

Peguis First Nation Governance and Management Guide

Governance and Management Guide for Peguis First Nation
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Introduction

This guide describes how the affairs of the Peguis First Nation are managed and conducted by the administration of Peguis. It is a reference guide of the basic tasks and standards expected of managers within Peguis administration.

Background

Peguis First Nation Council has adopted a number of policies and procedures in 2008-2009 to strengthen governance and to meet standards stipulated in its main funding agreement with INAC (ie. Canada – First Nation Funding Agreement or CFNFA) by Sept. 30, 2009. The policies introduce a major change in how the business affairs of PFN are conducted which requires discussion and input by managers and staff to implement the new rules. This guide incorporates many of the key structures, mechanisms and rules derived from the policies adopted so far. It is a work in progress that will continue to evolve as needed to improve governance and administration in Peguis.

Objectives

The objectives of this guide are:

1. To clarify and formalize existing executive and management practices at the broadest level of Peguis First Nation governance in respect of key processes such as: Council decision making, community reporting, community planning, program budgeting and evaluation, and financial management and communications. (These processes are described in detail in the policies and procedures adopted by Council.)
2. To clarify the basis for Council and management authority and responsibilities.
3. To coordinate and consolidate how Council and managers work together to serve the public of PFN.
4. To clarify basic principles relating to governance and management to promote reasonable consistency in the application of management.

Principles

1. The people of Peguis First Nation have a right of self-determination including the inherent right of self-government. We have always governed ourselves and continue to assert our sovereign rights to conduct the affairs of our people and lands.
2. PFN has a nation to nation, treaty and constitutional relationship with Canada that is based on mutual respect and peaceful co-existence.
3. The Council of Peguis is the government of our Nation and is responsible for all of our citizens wherever they reside, and the care and management of our lands and traditional territories.

Council Governance policies

Council has adopted a Council Procedure policy that describes how Council must conduct its business. The following highlights of Council policies and procedures are followed:

1. PFN is accountable to its citizens for the management of community resources under rules that they have designed and approved and that reflect accountability, transparency, disclosure and redress.
2. The Council meets every second Tuesday at the Peguis Administration Building. Minutes are recorded of meetings and posted for the information of the public.
3. The Council encourages the informed participation of citizens in governance. The following practices are followed to ensure the people of Peguis are informed about decisions and plans of their Nation and that they are consulted on important matters:
 - General assemblies held at least three times per annum.
 - a community newsletter is published at least quarterly.
 - a community radio station is open daily broadcasting community news and providing a voice for citizens.
 - referendums are held on important matters such as the passage of laws, major initiatives, or management of lands.
 - minutes of Council, committees and boards are taken and posted.
4. Council members are responsible for leading and overseeing their respective portfolios in accordance with Council procedures and policies.

Current Council Initiatives

1. The Council is conducting a community - wide strategic planning exercise that will engage all organizational units and citizens in planning our future. When completed the plan will include a mission statement, vision, values, and strategic direction for the community. It is expected that restructuring and reorganization of Council and organizational units will occur as this process unfolds and recommendations are carried out.
2. PFN is engaged in governance reform and development to strengthen and improve how the Nation is governed with the involvement of citizens. This process is occurring in many areas including governance, membership, finance, housing, and economic development

3. In April, 2007, INAC decided not to renew the Peguis 5 year funding agreement (CFNFA) and instead, granted PFN a two year extension of the existing agreement with conditions that PFN address “deficiencies” listed in the Management Assessment Report of Mar. 2008 by Sept. 2009. A working group has been established that is responsible for making sure that the appropriate policies and mechanisms are drafted for review and adoption by Council by Sept. 2009.

Management practices Guide

This section describes how PFN Council and staff manage Nation resources in an environment that includes:

Internal

Council, PFN public, PFN organizational units, programs and services, and COO.

External

INAC, FNIHB, Provincial ministries, AMC, IRTC

What is management?

Management is the art and science of getting things done in a community. It's part science because it's based on proven techniques that have evolved in management and which enable people to accomplish tasks according to plan. It's part art because it relies on creativity, imagination, leadership and motivation skills to get humans to work together to accomplish goals.

Management Principles

The PFN Council has adopted principles to guide managers in how they make decisions and carry out their work. These principles apply across all organizational units and entities that make up PFN. Wherever procedures have been referenced in this section they are identified as procedures and must be followed. Otherwise the principles serve as broad standards for each manager in performing his or her responsibilities.

1. Service to the public

Each employee should respect the rights of the public being served and be sensitive to their needs. The public has a right to receive courteous and fair treatment in their dealings with PFN administration.

2. Support to the Council

The Council is the government of PFN. As such it is responsible for making policies and laws for the Nation as set out in policies and laws. The staff of PFN is responsible for supporting the Council in the development and implementation of policies and laws and the resultant delivery of

approved programs and services in an economical, efficient and effective manner. Managers are responsible for providing accurate and timely information to the Council:

- to support decisions,
- to plan and approve budgets;
- to plan new initiatives;
- to report to the community.

3. Responsibility

Each manager is responsible for their tasks, decisions and results under the direction of their supervisor and/or the Chief Operating Officer.

4. Accountability

Council or senior staff may delegate or confer authority to carry out tasks to individuals. The individuals must account to their superior for the discharge of the tasks conferred. All managers must explain or justify their actions through normal reporting channels.

5. Value for money

Managers are responsible to make sure that scarce dollars are expended in accordance with the principle of value for money. In particular:

- making sure that purchases are commensurate with quality and economy.
- ensuring the efficient use of resources. An example of this is in collecting a receivable, it is expected that managers will employ reasonable and low cost methods for collection in the first instance and if unsuccessful, it may be necessary to visit the office of the debtor for personal collection. A personal visit by a manager in a first attempt to collect a receivable is not a reasonable collection method and does not accord with the principle of value for money.

6. Human Resources

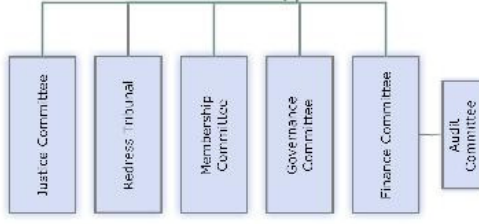
PFN is committed to getting the best out of each employee to attain a high standard of service to the public. Each employee is treated with respect and fairness and is eligible to reasonable access to growth and development opportunities.

The Organizational structure of PFN

The PFN government is divided into organizational units that are the main channels for the allocation of community resources and decision making. The head of administration is the Chief Operating Officer and all managers report to this position. Council responsibilities are organized under a portfolio system. Table 1 shows the organizational structure and reporting lines of PFN. Table 1.

Peguis First Nation Organization Chart

Committees of Council



Illegal Surrender Trustees *not appointed*

Treaty Land Entitlement

Financial Trustees

Sharon Stevenson - Chair
Sheri Sutherland
Dianne Bear
Stephan Daniels
Monette Spence (Off-Reserve)

Community Trustees

Ralph Sutherland - Chair
Lloyd Sinclair
Barry and Freda Bear
Steven Bird

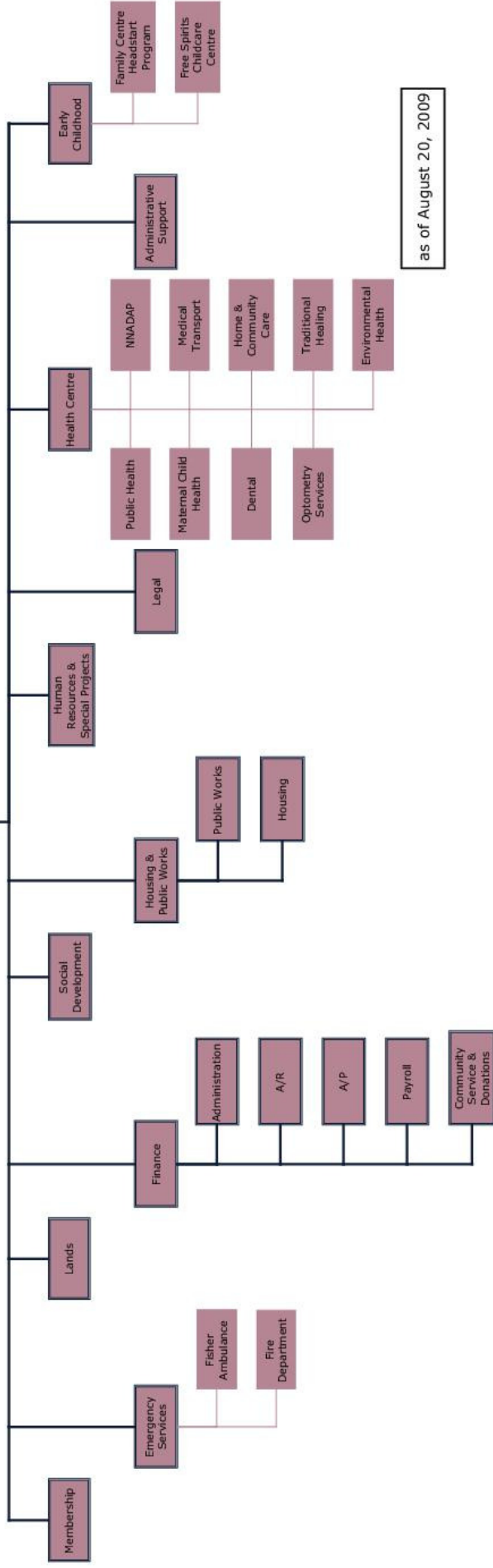
CHIEF and COUNCIL
Chief Glen Hudson
Councillor Darlene Bird
Councillor Glen Codraine
Councillor Glenn Sutherland
Councillor Mary Tyler Sutherland

Meyers Morris Penny

Bund Lawyer

Secretary to Council

Chief Operating Officer



as of August 20, 2009

The Council

The Council represents the central authority in government. The Council has a sacred trust to the citizens of the Nation to be accountable and transparent in its management and care of the Nation resources. To discharge this responsibility, the Council must report to the community on a regular basis on the status of community resources and to gain input from citizens on key initiatives and plans through the annual budgeting and planning process and Nation assemblies.

The Council exercises the powers set out in the Indian Act, but in addition, the Council exercises the Nations inherent right to self-determination and self-government including sovereign powers and responsibilities the Council has traditionally exercised. These powers and responsibilities include:

- to represent and protect the rights its citizens as a people under international conventions, laws and treaties including the Covenant on Civil and Political Rights and the Declaration of the Rights of Indigenous Peoples (Oct. 2007);
- to promote, protect and strengthen the rights of Peguis people under Treaty Number One;
- to preserve our traditional values respecting consensual decision making and the seven teachings;
- to oversee and strengthen our means for survival based on respect, fairness and dignity of the person; and,
- to act in the best interests of the First Nation.

Committees, boards, and other entities

Under the PFN Council Procedures, the Council may appoint committees, special committees, boards, corporations and other entities to oversee specific initiatives or ongoing matters. A Band Council Resolution is required to establish such entities which includes the terms of reference, membership, reporting and termination of each entity.

The head of administration

The head of administration is the Chief Operating Officer who is appointed by the Council. The COO interprets Council decisions and oversees the implementation of policy. A key responsibility of the COO is to make sure that Council decision making is supported by managers who have the detailed information about issues and financial implications needed to enable Council to make informed decisions. Another responsibility is to ensure minutes are taken of Council proceedings and that the business of Council is properly executed. In addition the COO oversees the annual planning process including the consolidation of program budgets for Council review and approval.

Program and organizational unit managers

Each program area or organizational unit is headed by a manager. A key responsibility of the manager is to provide support to the Council by providing information through regular reporting and preparing program budgets to enable Council to make informed decisions about matters on the Council agenda. Another responsibility is to prepare a budget for the program for review and approval by the COO and Council. Managers are required to keep up to date records for audit inspection and review. All managers observe their lines of authority and normal reporting

channels.

External Environment

PFN receives the bulk of its funding for community services and programs from government sources through agreements with terms and conditions. Some agreements are specific and pertain to one subject matter and may have funding conditions attached. Managers are expected to be familiar with these agreements and to assist the Council to meet their terms and conditions including: regular reporting and maintaining standards of service, preparing agreement renewal proposals. Managers are expected to assist the Council and Finance in seeking new funding for new initiatives.

Co-manager

A co-manager has been assigned by Royal Bank of Canada to approve and co-sign Nation expenditures. The co-manager liaises with the COO and PFN Finance office to carry out this function.

INAC

The Department of Indian Affairs is responsible for administering the Indian Act. The Act is outdated and many provisions are no longer enforced. The Minister of Indian Affairs maintains a trust responsibility to Peguis First Nation. Senior managers of PFN are in constant contact with INAC officials as part of the monitoring and compliance process under the Indian Act and funding agreements.

Indian Act

The Council recognizes that until self-government arrangements are negotiated with Canada, aspects of the Indian Act and related Regulations apply to PFN. In the immediate to longer term, the PFN Council has adopted a strategic vision to opt out of the Indian Act wherever possible in favour of its own laws and procedures based on the the right of self-determination and self - government, community values, standards and consultations.

Council Portfolios

Presently, Peguis Council has adopted a portfolio system in which each member of Council assumes responsibility for overseeing a number of programs and organizational units. Portfolio holders attend key meetings, sit on committees and generally contribute to operations as determined by Council.

Portfolio systems have known disadvantages. For example, if Council members assume the role of manager, this undermines the authority of managers to control resources within their area. This could lead to managers being frustrated and leaving their positions because they are not able to do the job of managing which they were hired to do. Councillors acting as managers can also lead to the politicization of program delivery. To prevent this, Council has adopted a rule in its procedures that portfolio holders cannot direct staff. Table 2 shows how the affairs of the Nation are managed under the portfolio system.

Table 2

Council member	Portfolio
Chief Glenn Hudson	<ul style="list-style-type: none"> - Finance - Peguis Development Corporation - Peguis Gaming Commission - Peguis Recreation - Peguis School Board - First Nation Organization Representative - Assembly of Manitoba Chiefs - Southern Chiefs Organization - Interlake Reserve Tribal Council - Treaty 1 Organization - Tribal Council Investment Group - Tribal Wi-Chi-Way-Win - Assembly of First Nations - First Nation National Housing and Infrastructure Committee INAC/CMHC.
Councillor Glen Cochrane	<p>Natural Resources (Environment/First Nations Forestry Lumber Pulp/Fisheries) TLE/Surrender Housing Public Works Flood Peguis Al-Care Social Issues Securities Radio Station RCMP</p>
Councillor Darlene Bird	<p>Peguis Social Program Senior Home Peguis Child and Family Services Social Issues</p>
Councillor Mary Sutherland	<p>Justice Social Issues Fisher Ambulance</p>
Councillor Glennis Sutherland	<p>Peguis Social Program Senior Home Peguis Child and Family Services Social Issues</p>

The Planning Process: How we get things done

PFN is working on a comprehensive community planning process which will be community driven and approved. In addition, the Council, is conducting a community - wide strategic planning exercise that will engage all organizational units and citizens in planning our future. When completed, the plan will include a mission statement, vision, values, and strategic direction for PFN. In the meantime, Council and managers need an interim planning framework to set goals and objectives and coordinate how staff resources implement them in the current environment. This section describes how we plan and implement policies and goals according to the principles and working environment described above.

The planning cycle

The annual planning cycle is an ongoing exercise of key tasks carried out by senior and program managers based on various policies and procedures adopted by Council. Table 4 below is a summary of these key tasks. .

The annual planning cycle begins with the new fiscal year on April 1. At this time the Finance Committee lead program and unit managers in preparing detailed estimates of the following fiscal year expenditures (April 1) based on factors such as community conditions (needs) and the current fiscal year plan and expenditures. Portfolio Councillors are consulted and, through Council, approve plans as they evolve during the planning cycle. The first of at least three general assemblies during the year is held to inform band members and gain their input to evolving plans.

In May and June, the COO, CFO and Finance Committee plan and lead program and unit managers in preparing community consultation plans and documents. Program managers finalize financial records for audit inspection and review.

In July and August, as required by the Council Procedures policy, a second general assembly is held at which the previous year's audit is presented and citizens have opportunity to raise questions about the report. This is a key meeting at which accountability of the Council and administration to the citizens of PFN is discharged. It is also an opportunity for citizens to provide feedback on community governance generally and to make recommendations for consideration of the government of PFN.

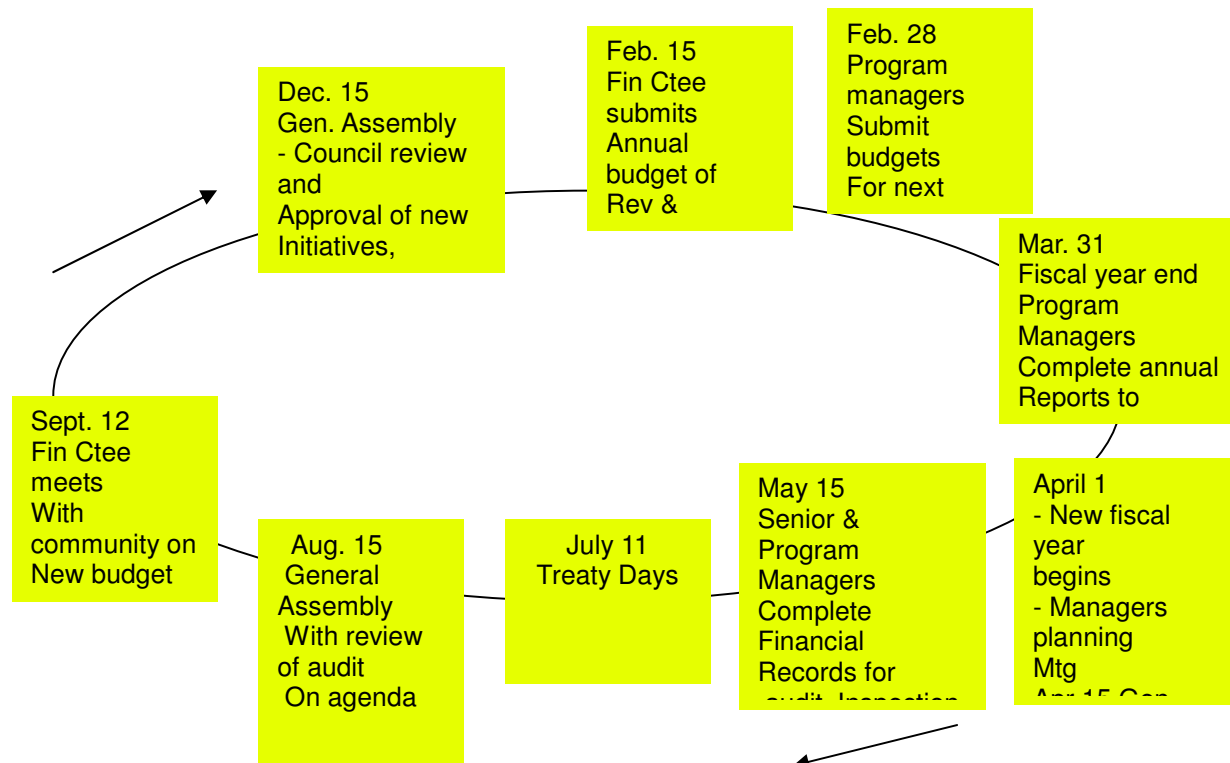
In September, Finance Committee and administration plans are presented and community input is invited and recorded.

By December and January, revised plans and budgets are prepared and submitted to the Council for review. The third required general assembly is held.

By February 15, the Finance Committee submits the annual budget of revenues and expenditures for Council review and approval. By Feb. 28, program managers finalize and submit budgets for the next fiscal to the CFO and Finance Committee.

Table 3.

Peguis First Nation Annual Planning Cycle



Reporting, Controlling and Evaluating

In addition to planning, managers must be familiar with the functions of reporting, controlling and evaluating in the planning process.

Reporting

Managers report information to the Council, the COO, finance and funders on an ongoing basis throughout the year. Accurate and timely reports are the basis for the Council's decision making and accountability to the community and other stakeholders. Reporting information enables transparency in governance by allowing citizens to see through the machinery of government to know how their community resources are being managed.

Monthly reporting to Council by managers and program heads is described in Appendix A.

Controlling

Based on regular reporting, managers and Council are able to correct plans when they move off their intended course or are not being implemented. The COO is responsible for monitoring plans to make sure they are being implemented and if not, to bring this to the attention of Council.

Evaluation

Managers must have a means for reviewing plans and knowing what went wrong or right. Evaluation reports are completed for projects and programs as part of the funding requirements expected by funding agencies. However, evaluation is also required for all programs and organizational units. This function is being developed and will be deployed in the future.

Support to Council

COO and managers support Council in decisions by providing timely and accurate reports on programs, expenditures and planning on an ongoing basis. Council is responsible for the overall operations of organizational units of the PFN. The Council meets every two weeks, or as necessary, to carry on the business of the First Nation. In deciding on matters which appear on its agenda, the Council relies on managers and staff of the First Nation to prepare information in the form of a Submission to Council which provides background, recommendations and financial implications on matters on the agenda. In this way, the Council is able to make informed decisions about the business of the First Nation.

The following procedures govern support to Council meetings:

1. The COO meets with the Chief and/or the Council as needed to plan and assist Council deliberations including preparing an agenda for all meetings.
2. The COO or his assistant takes minutes of Council meetings and transmits relevant information from the minutes to Council members, managers and staff of the First Nation for follow up and report. It is important for the Chief's assistant to monitor implementation of Council decisions and review this information with the COO and Council at its next meeting.
3. The COO and his assistant are responsible for communicating with Managers to make sure that information and Council submissions are prepared to support Council decisions. The Chief's Assistant is responsible for assisting the Chief in the implementation or enforcement of Council decisions.
4. Council briefing memoranda may be required to inform and advise the Council on matters that appear on the agenda. Briefs are to be prepared according to the form adopted by Council.
5. Managers and staff are responsible for reporting to Council on the status of Council decisions in their program area. Table 4 shows how the process of support to the Council is provided by managers.

Table 4

How managers support Council decisions and Accountability to the public

