



Welcome

This insert in Peguis New Horizon is to inform Peguis Band members on new and amended policies and procedures that have been adopted by the Council over the past year. The changes are sweeping and affect most areas of administration and governance from minutes of Council to who can apply for membership in Peguis First Nation. This insert explains most, but not all, of the changes that have preoccupied Council in recent months. Some areas such as Membership will be brought forward at a later date when the revised Code is completed. The next step is to bring the changes before the people of Peguis so that you can understand and have your say on how we should proceed to improve and



strengthen our governance and administration in the best interests of everyone in our community. Community meetings on the various policies are scheduled to

be held in the coming weeks to facilitate band member awareness and input to these matters. In the meantime, I hope

you will take the time to read this insert and plan to participate in our discussions.
Chief Glenn Hudson

PFN Governance Committee Background

What is the goal of the Governance Committee?

The Governance Committee is mandated by BCR of August 18, 2009 to “oversee and lead a community process on reforms and development of governance as outlined in the attached Terms of Reference; and, based on community consultations, make recommendations to Council on such reforms as the Committee deems appropriate for good governance.”

Over the past year, the Committee has met fourteen times during which members considered and made recommendations to Council on a range of matters, many of them pertaining to the urgency of developing policies to ensure the renewal of the First Nation five-year funding arrangement with INAC (CFNFA).

Why do we need governance reforms?

There are three reasons:

Firstly, the people of Peguis have demanded changes in the way decisions affecting the entire community are made. Band members want input to and information on decisions and how their programs and community funds are managed by administration. They want to be able to access information on their governance routinely, they don't want to have to go to court or hire a lawyer to access information about their community resources. They want more structure and transparency on their governance based on written rules and procedures that they've had a hand in devising. Secondly, Peguis is funded under a 5-year block funding arrangement called a Canada – First Nation Funding Arrangement (CFNFA). The agreement stipulates conditions under which the

community is funded and include things like having rules and procedures in place so that band members can know how their First Nation is being governed and administered and what they can do if they have questions they want to ask of their leaders. This is called accountability and transparency. In Mar. 2008, INAC conducted a management assessment of Peguis and concluded that because Peguis did not have these rules and procedures in place, INAC would not be able to renew the 5 – year agreement. INAC informed the Council it was going to impose a year to year agreement instead. Had this decision stood, its impact on our community funding would have been devastating. Peguis would have lost \$7 – 10 million in funding in each year. Jobs would have been cut back, special initiatives would have been curtailed and some services would have disappeared altogether. Fortunately, the Council was

able to secure INAC approval for a 2 year extension of the existing agreement during which administration would work to make changes in governance, capital planning, and finance management to address the gaps identified in the INAC assessment. Over the past year, the Council – and its committees and staff - have been working to accomplish this task. Committees and boards have been established and written rules, policies and procedures in governance adopted and instituted to make sure that Peguis is on a firm footing as the deadline (Sept. 2009) approaches by which time, our community must be compliant with CFNFA criteria.

Thirdly, Peguis stands on the threshold of transformative change as a result of development dollars that will flow into our community from the two land

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Redress in Peguis First Nation Governance

Introduction

Redress is an important ingredient in governance because it provides another check against arbitrary power. Redress provides a process for members of Peguis to appeal decisions or actions taken by their government or administration in which a citizen feels he or she was unfairly or unjustly treated. For example, he or she may feel they were not fairly considered for a job, education opportunity, housing allocations and other First Nation programs, services and Nation entitlements and benefits. Formerly, the Council fulfilled the role

of appeal body but this had its disadvantages, among them:

- a. the role increased the burden on Council members.
- b. without rules of redress, the role of appeal in governance was ineffective.
- c. Council found itself having to be the appeal body to complaints about its own conduct.

Who does the redress policy apply to?

The Policy applies to all employees of Peguis First Nation, its agencies, and other entities including committees,

boards, commissions and corporations unless excluded by the Council.

Who provides the redress?

The Redress Committee, a committee of three individuals, provides the redress. All three are members of Peguis, two are citizens and the third is a staff member assigned to this role by Council.

How do you ask for redress?

The appeal is made by filling out a form at the Administration office. The form

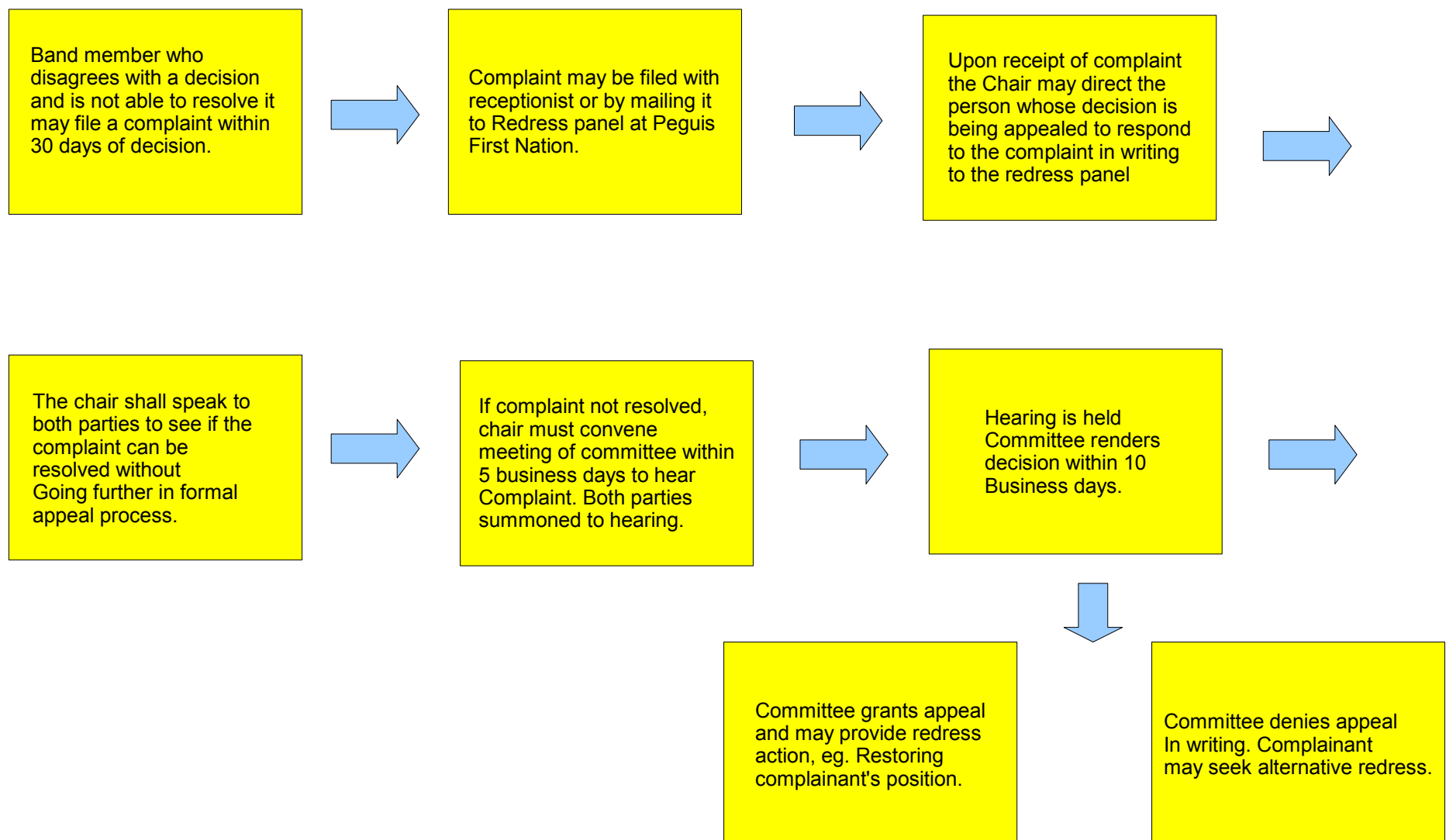
is submitted to the Redress Committee who will conduct an investigation of the complaint and render a decision. A hearing may be held during which the complainant and the individual who is the subject of the complaint will be interviewed. Other witnesses may also be called to give evidence on the matter.

What powers will the appeal Committee have?

Among other things, the Committee will be able to overturn a decision that they deem unfair or unjust under the circumstances.

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Peguis First Nation Redress Flow Chart



Financial Accountability Policy

Introduction

Peguis First Nation citizens and band members put their trust in the prudent and responsible management of their community funds and human resources by the Council and administration. This policy sets out the organizational structure, principles and rules by which this goal is achieved.

Why do we need a Financial Accountability Policy?

Before the policy was adopted by Council on April 23, 2009, Peguis First Nation did not have community inspired rules and procedures for how community funds were to be managed. This left the management of community funds at the total discretion of the Council. For example, they could decide to pay themselves and the staff salaries and bonuses as they pleased, without consulting or even telling the people of Peguis about it. They could make loans to staff and members of Council and then forgive the loans if they wanted to. Years of ad hoc decision making without rules and procedures for financial management resulted in a high deficit that we are now struggling to pay down. During those years the five year funding arrangement with INAC required that our Council develop policies and procedures for financial accountability but this work was never done. In March, 2008 INAC granted a two year extension to the existing five-year agreement in order that Peguis may have more time to do this work. If it is not done, then Peguis will not qualify for a block funding agreement and instead will have to make do with a year to year agreement which could devastate our community funding base.

So there are at least two important reasons for Peguis to have a financial accountability policy.

Firstly, having rules and procedures in place for financial accountability that Council must follow is a safety mech-

anism for the public of Peguis that is a standard requirement in democratic governance. Council can no longer make financial decisions without having plans for expenditures and accounting for decisions.

Secondly, INAC rules for block funded communities require that rules and procedures for financial accountability are in place. On April 23, Council adopted the Financial Accountability policy, fulfilling a major requirement for the full renewal of our 5 year agreement in 2010. The Council though now wants the people of Peguis to be fully informed about the policy and to have their input and approval of its contents.

How does the Financial Accountability Policy protect the public interest?

Managing our community funds is a vital function that we entrust to our Council. Being reasonable and intelligent persons, we do not base that trust on blind faith alone. We know that having rules and procedures for Council to follow in how our monies is managed will increase scrutiny and transparency in the accounting process. One of the ways that the policy provides for this is by establishing a finance committee that will play an important role in financial management in future. In introducing a finance Committee into the structure of financial management, the concentration of power within the Council is again put in check and the critical activity of money management is exposed to the community through mechanisms and



procedures such as information access, audits, annual budget preparation, quarterly general assemblies, and so on. One of the key tasks of the finance Committee is to monitor the receipt and expenditure of Peguis First Nation funds. Another is to be responsible for preparing an annual budget based on Council priorities. These and other functions provide a foundation for greater transparency and accountability in how our community funds are managed.

What does the Chief Financial Officer do?

The Chief Financial Officer reports to the Chief Operating Officer but exercises significant independence in financial matters. The CFO works closely with the Finance Committee to make sure administration staff comply and follow through on Committee decisions and recommendations to Council. One of the key tasks of the CFO is to prepare an overall annual budget for review and approval of the Finance Committee.

What is it that accounts for successful economic development when it occurs in Indian Country?

Simply having resources – natural, human, or financial -- does not account for what the relatively successful tribes have been able to achieve. It is not the case that relatively successful tribes are those that have good natural resources, or that have high rates of educational attainment, or that have been able to get their hands on financial capital.

- Joseph Kalt, Harvard Project on American Indian Development, John F. Kennedy School of Government

Why it is important to have 'Access to Information'

Why is it important for citizens to have access to information?

In order for citizens to be assured that their leaders and government are serving the public interest they must be able to check sources of information within their government that will tell them such things as: Where is the money that the community gets from government funding going? What is happening with our trust monies for the land claim settlement? How much of our funding was spent on the travel expenses of our leaders? And so on.

Access to information is a crucial element in democratic governance. Such a policy provides a routine method for citizens to access information about government services and programs that they rely on for their survival. By being able to access information, citizens can be informed citizens in their governance and be better able to participate in decisions which impact them. Having an access to information policy paves the way for a community to reduce corruption, increase accountability and deepen trust among citizens and their governments. In the past, there was no routine way for Peguis band members to access information. Citizens were denied information such as the band audit and other records which should have been publicly accessible. Having a policy on access to information provides a routine way for individuals who want information about their government to inform themselves without controversy.

What types of information can a person access?

The policy lists information that must be provided readily to citizens who request it, either immediately or within two work days. The following information is listed in Schedule 1 that belongs in this category:

1. Program or service public information such as brochures, pamphlets, and other information that is descriptive or otherwise intended to encourage public awareness of programs and services;
2. Notices of meetings and schedules;
3. Peguis First Nation program and services budgets, annual reports and community plans;



4. Long term plans and budgets;
5. Minutes of Council, General Assemblies and Committee meetings.
6. Band membership list consisting of the first name and last name of the member;
7. Peguis First Nation lands, leases and plans;
8. Member Housing List;
9. Program and service policies and procedures;
10. Peguis First Nation Funding agreements;
11. Recipients of Peguis member grants and loans;
12. Peguis First Nation annual audited financial statements; and
13. Salaries, benefits, honoraria and travel expense reports of members of Council. Elected officials including Chief and Council;

Other information must be referred to the Chief Information Officer for decision.

How can I access information?

You may go to the administration office and ask for information you are seeking. Each program or service area has a designated staff person who is able to respond to information requests. Depending on whether the information requested, you may be referred to the Chief Information Officer to address your request.

Do I need to present identification to access information?

Yes, you may be asked to present infor-

mation confirming that you are a band member that is entitled to receive the information being requested. Confirmation of band membership is usually available immediately from Carol Spence in the membership office.

If I am denied information, what can I do?

If you are denied information the Chief Information Officer must tell you why within a reasonable time period. If you feel you disagree with the decision, you

may file an appeal with the Redress Committee by filling out a form for this at the administration office. The Redress Committee will contact you to let you know the status of your complaint.

Who is the Chief Information Officer?

The Chief Information Officer is the staff member who is appointed by the Council to act in this capacity. Presently, this is the Chief Operating Officer, Clarence Daniels.

In both the US and Canada, some indigenous nations have been more successful than others at sustainable development. What are the keys to their success? Research by the Harvard Project on American Indian Economic Development and the Native Nations Institute indicates that: sustainable development depends less on what assets the nation has in hand than on how nations are organized, how they make decisions, and how they govern themselves.

- Stephen Cornell, Native Nations Institute for Leadership, Management, and Policy (The University of Arizona) and Harvard Project on American Indian Economic Development

Peguis Governance Committee Background

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settlements approved by the people this past year. Whether this moment will usher in a

of Band members, on and off reserve. Throughout the development of the rules and procedures the meetings of the Committee have been open to the public and many observers were able to com-

plete in which a deadline for compliance with the CFNFA has been imposed by INAC by which time this work must be completed. Accordingly, the Council adopted the policies on the understanding that “nothing is written in stone” and that changes can be made to the policies if the people want this.

that have been passed so far. As well, there will be a need for a process of implementation and enforcement at the senior management level to make sure that managers understand, support and buy-in to the program of change represented in the new policies. Other issues that the Committee might begin work on this year include:

- opting out of the Indian Act in favour of a made-in-Peguis model of governance that will be defined in a written constitution.
- an election code that would provide for increasing the term of office for Council from two to four years as well as an expansion of the Council.

Initiative	Status
1. Referendum procedures that provide a fair and transparent process for community decision making in which the public has a role in major decisions.	Completed. Council BCR attached.
2. Conflict of interest policy providing rules for ensuring the public interest is protected and that private interests do not mix with public duties.	Completed. Council BCR attached.
3. Communications strategy	A draft communications strategy has been prepared for fiscal year 2009-2010.
4. Rules of order for General Assemblies to make sure that fairness, respect and accountability of leaders to band members are part of community assemblies.	Completed. Council BCR attached.
5. Redress mechanism	Completed. Council BCR is attached.
6. Access to information	Completed. Council BCR is attached.
7. PFN Council procedures (Add - ons to the Band Council Procedure Regs.)	Completed. Council has yet to adopt this policy.
8. Community Consultation Process on Governance Reforms	A Community Consultation Process Document has been approved by the Council and is attached.

Will the Council be open to changes to the policies?

Yes, even though the policies have already been adopted by Council (to facilitate completion of CFNFA requirements), changes can be made to policies if the people want this.

What will be the procedure for

making changes to policies as a result of community discussions?

The results of community discussions will be summarized and presented to Council for decision. The results will be available to band members. The Council will report to the community the results of their deliberations at future meetings.

What are the plans of the Committee for 2009 – 2010?

Council has instructed the Committee to oversee a community process of consultations on the policies and procedures

The following agenda of Committee work is proposed for the next fiscal year:

1. Community consultations meetings
Structured community consultation meetings would be held in Peguis on each item. The meetings would be organized into small group discussions with committee members participating. Reports of group discussions would be gathered and prepared into a summary report of recommendations from each agenda item. This format would be used throughout to ensure that participation and input to policies is maximized.
2. The agenda
Community consultation meetings are envisaged for the next year on the following items:

new era of progress and prosperity for our people, or result in a golden opportunity squandered, remains to be answered by how we as a community conduct ourselves now and in the future. Now more than ever, our people need institutions and rules of governance that will make sure community decisions about our funding, trusts and development are based on sound management, transparency and accountability. The reforms in governance recently adopted by Council lay the groundwork for this to happen.

What policies and procedures has Council adopted that were recommended by the Committee?

In 2008, the Council has adopted the following policies which were non-existent before Mar. 2007. These policies and procedure will be the subject of community discussions beginning in July 2009.

Will band members have input to the new policies?

Yes, a series of community meetings will be convened by the Governance Committee in July 2009 to seek the input

ment on the draft policies as they were being discussed and prepared by the Committee. Now everyone who wants to have input to the policies will have a chance to make their views known and to ask questions about them.

Why didn't the Council come to the people to get our input before adopting the policies?

Council would have preferred to have public input before moving to adopt the new policies. Under ideal circumstances, this would have been done. However, the circumstances are that Peguis First Nation is on a tight sched-

Who's on the Committee?

The Committee members are:

Chief Glenn Hudson – ex officio and voting member

Ray Mason – Chair

Stephan Daniels

Jim Sinclair

Lloyd Sinclair

Alfrieda Sinclair

Walter Spence

Elva Mccorrister

Lawrence Mccorrister

Anita Sutherland

James Wastasecoot - coordinator

Topic
a. Referendum policy
b. Opting out of the Indian Act
c. Council procedures
d. Election Code
e. Band Membership Code
f. Redress Mechanism
g. Access to Information Policy

Council Procedures

(Additions to the Regulations)

Introduction

The powers and procedures of a band council are outlined under the Indian Act and the Band Council Procedure Regulations. PFN not (yet) having opted out of the Indian Act, the Act and Regulations apply to our community. Section 31 of the Regulations provides that the “council may make such rules of procedure as are not inconsistent with these Regulations in respect of matters not specifically provided for thereby, as it may deem necessary.” In other words, PFN may adopt additional procedures for matters not currently provided for in the Regulations and as long as they are not “inconsistent with” the Regulations.

What are the Indian Band Council Procedure Regulations?

They are regulations that are enacted under the Indian Act that pertain to how Council must conduct meetings and business. Because Peguis has not (yet) opted out of the Act, the regulations apply to our community. Among other things, they describe how Council must conduct its meetings by giving adequate notice to Council members, by appointing a chair to maintain order in meetings, and by ensuring that minutes are taken and posted, and so on. If these procedures are not followed then the decisions of Council are liable to a legal challenge under the Act. Section 30 of the Procedures say that the Council may adopt additional procedures to fill in gaps in the rules so long as the “add-ons” do not contravene the Regulations. For example, the Regulations don’t mention anything about how general assemblies should be conducted, how laws or initiatives should be passed with community approval, how annual audit information should be available made to band members and other important areas of governance. The Additions To Council Procedures address these matters.

Why do we need rules procedures anyway, since our cultural tradition is “oral” and based on “the teachings”?

The oral traditions which served us in traditional times can continue to be a part of our governance. We need to discuss this and agree on how this is going to be done in the context of our evolving governance system. For example, it may be appropriate to have an oath of office that is recited by newly elected members of Council. This oath may be given orally instead of being written out and read from a written page. Other ways of preserving our oral traditions in governance may be explored. Obviously, we cannot go back to the oral tradition as the sole method for governance and administration. Our governance and administration require complex rules and systems of accounting that are only possible using the written word, paper and now the digital media computers and the internet. We can, however, carry on the values and teachings of our traditions as we explore how to make our governance reflect who we are as a people. Governance reform does not negate the oral tradition, but rather, augments and strengthens its practise and retention by facilitating record keeping, history, cultural and language retention.

How does having clear rules of governance result in fairness, accountability?

Having clear rules of procedure that are followed is a good idea in governance. It makes the exercise of governance more open, fairer and accountable for everyone concerned. In our present circumstances where so many band members and citizens are unemployed or in need of critical services which they depend on for their well being, it is crucial that individuals are treated fairly with respect to services, opportunities for education,

jobs and other benefits of membership in our Nation. Band members must also be able to see that they are being treated fairly through mechanisms or rules in their governance. For example, by having rules in place for accessing information, band members can have a way of knowing how their funds are being spent and “who got what”. In this way, band members will know if they are being treated fairly. Other mechanisms might provide for how band members can have a regular opportunity to ask questions of their leaders. These mechanisms allow for the system of governance to give expression to the principles of “transparency”, “accountability”, and “redress”. Studies of Indian reservations in the US and, now, of First Nations in Canada, demonstrate that clear rules in our institutions are a necessary ingredient in successful economic development and governance.

Why do we need rules on our general assemblies?

We need rules of order at our general assemblies so that everyone who wants to get up and speak on a matter can have an opportunity to do so. Anyone who wants to ask a question of a leader should be able to do so. If someone wants to make a motion on a matter to give its aim more strength by virtue of community support, then they should be able to do so. There should be rules on how long a person can speak, otherwise a few people could monopolize the floor. For these and other reasons, there should be rules to make speaking at our general assemblies fair and accessible to everyone.

Why are general assemblies a required element in our governance procedures?

The general assembly as an institution of governance

The “band meeting” or general assembly

of our Nation is an important institution in its own right that continues a tradition from our past. General assemblies have always been an important aspect of our governance and remain a vital forum for the exchange and spreading of ideas, for stimulating discussion and debate and, ideally, reaching consensus in decisions today. As an institution, the general assembly is the main forum for making laws which governed our people. It is a pillar in our traditional governance, formalizing through ceremony, prayer and traditional practises, the teachings and rights of our people. The fact that we hold general assemblies recognizes that individuals have a right to speak to the issues of the day and to have input to the major questions or concerns that are being raised. By implication, the community recognizes that individuals have freedom of speech and that they have a right to know or be consulted by their council on matters or decisions which will impact them.

PFN Council has adopted these procedures titled: Peguis First Nation Council Procedures to clarify and formalize procedures that are not currently in the Indian Band Council Procedure Regulations. These procedures are intended as interim and will serve PFN until such time as a decision to revert to custom rules of governance are adopted (ie. until PFN opts out of the Indian Act). For convenience, these procedures incorporate provisions of the Indian Band Council Procedures - with outdated provisions removed. (ie. references to the Superintendent or the Minister are removed, in as much as the Council of Peguis no longer invites the advice of the superintendent or the Minister in matters of PFN governance) and additional procedures. The procedures comply with the Indian Act Regulations inasmuch as they are not “inconsistent” with the Regulations.

Peguis First Nation Referendum Procedures

Introduction

The referendum procedures describe how major decisions relating to matters other than lands are referred by Council to a community vote. The community may vote by secret ballot or by show of hands. A simple majority of those band members that vote determines the outcome of the vote.

What are the Referendum Procedures? The Indian Band Referendum Regulations provide that the minister may order “a referendum be held to determine if the majority of the electors of a band are in favour of a proposed absolute surrender or designation.” In matters other than lands, the Indian Act is silent. The PFN Referendum procedures fill this gap by providing rules for a community vote to be held on matters other than lands.

found to be unsatisfactory by many band members. They pointed out that the community should have input to all major decisions that could impact them. Others said that a simple show of hands vote without have security procedures to make sure that only band members took part in the vote was flawed. The referendum procedures provide a secure, open and fair process for the entire community to be involved in major decisions which could affect them.

What is the measure of community support needed to decide the outcome of the referendum?

A simple majority is needed to decide the question on the referendum. This

means that a majority of those who participate in the vote is all that is needed to decide the outcome.

How is the vote conducted?

The vote may be done by show of hands or by secret ballot, as decided by Council. In either case, there is a requirement for adequate notice to band members. Band members must notified 30 day sin advance that a vote is going to be held.

How is the vote by show of hands conducted?

Band members who are voting will be checked against the band list to make sure they are electors of the band. Those found eligible to vote will be handed a

card that they will raise in response to the question on the referendum. Voting officials will count the cards raised in response to the questions: “All in favour raise your hand with a voter’s card,” and “those against”.

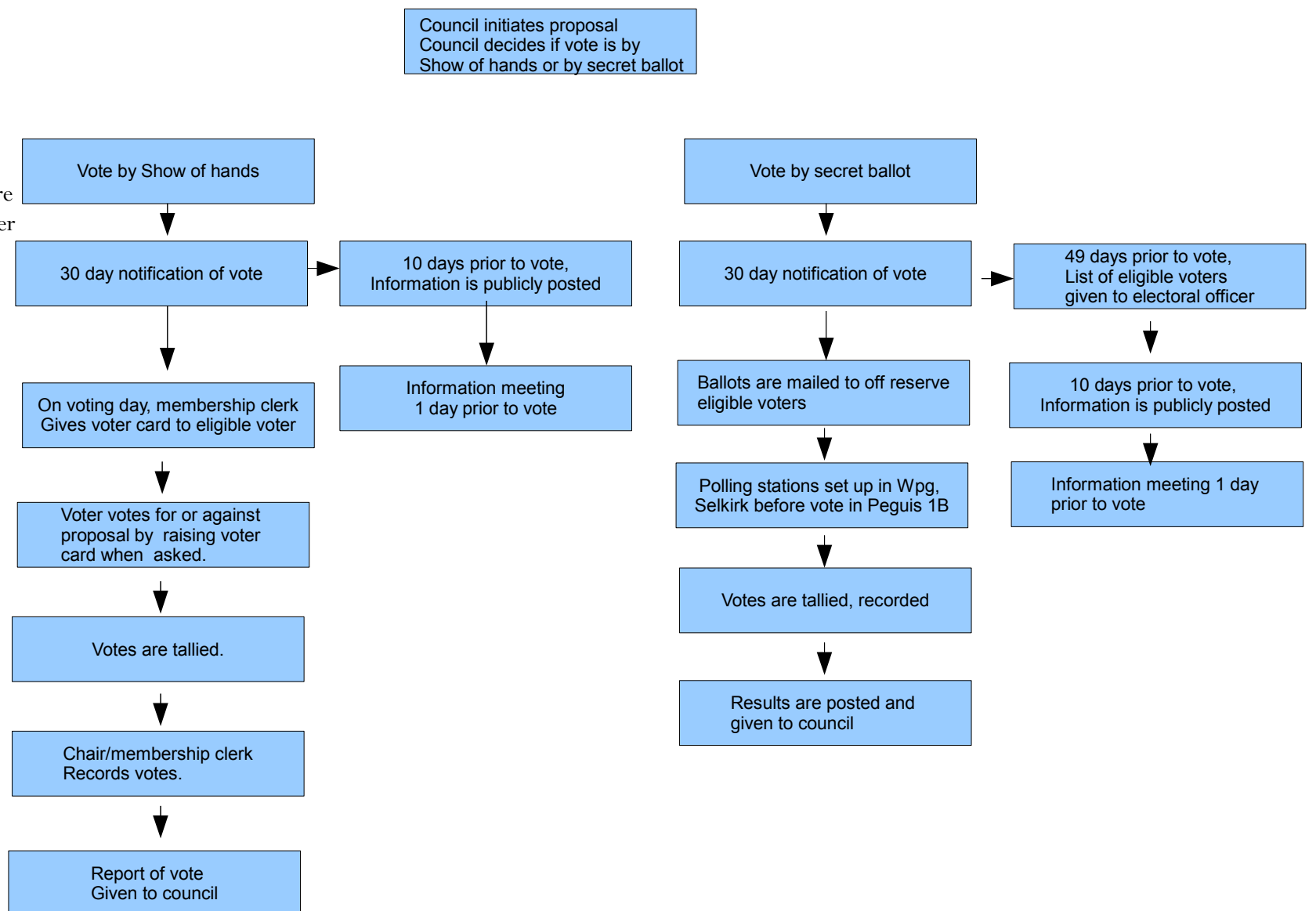
Can a vote be decided by secret ballot? Under what circumstances?

Yes, a vote may be decided by secret ballot, depending on the will of the Council. Council may decide that some initiatives are so fundamental to the well being of each citizen that all band members should have input to a community decision by secret ballot. An example is the vote on how the community should invest its monies from the trusts.

Why do we need referendum procedures?

Prior to these procedures, decisions on major initiatives that could impact the entire community were either decided by Council alone, or decided by a show of hands vote at a general assembly. These methods were

Referendum Procedures





Redress in Peguis First Nation Governance

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This could include reinstatement to a position if it was a person who was wrongly fired, or extending housing to a person who was wrongly denied this service.

The Committee must have powers that will make it an effective body of appeal, not just a rubber stamp of administrative

decisions. Otherwise, the Council might as well continue to be the appeal body.

Can the decision or action of a member of Council be appealed?

Yes. If a member of Council makes a de-

cision that a band member finds objectionable, then the decision or action may be appealed by the citizen.

How long does the process take?

If the complaint is not resolved within

5 business days, the chair of the Redress Committee will call a meeting of the Committee and start a formal investigation of the matter. Upon hearing a case, the Committee must report the results to the complainant within 10 business days.

“We are still in a transition from the old culture of living on the land and the rules that went this to a life dependent on a money economy in which we manage millions of dollars for our survival. What we haven’t done in the new era is to sit down and devise our own rules of how we’re going to govern ourselves. This is what we’re doing in governance reform. We are deciding fundamental questions like: in the future, how are we going to make decisions about community funding? What should be the role of citizens in important decisions which will impact everyone? What information should everyone be able to access as a citizen of our nation? These are questions that we will answer in the governance reform process.”

Chief Glenn Hudson, July 2009