprehensive set of municipal records is, at the very least, a goal.²³

Then another question arises: When a set of records makes the leap from contemporary public record to archive, what does that mean, beyond the legal framework? First, the move implies a certain passage of time—present becoming past—although how much time remains variable.²⁴ Next, not every public record finds its way to the archive; for reasons both legal and logistical, they cannot. Thus, there are fewer actual files or documents in the archive, and it becomes much harder to chase down the past documents of any agency that does not comply.

Yet in this threshold, a distinction is also rendered between a framework for extracting individual records from various state agencies to one for becoming a collection that, although always incomplete, offers itself through context as a representational whole. When a researcher—academic, journalist, or citizen—enters the municipal archive looking for an administrative record of governance, they might be looking for a particular document, but they also might identify the longer story of a public entity. Ideally, the archive contains sets of

records that can be compared side by side and that allow for the emergence of a pattern that the researcher perhaps could not anticipate, something more expansive than the way a particular document yields information. This structure has a different character in transparency than does access to the contemporary public record. In turn, as an extrastate entity stands apart from the archive, it is written out of this longer story of governance. Although it might be legally possible to drag specific pieces of an extrastate organization's contemporary record out into a framework legally designated as public, the archival whole remains incomplete. This is a challenge of different legal standards applying to different kinds of entities charged with governing the same space.

Conclusion

In this article, I mobilize a case study of a central public square in Portland, Oregon, to demonstrate how the increase in state-adjacent PPP structures, without accompanying legal guidance regarding records and archival practices, can occlude transparency in the public record, and specifically in the state archive. This affects the opportunities for civic participation (including research and journalism) in advocacy around public spaces, as well as the body of data for research based in historical records over the long term. I assert that clear protocols for access to many kinds of records, but particularly archival records of the budgets and operations of city agencies, allow researchers to document change in municipal decision making over time, which is fundamental to making claims on local government. Without a consistent set of transparent parallel records for extrastate agencies, the sources of decision making over the long term are lost and with them a vital form of transparency.

This is not, however, the story of the good city and the bad conservancy. It is not a blanket critique of the work of PCSI and organizations like it to promote public life, nor the people who fulfill its mission each day. Rather, the process at work in the case presented here is emblematic of a dynamic that is occurring in public spaces all over North America in which under- or disinvested city spaces through the late twentieth and early twenty-first century have been reworked through partnerships that feature innovations in design and programming that are hard to argue with. Indeed, so many municipal agencies around the country have tied their public spaces to extrastate organizations, based in the claim that PPPs will invest in these spaces for the long term, against the whims of politics or changing revenues. The adjacent memory-making apparatus, however, which includes some of the materials of democracy, is being left behind.

It is worth noting that the records of both actors in a PPP—Portland Parks and PCSI in this case—

are inevitably partial, full of gaps as all archives are, based in myriad small human decisions along the way. Indeed, organizations and the people working in them do not usually think of their daily records as future archives (although there might be some awareness that state agencies could be audited for public purposes). Further, the extrastate agency is not alone in limiting transparency. Rather, the state is party to this dynamic, often through inattention to oversight of its adjunct organizations, due to lack of capacity, among other factors, and at other times through commitments to powerful nonstate actors.

Additionally, there is a risk of suggesting that the state is an entity from which we can readily expect equitable distribution and maintenance of public space, fairness regarding who is included and excluded from public spaces, and a general commitment to transparency. Recent protests surrounding police violence, the treatment of unhoused people, and other forms of exclusion from public space show this not to be true. That said, a participatory democracy depends on legal mechanisms to cite the state's own decision-making apparatus, which in turn requires a legal path for making demands on the institutions of state memory. Put plainly, to hold power accountable, there needs to be a way to get the records. Presently, these structures of accountability are embedded in a legal framework for only some parts of the organizations that are increasingly governing our urban public spaces.

Future research on this topic might look more deeply into the archiving schedules themselves, how they are organized and how they have evolved over time, and where they can be changed. Comparative studies would also be beneficial, to investigate which states have the most robust public records and archiving laws, whether they have attendant compliance, and why. In turn, a review of legal frameworks for accountability in extrastate organizations might offer a number of alternatives for addressing these issues.

Privatization is an ongoing and changing process, involving different kinds of actors and producing different outcomes in different eras. Just because the City of Portland (or any other city) entered into one agreement with PCSI (or any other extrastate agency) in the 1980s, privatization did not end when the organization was formed. Just as changes in budgetary commitments over time have been part of this ongoing process, so have been the slow fade from view of the budgetary records. As a dynamic process, though, this change in state formation is also a site for intervention, a place for potential clarity. Here is a call for the rescue of memory. ■

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Notes

- ¹ See, for example, Gehl (2010), Klinenberg (2018), Marron (2013), and Montgomery (2015).
- ² Among these are the Project for Public Spaces, the Trust for Public Land, and the Knight Foundation's Public Space Initiative.
- ³ Relationships between these organizations is also significant. In 2009, a highly publicized conflict emerged in Portland's Pioneer Courthouse Square: the assault of local skateboarders by uncertified security officers from Pacific Patrol Security (Kamph 2010; Bernstein 2012, updated 2019). The private security firm was, in turn, contracted by the Portland Business Alliance (the Greater Portland Chamber of Commerce) to patrol a number of the city's downtown parks through their Downtown Portland Clean and Safe District (see <http://downtownportland.org/>). Although outside of the direct control of PCSI, the public space PPP that runs the square, the civil suit that resulted raised questions about accountability among these organizations.
- ⁴ The first major U.S. park conservancy was the Central Park Conservancy of New York City, founded in 1980 (Rogers 1987), which has been highly influential. It was preceded by other PPP formations, such as the Privately Owned Public Space program of Manhattan (Kayden 2000).
- ⁵ The question of physical access has led to empirical spatial analyses of urban parks distribution (Talen and Anselin 1998; Talen 2000; Wolch, Wilson, and Fehrenbach 2005; Rigolon et al. 2018); studies of gatekeeping structures, such as legal mechanisms (Mitchell 2003; Staeheli and Mitchell 2007) or fees (Adiv and Wolf-Powers 2019); ethnographies of spatialized cultural forms (Low 2000); and studies of shifts in political and economic control of city spaces (Smith and Low 2006). Access is also central to models for representing publicness, such as Németh and Schmid's (2011) triaxial model and Varna and Tiesdell's (2010) star model.
- ⁶ This model is not without its critics. Scholars have shown the racist patterns of park siting under this regime, as well as a hierarchical form of decision making, unamenable to citizen input (Byrne and Wolch 2009; Taylor 2010; Low and Iveson 2019).
- ⁷ Note that many in the former group are writing in the North American context, whereas in the latter many are writing from Europe.

- ⁸ This is also not Easterling's (2014) "Extrastatecraft," in which the author referred to "[massive] global infrastructure as the medium of polity," but rather described institutions that are tied up in state apparatus to govern formerly state-controlled territory.
- ⁹ In the state of Oregon, nonprofit organizations also file an "annual report" with the secretary of state; however, it does not include budgetary or personnel information.
- ¹⁰ "The Square is not part of the Downtown BID, although the BID does contract with Pioneer Courthouse Square, Inc., to provide cleaning and security for the space" (see <https://www.pps.org/article/pioneersq>).
- ¹¹ These members are listed on official letterhead in correspondence from PCSI to City Hall, dated 14 January 1986.
- ¹² Extensive searches on the PCSI Web site, as well as the Web sites of the municipal archive and the City of Portland Charter and Policy Documents, yielded no current MOU regarding the exact protocols for how many of each category belong on the board, nor how they are elected or appointed, nor how citizens might try to join.
- ¹³ Other spaces with alternative funding structures in Portland include Forest Park, Washington Park, and the Rose Garden. The Portland Parks Foundation also has independent fundraising capacity.
- ¹⁴ I do heed Langstraat and Van Melik's (2013) assertion that there is "a bias towards well-known primary (or 'flagship') urban spaces" (431) in the public space literature, to the exclusion of everyday places that are used by far more city dwellers in outlying neighborhoods (432).
- ¹⁵ Chapter 3.76 of the City of Portland Code and Charter outlines the laws surrounding Public Records, including public access to records. Subsection 3.76.040 outlines the Authority and Duties of the Archives and Records Management Program.
- ¹⁶ Some obstacles also prevented me from procuring some data from the city of Portland. First, for documents that have not already been digitized, there is a fee schedule, although it can be waived or reduced. (After I had completed my research, a 2019 court case on this matter determined that "the City [of Portland] is hereby enjoined from charging excessive fees for routine email and document searches"; Cushing 2019.) More important, the Parks Department was not able to provide some materials because they had been destroyed seven years after they had been created, on the advisement of city lawyers. Indeed, whereas some states embargo their archives for a given period, many state agencies destroy certain detailed financial records. Other materials were missing, perhaps forever, as the result of a building retrofit and an office move. That notwithstanding, I note that the individuals who worked on acquiring documents for me were very helpful and considerate, and worked closely with me to try to acquire the records.
- ¹⁷ Although we were able to obtain seven of these, at the time of publication, only one (2015–2016) was available on the PCSI Web site.
- ¹⁸ Section 9.11 states "PCS[I] will maintain a set of all financial, vendor, employee and operating records relating to the Square. At any time during the Term, the City shall have the right ... to inspect and audit the books, records, invoices, deposits, canceled checks, or other financial data or transactions of PCS..." Section 9.12, Reporting, requires PCS to "provide PPR with annual reports provided to regulatory entities... Additionally, PCS will provide PPR with regular reports prepared for the Board and its committees..." (City of Portland 2008).
- ¹⁹ A link on the PCSI Web site at the time of publication announces that "Board meetings are open to the public and held regularly on the last Tuesday of every other month at 11:30 am." A link then connects to an e-mail address where you can request the location (see <https://www.thesquarepd.org/management/>).
- ²⁰ The federal FOIA was first proposed in 1955, passed in 1966, and amended by Congress to strengthen its powers in 1974, after the Watergate Scandal (Electronic Frontier Foundation 2020).
- ²¹ The mandate of the City of Portland Archives is "making city administrative and historical records accessible to the public and City employees for research and inspection in accordance with Oregon's public records laws" (City of Portland 2021).
- ²² Additionally, "the state" is spread out among agencies' scales. In addition to the Portland municipal archive, one might find information on PCS at the archives of Multnomah County, Metro (regional government), and the state of Oregon.
- ²³ Difficulty procuring municipal records is not unusual: Krinsky and Simonet (2017), for example, reported a great deal of secrecy regarding the internal governance and decision-making processes of the New York City Parks Department.
- ²⁴ In some cases, this is explicitly mandated by the state. Ogborn (2003) offered the example that "material deposited in the British Public Record Office is routinely closed for 30 years" (13).

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