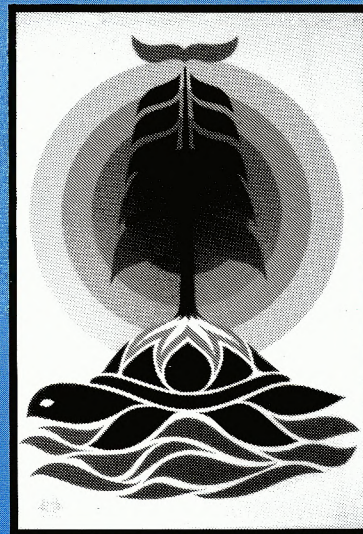
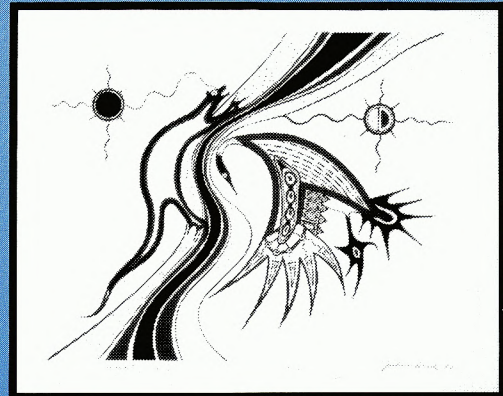




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Planning Report
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Evaluation of
Alternative Funding Arrangements

1992

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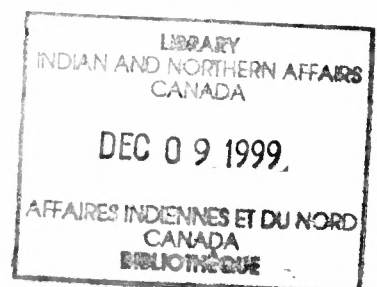
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**Evaluation Directorate
Department of Indian and Northern Development**

July 1992

**Planning Report
for the
Evaluation of
Alternative Funding Arrangements**

1992



Prepared by:
Daniel J. Caron
Senior Evaluation Manager

Assisted by:
Terry Hunt
and
François Cornut

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**Evaluation of Alternative Funding Arrangements:
Advisory Committee Members**

Peter Stevens
Band Administrator
Eskasoni Indian Band

Stuart Swanson
Director,
Transfer Payments Directorate

George Arcan
Band Administrator
Alexander Indian Band

Yves Leclerc
Manager, AFA
Quebec Region, DIAND

Steve Horn
Assembly of First Nations

Daniel J. Caron
Sr. Evaluation Manager
Evaluation Directorate

1. INTRODUCTION

1.1 Purpose of The Report

This report outlines a plan for evaluating the long-term impacts of Alternative Funding Arrangements (AFA), including the issue of Ministerial and First Nations' accountability. It includes a description of the process, its activities, the issues and questions that will be raised by the evaluation and the methodologies proposed to address these questions.

1.2 Purpose of The Evaluation

The Department of Indian and Northern Affairs has undertaken to submit to Treasury Board an evaluation of the long-term impacts of AFA. The issues of Ministerial and local First Nations' accountability are also to be addressed as a basis for the evaluation as well as to inform other Departmental initiatives such as current and future devolution activities. An initial evaluation on the implementation process of AFA and its short-term impacts was completed in June 1989.

1.3 Approach

The evaluation will be directed by a Senior Evaluation Manager and will employ both in-house and contracted resources. It will be conducted in two phases to be undertaken **concurrently**. The first phase will address the long-term impacts of AFA while the second phase will focus specifically on the issue of Ministerial and local First Nations' accountability.

Phase I: The first phase of the evaluation will be conducted in consultation with an Advisory Committee. This committee will be chaired by a representative of the Evaluation Directorate and will consist of representatives of two First Nations -- Alexander and Eskasoni Bands; Assembly of First Nations; Financial & Professional Services Branch at headquarters; and, the Transfer Payments Directorate of the Quebec Regional Office.

Phase I will employ methodologies such as in-person and telephone interviews with Department personnel, reviews at headquarters and five regional offices; telephone interviews with First Nations and Tribal Councils; and, four on-site case studies with two First Nations visited in the previous evaluation and two other funded recipients. Section 5, *Methodologies and Questions* of this report provides more detailed information on the evaluation's methodologies.

Phase II: Accountability Review: The second phase of the evaluation focuses upon the issues of accountability and consists of two distinct components. The first component is an academic review to develop prescriptive models of accountability. It will be managed by the Evaluation Directorate. The second component is a study of First Nations' Accountability in practice. It will be overseen by an Advisory Sub-Committee consisting of representatives of the Saskatoon District Tribal Council; Muskeg and John Smith Bands; Saskatchewan Regional Office; Transfer Payments Directorate, Headquarters; and, the Evaluation Directorate.

The first component of the Accountability Review will be conducted by a team of academic researchers versed in Aboriginal issues. The second component will be managed by the Saskatoon District Tribal Council through the use of a Cree Consultant.

2. ALTERNATIVE FUNDING ARRANGEMENTS PROFILE

2.1 Background

In October 1983, the Special Committee on Indian Self-Government submitted its report (the Penner report), which contains recommendations on the establishment of Indian governments. To this end, the report proposed that action should be taken in three areas. One of these areas, of which AFA is part, is administrative or policy changes possible under existing legislation. AFA represents one method of giving Indian Councils expanded authority to manage the affairs of their own people.

On November 7, 1985 Cabinet authorized the implementation of new funding mechanisms designed to permit more local control to be exercised. On June 26, 1986 technical authorities were given to implement AFA with eligible First Nations, Tribal Councils and related organizations commencing in 1986-87.

During 1989, an evaluation of the AFA process and its short-term impacts was conducted. The evaluation found that AFA has had a positive impact on the level and quality of services provided to Band members.

Based upon the results of the last evaluation, and the development of a national model agreement in 1988, several changes were made to the program. These consisted of items such as revisions to the Audit Guide to ensure that: data is available on a systematic basis; a

uniform standardized management assessment for consistency in determining the eligibility of bands for entry into AFA; and a standardized presentation on AFA so that the differences between the various DIAND funding mechanisms are well explained.

Table 1 on the following page presents the services eligible under an AFA agreement. *A list of the mandatory services and their related minimum terms and conditions as per the AFA Standard Agreement, June 1989, is presented in Appendix 7.*

Table I	
Services eligible for inclusion in an AFA Agreement	
Programs	Services
Economic Development	<ul style="list-style-type: none"> ✓ Institutional Training (Sub-Component of ICHRDS) ✓ Business Development ✓ Indian Community Human Resource Strategies ✓ Resource Development except for Resource Access Negotiations ✓ Indian Delivery System
Band Management	<ul style="list-style-type: none"> ✓ Band Support Funding ✓ Tribal Council Funding ✓ Band Employee Benefits ✓ Comprehensive Community Based Planning ✓ Indian Management Development
Capital Facilities and Community Services (O&M and Capital)	<ul style="list-style-type: none"> ✓ Indian Pension Plan Funding ✓ Acquisition and Construction of Infrastructure ✓ Assets and Facilities* ✓ Acquisition and Construction of Education Capital Assets and Facilities ✓ Recreation Programs ✓ Community Capital Facilities Service Delivery ✓ Housing ✓ Policing (Solicitor General)
* Individual Projects less than 1.5 million.	

Table I/Cont...	
Services eligible for inclusion in an AFA Agreement	
Program	Services
Land, Revenues and Trusts	<ul style="list-style-type: none"> ✓ Membership ✓ Lands ✓ Indian Registry ✓ Environment
Education - Elementary/Secondary	<ul style="list-style-type: none"> ✓ Band Operated - Instructional Services ✓ Provincial Schools - Instructional Services ✓ Student Accommodation Services ✓ Student Transportation Services ✓ Student Financial Assistance ✓ Education Instructional Support Services & Guidance and Counselling
Education - Post-Secondary	<ul style="list-style-type: none"> ✓ Instructional Services ✓ Student Financial Support ✓ University/College Entrance Preparation ✓ Guidance and Counselling Management Support
Education - Cultural	<ul style="list-style-type: none"> ✓ Community/Education Centres
Social Assistance	<ul style="list-style-type: none"> ✓ Basic ✓ Special Needs ✓ Service Delivery
Welfare Services	<ul style="list-style-type: none"> ✓ Individual, Family & Adult Care ✓ Rehabilitation ✓ Community Social Services

2.2 Objectives

As stated in the MoU of May 28, 1986 the objective of AFA is to create a new relationship that will:

- a) enable Indian Bands/Tribal Councils to redesign/establish programs to meet their community priorities;
- b) enable Indian Band/Tribal Councils to apply funds in accordance with community needs;
- c) foster accountability of Indian Bands/Tribal Councils to their local communities; and,
- d) foster the accountability of Indian Bands/Tribal Councils to the Minister without compromising ministerial accountability to Parliament.

These objectives are accomplished through a set of activities leading to the implementation of AFA as well as follow-up audit and evaluation of the results.

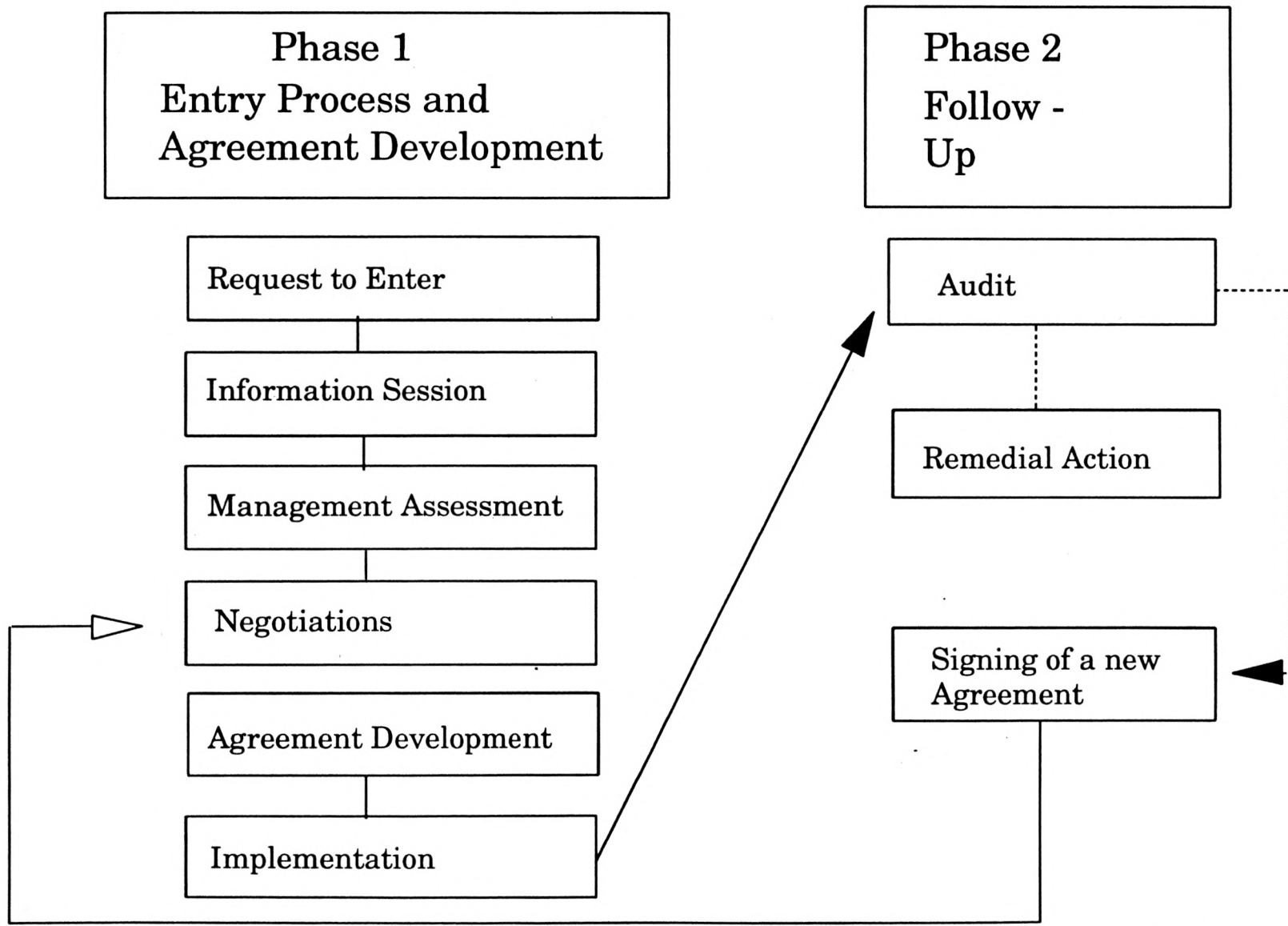
2.3 Activities

There are two major groups of activities related to the implementation of an AFA agreement. The first group is related to the development and implementation of the agreement itself, while the second group is follow-up activities after the agreement is in place. A summary of the activities related to the implementation of the agreement is presented in Chart 1 on the following page.

The first phase, entering an agreement, entails five main steps. The first step in the process is that the First Nation or related organization requests entry into an AFA through a written request to the Regional Director General.

Secondly, an orientation session presenting the process and preliminary activities leading to negotiations is delivered by the regional representative of DIAND. In order to enter into an agreement, the First Nation must undergo a management assessment which entails certain criteria. These criteria include management and administrative strengths, and commitment to using AFA to meet community needs and priorities as efficiently and effectively as possible.

Chart 2
Activities Within The AFA Process



The entry process is to identify the degree of management development required to meet the eligibility criteria.

If the management assessment is positive, the next step in the process is negotiations which are undertaken by a negotiating team made up of Departmental and Recipient representatives. Once negotiations are successfully completed, an agreement is signed. Both parties are then responsible for implementing the agreement.

The second phase of the process entails follow-up activities. The Recipient must supply the Department with annual financial and non-financial statements in accordance with the AFA Audit Guide and the agreement's terms and conditions. If an agreement's terms and conditions are not met, the Minister has an obligation to ensure that remedial action is taken.

A recipient may sign an AFA agreement on some specific service or issue. This is called a partial AFA agreement. Moreover, a First Nation may also commit itself to an AFA agreement through its Tribal Council.

When the term of an agreement expires, Recipients can negotiate another agreement. *Appendix 6 provides a detailed description of the AFA process.*

2.4 Intended Impacts

As stated in the MoU of June 1986, the intended impacts of AFA are as follows:

- Bands/Tribal Council's management skills highlighted;
- increased amount of activities administered and managed by Bands/Tribal Councils;
- increased flexibility for Bands/Tribal Councils to modify programs to suit their needs; and,
- enhanced of the accountability of Bands/Tribal Councils to their constituents.

Chart 1, on the following page, presents the logic model of AFA with its activities, sub-activities, outputs and impacts.

Logic Model for Alternative Funding Arrangements

ACTIVITIES

AFA Agreement Development

Follow-Up

SUB-ACTIVITIES

Information
Dissemination

Entry Process

Negotiation

Agreement
Development

Implementation of
Agreement

Audit

Remedial
Action

OUTPUTS

Information
sessions on AFA
to Bands/Tribal
Councils

Management
capacity
assessed

List of areas
of agreement/
disagreement
-Base budget

Draft & final
agreement

Implementation plan

Audit report

Recommendation

LONG-TERM IMPACTS

- Increased knowledge of AFA on the part of First Nations/Tribal Councils

- Strengths and Weaknesses of Band's/Tribal Council's management capacity are assessed
- Decision whether Band\Tribal Council will proceed

- Better understanding of positions of both parties
- Better understanding of current system

- Mutual agreement on how Bands/Tribal Councils will meet DIAND's minimum program requirements

- Increased activities administered by Bands
- Enhanced accountability of Chief & Council to constituents
- Increased flexibility for Bands/Tribal Councils to modify programs to suit their needs
- DIAND's method of operation adjusted

- Assurance that AFA funds are managed according to the terms and conditions of the agreement
- Assurance that the mandatory services and related minimum requirements are met

3. STATUS OF AFA ACTIVITIES AS OF MARCH, 1992

As of March 1992, 110 AFA agreements have been signed across Canada, involving a total of 199 Bands. The total Indian population under these agreements is 173,535 (on and off-reserve members). Of the total agreements, 75% are for a period of 5 years, while the remaining 25% are for durations less than 5 years. **Table 2**, below, presents the status of AFA activities by region. As of March, 1992, 50 Bands/Tribal Council have requested entry into AFA, 27 have been confirmed and 18 are deferred or delayed.

Chart 3 on the following page details the growth in the number of AFA agreements since 1986, as well as the number of Bands that have an AFA agreement or are involved in one through a Tribal Council or related organization. As this chart reveals, the growth in the number of agreements steadily increased with the exception of 1991-92; whereas, the number of Bands involved with AFAs continues to increase.

The total funds to Bands/Tribal Councils under AFA in 1991-1992 is \$400 million. The breakdown of the annual budget by program activity is presented in **Table 3** on the following page. Education is the largest component followed by Social Development and Capital. In relation to other DIAND funding arrangements, Comprehensive Funding Arrangements (CFAs) are the largest covering 66.5% of all monies transferred under Vote 15, AFA is the second largest representing 15.8%, followed by individual Contributions (14.4%), Grants (3.1%) and Indian Self-Government Arrangements (2%).

Table 2 Status of AFA Activities By Region As Of March 1, 1992					
REGIONS	REQUEST TO ENTER	ENTRY CONFIRMED	DEFERRED /DELAYED	AGREEMENT SIGNED	TOTAL
Atlantic	8	0	1	10	19
Quebec	2	0	0	6	8
Ontario	17	9	5	34	65
Manitoba	1	0	1	18	20
Sask.	0	5	2	13	20
Alberta	11	2	4	8	25
B.C.	10	6	4	18	38
Yukon	1	5	1	3	10
TOTAL	50	27	18	110	205

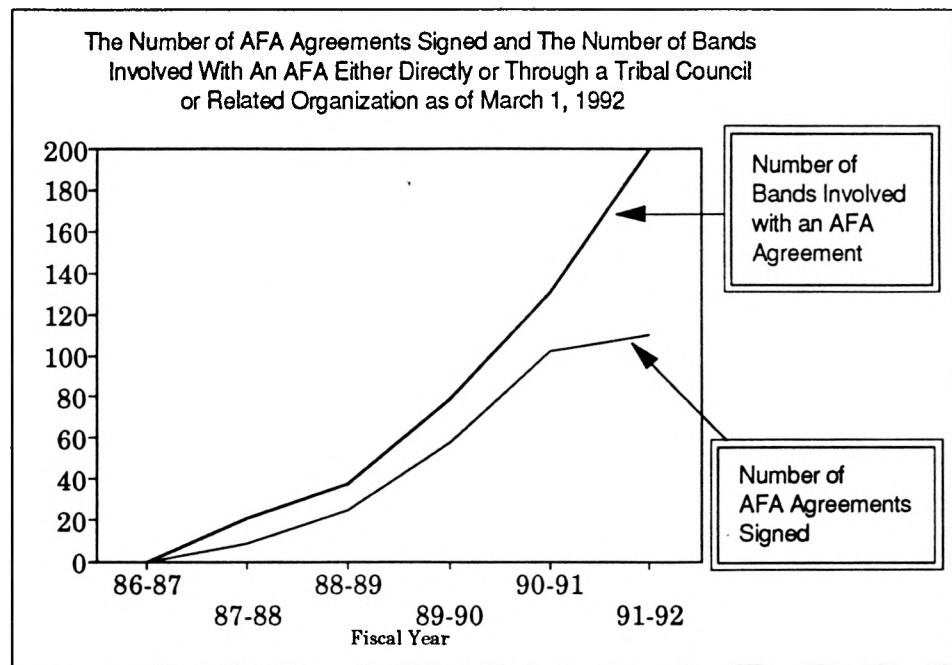


Table 3
Dollar and Percent Distribution of DIAND Expenditures
Through AFA by Activity, Departmental Estimates, 1992-93
(In thousands of dollars)

Program Activity	Estimate 1991-92	Percent Distribution	Expenditures 1992-93	Percent Distribution
Self-Government	344	0%	472	0%
Economic Development	13,933	4%	14,632	4%
LRT	1,259	0%	1,271	0%
Education	145,705	38%	161,019	39%
Social Development	87,949	23%	82,761	20%
Capital and Comm. Services	88,333	23%	99,368	24%
Band Mng.	44,204	12%	49,171	12%
TOTAL	381,726	100%	408,694	100%

4. EVALUATION ISSUES AND QUESTIONS

As set out in the Evaluation Terms of Reference, the evaluation will address the following issues. Related questions to be answered by the evaluation follow each issue.

1 - Management Capacity and Program Delivery: The extent to which AFA has enhanced recipients' management capacity and enabled them to design and deliver effective programs in accordance with their own needs and priorities?

- a) Management Systems: Has AFA impacted on recipient management and policy-development processes? If so, how?
- b) Financial and Program Flexibility: What types of flexibility in financial and program management has AFA afforded recipients and are there any potential impediments to the use of this flexibility?
- c) Impacts on Services: Has AFA had an impact on the quality and quantity of services provided to recipient constituents? If yes, how?
- d) Program Development: Has it allowed for the development of new services and is so how? In instances where DIAND undertakes new programs, what impacts are encountered by AFA recipients and are communications clear?
- e) Impact on other Government Services: Has AFA had an impact on the obligations of other Departments involved with program delivery.

2 - Local Accountability: The extent to which AFA confirms and/or modifies the accountability of participating groups or bands to their local communities?

- a) First Nation Accountability In Practice: What accountability mechanisms and practices are undertaken by recipients at the local level?
- b) Impacts of AFA on Accountability: How, if any, has AFA affected recipient accountability to their local constituents?

3 - Ministerial Accountability: The extent to which the Minister's requirements for accountability have been met?

- a) Accountability Requirements: What are the current accountability requirements undertaken by recipients to the Minister and to what extent are these being met within each region?
- b) Verification Systems and Practices: What verification systems and practices are undertaken by DIAND to monitor the obligations of both parties within the AFA and are these adequate?

c) Departmental Operations: How has DIAND altered its operations with the emphasis on local accountability.

d) Estimates: Is Ministerial Accountability clear in terms of the way resources are acquired, allocated and accounted for in the *Department Estimates*?

4 - Departmental Controls/Relationship: The extent to which AFA recipients have experienced a change in Departmental controls and/or a change in their relationship with DIAND?

a) Change In Amount of DIAND Control: In what areas, if any, has AFA recipients experienced a change in controls. Are there any further controls which could be reduced?

b) Consistency With Other Departmental Initiatives: Are other Departmental initiatives consistent with the objective of reduced controls experienced by recipients?

c) Effects of AFA on DIAND/Recipient Relationship: What changes, if any, have occurred to the relationship between DIAND and First Nations/Tribal Councils as a result of AFA?

5 - Other Impacts: What, if any, have been the other impacts of AFA?

6 - Improvements: What improvements can be made to AFA?

a) AFA Communications and Process: Can the communications on AFA, both internal and external, be improved? If so, how? How is the AFA process functioning (eg: Entry process and criteria) and what are the best practices across regions?

b) Levels of Satisfaction: Are First Nations, Tribal Councils and Departmental personnel satisfied with AFA? Why?

c) Functionality of AFA with other Funding Mechanisms: How is AFA functioning with other funding mechanisms of DIAND and other Departments. Can this functioning be improved?

d) Evolving Needs: Are recipient financial needs evolving beyond the current AFA, if so, can AFA be improved to better meet these needs?

5. METHODOLOGIES AND QUESTIONS

Chart 4 details the proposed methods to be used, and how they correspond to the issues to be addressed in the evaluation.

AFA EVALUATION QUESTIONS AND METHODOLOGIES

Page 1 of 3

EVALUATION ISSUES & QUESTIONS

Phase I

Phase II

1. The extent to which AFA has enhanced recipients' management capacity and enabled them to design and deliver effective programs in accordance with their own needs and priorities?

a) Management Systems

b) Financial and Program Flexibility

c) Impacts on Services

d) Program Development

e) Impact on other Government Services

2. The extent to which AFA confirms and/ or modifies the accountability of participating groups or bands to their local communities?

a) First Nations' Accountability in Practice

b) AFA Impacts on Accountability

Telephone Interviews: Bands/TCs (108)	Case Studies (4)	Interviews with DIAND Personnel	DIAND H.Q. & Regional Reviews (3)	Prescriptive Models of Accountability	First Nations' Accountability In Practice
X	X	X	X		
X	X	X	X		
X	X	X	X		
X	X	X	X		
X	X	X	X		
X	X	X	X		X
X	X	X	X		X

AFA EVALUATION QUESTIONS AND METHODOLOGIES

Page 2 of 3

EVALUATION ISSUES & QUESTIONS

Phase I

Phase II

	Phase I				Phase II	
	Telephone Interviews: Bands/TCs (108)	Case Studies (4)	Interviews with DIAND Personnel	DIAND H.Q. & Regional Reviews (3)	Prescriptive Models of Accountability	First Nations' Accountability In Practice
3. The extent to which the Minister's requirements for accountability have been met?						
a) Accountability Requirements	X	X	X	X	X	X
b) Verification Systems and Practices	X	X	X	X	X	
c) Departmental Operations		X	X	X		
d) Estimates:	X	X	X	X		
4. The extent to which AFA recipients have experienced a change in Departmental controls and/ or a change in their relationship with DIAND?						
a) Change In Amount of DIAND Control	X	X	X	X	X	X
b) Consistency With Other Departmental Initiatives	X	X	X	X		
c) Effects of AFA on DIAND/Recipient Relationship	X	X	X	X		

AFA EVALUATION QUESTIONS AND METHODOLOGIES

Page 3 of 3

EVALUATION ISSUES & QUESTIONS

Phase I

Phase II

	Phase I				Phase II	
	Telephone Interviews: Bands/TCs (108)	Case Studies (4)	Interviews with DIAND Personnel	DIAND H.Q. & Regional Reviews (3)	Prescriptive Models of Accountability	First Nations' Accountability In Practice
5. What, if any, have been the other impacts of AFA?	X	X	X	X		
6. What improvements can be made to AFA?	X	X	X	X		
a) AFA Communications and Process	X	X	X	X		
b) Levels of Satisfaction						
c) Functionality of AFA with other Funding Mechanisms	X	X	X	X		
d) Evolving Needs	X	X	X	X		

The evaluation will employ a two-phased approach to be conducted **concurrently**. The first phase consists of four main data collection activities; whereas the second phase consists of two main data collection activities.

5.1 Phase I of the Data Collection Activities

Telephone interviews with First Nations and Tribal Councils will be conducted. A total of 108 respondents have been selected at random and stratified on the basis of the following categories: 1) Bands/Tribal Councils that have requested entry into AFA; 2) Bands/Tribal Councils whose request to enter into AFA has been deferred or delayed; 3) Recipients with an agreement of 3 years or less; 4) Recipients with an agreement that is older than three years; and, 5) Bands/Tribal Councils which have not requested entry into AFA. *For more information on the selection methodology and its rationale, refer to Appendix 2 of this report.*

In-person and telephone interviews with DIAND personnel including AFA managers in all regions and the Director of Transfer Payments at headquarters will also be conducted. Interviews are also to be conducted with the Minister's office and the office of the Attorney General.

The third activity is a review at headquarters and five regional offices: B.C., Saskatchewan, Manitoba, Quebec and Atlantic. Each review includes file reviews of AFA and selected programs, and interviews with Regional Directors General, selected program directors and Financial Management Officers.

Four case studies will be also be conducted. Two will involve Bands that participated in the previous evaluation so that the impacts of AFA can be assessed over time. These are Ochapawace in Saskatchewan and River Desert in Quebec. The other two case studies will be conducted in British Columbia (Nuu Chah Nulth) and Manitoba (Norway House). Each case study will employ a combination of file reviews and interviews within the Department and Bands/Tribal Councils. The fourth case study, the Nuu Chah Nulth Tribal Council in B.C, will be the most comprehensive of the four and will involve in-person interviews with representatives of all Member Bands. *Appendix 5 presents an annotated outline of the case studies.*

5.2 Phase II of the Data Collection Activities: Accountability Review

The second phase of the data collection activities will consist of a review of the issue of accountability. It will focus on the concurrent issues of First Nation local accountability in practice and Ministerial

accountability. This study will be conducted in two parts. Part I will consist of an academic review aimed at suggesting practical models of accountability. *Appendix 4 presents a detailed annotated outline of what this section of the evaluation will consist of.*

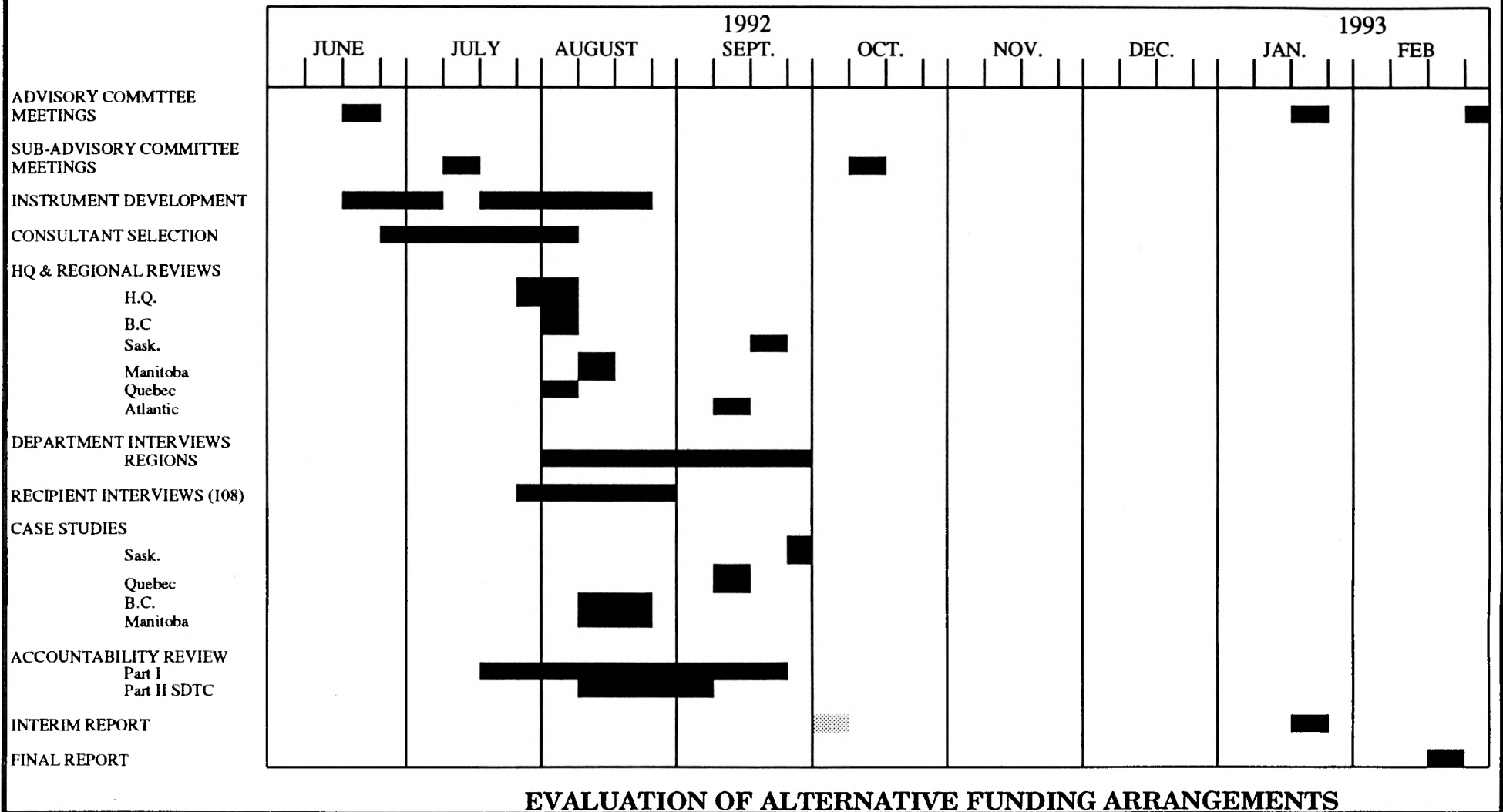
Part II of the accountability review will involve an in-depth analysis of an existing accountability regime describing the Saskatoon District Tribal Council (SDTC). Two member bands, Muskeg and John Smith Indian Band, will also be a primary focus of this study. Nevertheless, all member bands of SDTC will be included in the study. *Appendix 5 provides a more in-depth overview of the specific issues of this study, the methodologies to address these issues, an annotated outline of what the study is to consist of, as well as the terms of reference.*

6. EVALUATION SCHEDULE

The evaluation terms of reference were approved in June, 1992. Data collection will commence in late July and a draft report will be tabled during January, 1992. The final evaluation report will be completed by March, 1993.

A detailed schedule of the evaluation is presented on the following page.

PROPOSED SCHEDULE FOR THE EVALUATION OF ALTERNATIVE FUNDING ARRANGEMENTS, 1992/93



APPENDICES

Evaluation of Alternatative Funding Arrangements

Prepared by:

Daniel J. Caron

Assisted by:

Terry Hunt

Francois Cornut
Manjit-Paul Bains
Murray Browne

Appendix 1
Evaluation Terms of Reference

PROPOSED TERMS OF REFERENCE

Evaluation of Alternative Funding Arrangements

15

BACKGROUND: In October 1983, the Special Committee on Indian Self-Government recommended administrative or policy changes under existing legislation permitting First Nations expanded authority to manage the affairs of their membership.

On November 7, 1985 Cabinet authorized the implementation of new funding mechanisms designed to permit more local control to be exercised by First Nations and related groups. On June 26, 1986 technical authorities were approved by Treasury Board, to implement Alternative Funding Arrangements (AFA) with eligible Indian Bands, Tribal Councils and their organizations commencing in 1986-87. AFA was made optional and is not a required step for attaining self-government.

An evaluation of the short-term impacts and the implementation process of AFA was completed in June 1989. The evaluation found that the short-term impacts of AFA were generally positive in nature. The Department implemented the majority of the evaluation's recommendations related to the AFA implementation process and audit refinements.

NEED: The Transfer Payments Directorate, Finance and Professional Services, and Treasury Board have requested that an evaluation be conducted of the long term impacts of AFA. The issues of Ministerial and local First Nations' accountability are also to be addressed as a basis for the evaluation as well as to inform other Departmental initiatives such as current and future devolution activities.

SCOPE: The evaluation will assess the long term impacts of AFA since its introduction in 1986. The evaluation will also involve a review of the issue of Ministerial and local First Nations' accountability.

ISSUES: The evaluation issues specified in the MOU with Treasury Board dated August 1986 were refined in consultation with the Evaluation Advisory Committee. The evaluation will address the following issues:

- the extent to which AFA has enhanced recipients' management capacity and enabled them to design and deliver effective programs in accordance with their own needs and priorities;

- the extent to which AFA confirms and/or modifies the accountability of participating groups or bands to their local communities;
- the extent to which the Minister's requirements for accountability have been met;
- the extent to which AFA recipients have experienced a change in Departmental controls and/or a change in their relationship with DIAND;
- what, if any, have been the other impacts of AFA; and,
- what improvements can be made to AFA?

APPROACH:

The evaluation will be directed by a Senior Evaluation Manager and will be conducted in two phases to be undertaken **concurrently**. The first phase will address the central evaluation issues while the second phase will focus specifically on the issue of Ministerial and local First Nations' accountability.

AFA Evaluation - Phase I: The first phase of the evaluation will be conducted with in-house and contracted resources and in consultation with an Advisory Committee. This committee will be chaired by a representative of the Evaluation Directorate and will consist of representatives of three First Nations in Western, Central and Eastern Canada; Financial & Professional Services Branch at headquarters; and, Transfer Payments Directorate at the Quebec Regional Office.

Methodologies to be employed in this phase of the evaluation include: in-person and telephone interviews with all Departmental AFA managers and/or directors, and selected Senior Departmental Managers including Directors General and Regional Directors General; file reviews at headquarters and selected regional and district offices; telephone and in-person interviews with randomly selected AFA and non-AFA funded recipients; and, four on-site case studies will be conducted involving two First Nations visited in the previous evaluation and two other funded recipients.

AFA Evaluation - Phase II: Accountability Issues: The second phase of the evaluation will consist of three distinct components. Two of these components will be directed by the Evaluation Directorate and the third component will be overseen by an Advisory Sub-Committee consisting of representatives of the Saskatoon District Tribal Council, Muskeg and John Smith Bands, Saskatchewan Region Office, Transfer Payments Directorate, Headquarters and the Evaluation Directorate.

The first component of the Accountability Review will be conducted by a team of academic researchers versed in Aboriginal issues. The second component will be managed by the Saskatoon District Tribal Council through the use of a Cree Consultant. The third component will examine the lessons learned on applicable mechanisms for actual and future devolution to First Nations and will be undertaken by the Evaluation Directorate.

RESOURCES: It is estimated that the evaluation will cost approximately 150K, including travel for First Nation representatives on the Advisory Committee.

TIME-FRAME: A draft report is to be completed in the fall and a final report will be tabled by the end of March 1993.

APPROVED:



A. Williams
Assistant Deputy Minister
Finance & Professional Services

JUN - 2 1992

Date

Appendix 2

Selection of Band\Tribal Council Telephone Interviews, Case Studies, and Regional Reviews

1. Selection of Indian Bands\Tribal Council to be Interviewed

Introduction

For the evaluation of the long-term impacts of the Alternate Funding Arrangements program, there are a total of 108 Bands and Tribal Councils selected to participate in the evaluation through the means of telephone interviews.

Methodology

The Bands and Tribal Councils that are to participate were chosen on the basis of experience with the process. Towards this end, the Bands and Tribal Councils have been divided into four categories. These categories are as follows:

- Category 1 consists of Bands and Tribal Councils that have had an AFA Agreement for a period of three years or longer. Fifty percent of communities in this category were chosen for interviews;
- Category 2 consists of Bands and Tribal Councils that have had an AFA agreement in place for less than three years. Twenty five percent of the communities in this category were chosen for interviews;
- Category 3 consists of Bands and Tribal Councils that do not have an agreement in place but are in the process of entering into one. Ten percent of the communities in this category were chosen for interviews;
- Category 4 consists of Bands and Tribal Councils that do not presently have an agreement and are not in the process of entering into one. Ten percent of the communities in this category were chosen for interviews.

A systematic random sampling method was used to select the respondents to be telephone interviewed.

Selection

Table 1 presents the number of Bands and Tribal Councils selected for each category by region and Table 2 provides the names of those Bands and Tribal Councils that will participate in the evaluation. This table has been circulated to each Regional office for comments.

Rationale

The length of agreement variable used to choose the Bands and Tribal Councils (for categories 1 through 3) that are to participate in the interviews ensures that a sampling of opinions of parties involved in various stages of the process will be obtained. The random selection of communities ensures that the selected samples are not skewed in favour of any variables. In addition, the size of the sample to be selected from each category will allow an understanding of the experiences of those Bands and Tribal Councils within that category.

2. Selection of Case Studies

Introduction

For the evaluation of the long- term impacts of Alternative Funding Arrangements (AFA), there will be a total of three Bands and one Tribal Council selected for case studies.

Methodology

The communities that are to participate in the case studies were chosen on a number of criteria, the most important one being previous experience with the process. Towards this end, two bands that had participated in the previous evaluation were again chosen. The other two bands were also chosen on the basis of their experience with the process with consideration being given to their location insofar as promoting as many regions to be involved as possible.

Selection

Based on the methodology stated above, the following AFA funded recipients have been selected to take part in the case studies;

- Ochapawace, Saskatchewan
- River Desert, Quebec
- Nu Chah Nulth, British Columbia
- Norway House, Manitoba

Rationale

The length of agreement variable used to choose the communities that are to participate in the case studies ensures that the selected communities

have suitable experience with the program. The location variable ensures that as many regions are involved as possible.

3. Selection of Regional Reviews

Introduction

For the evaluation of the long- term impacts of Alternative Funding Arrangements (AFAs), a total of three regions have been selected for regional reviews.

Methodology

The regions that are to participate in the regional reviews were chosen on the basis of experience and on the basis of location in the country. Towards this end, the three regions that have been selected for reviews all have experience with AFAs and are spread geographically throughout the country. Interviews will be conducted with personnel such as Financial Management Officers, Directors of Finances, selected personnel and AFA managers. File reviews will also be conducted. The number of file reviews done will be dependent upon the number of AFAs in that region.

Selection

Based on the methodology stated above, the following regions have been selected to participate in the regional reviews:

- B.C. Regional Office
- Saskatchewan Regional Office
- Manitoba Regional Office
- Quebec Regional Office
- Atlantic Regional Office

Rationale

The length of agreement variable used to choose the regions that are to participate in the regional reviews ensures that the selected regions have prior experience with AFA. The location variable ensures that the evaluation involves as many regions as economically possible. The regional reviews will allow a comparison of practices in various parts of the country.

TABLE 1
SELECTION OF BANDS AND TRIBAL COUNCILS TO BE TELEPHONE INTERVIEWED

	YUKON	B.C.	ALTA.	SASK.	MAN.	ONT.	QUE.	ATL.	TOTAL
NUMBER OF BANDS	16	196	42	70	60	126	39	31	601
NUMBER OF BANDS/ TRIBAL COUNCILS WITH AFA	2	19	8	13	18	34	6	10	110
SELECTED FROM CATEGORY 1 TO BE INTERVIEWED	1	5	2	3	5	5	1	2	24
SELECTED FROM CATEGORY 2 TO BE INTERVIEWED	1	4	1	1	2	6	1	1	17
SELECTED FROM CATEGORY 3 TO BE INTERVIEWED	1	2	1	3	0	4	0	2	13
SELECTED FROM CATEGORY 4 TO BE INTERVIEWED	2	18	2	9	6	10	4	3	56
TOTAL NUMBER SELECTED	5	29	6	16	13	25	6	8	108
NUMBER OF BANDS TO BE INTERVIEWED	5	28	4	12	12	23	6	6	96
NUMBER OF TRIBAL COUNCILS TO BE INTERVIEWED	0	3	2	4	1	2	0	2	14
DISTRIBUTION OF TOTAL SAMPLE	5%	27%	6%	15%	12%	23%	6%	7%	100%

TABLE 2
BANDS AND TRIBAL COUNCILS SELECTED FOR TELEPHONE
INTERVIEWS FOR THE AFA EVALUATION

CATEGORY 1: Recipients which have had an AFA in place for 3 years or more

REGION	TRIBAL COUNCIL
1 ALBERTA	ATHABASCA TRIBAL CORPORATION
2 SASKATCHEWAN	MEADOW LAKE TRIBAL COUNCIL
3 ONTARIO	PWI-DI-GOO-ZING-NE-YAA-ZHING NON PROFIT ADVISORY
4 ALBERTA	YELLOWHEAD TRIBAL COUNCIL
	BAND NAME
1 ATLANTIC	CHAPEL ISLAND
2 ATLANTIC	LENNOX ISLAND
3 BRITISH COLUMBIA	CHESLATTA
4 BRITISH COLUMBIA	BOOTHROYD
5 BRITISH COLUMBIA	MCLEOD LAKE
6 BRITISH COLUMBIA	CANIM LAKE
7 BRITISH COLUMBIA	LAX KW'ALAAMS
8 MANITOBA	BARREN LANDS
9 MANITOBA	FOX LAKE
10 MANITOBA	ROSEAU RIVER
11 MANITOBA	MATHIAS COLOMB
12 MANITOBA	THE PAS
13 ONTARIO	BIG ISLAND
14 ONTARIO	MOOSE DEER POINT
15 ONTARIO	HIAWATHA FIRST NATION
16 ONTARIO	WEST BAY
17 QUEBEC	MONTAGNAIS DU LAC ST-JEAN
18 SASKATCHEWAN	STAR BLANKET
19 SASKATCHEWAN	MAKWA SAHGAIEHCAN
20 YUKON	AISHIHIK

CATEGORY 2: Recipients which have had an AFA in place for less than 3 years

REGION	TRIBAL COUNCIL
1 BRITISH COLUMBIA	GITKSAN WET'SUET'EN TRIBAL COUNCIL ASSOCIATION
2 ONTARIO	MUSHKEGOWUK TRIBAL COUNCIL
	BAND NAME
1 ALBERTA	STONEY (CHINIKI)
2 ATLANTIC	TOBIQUE
3 BRITISH COLUMBIA	CAPE MUDGE
4 BRITISH COLUMBIA	WILLIAMS LAKE
5 BRITISH COLUMBIA	CAMPBELL RIVER
6 MANITOBA	PEGUIS
7 MANITOBA	CROSS LAKE
8 ONTARIO	CHIPPEWAS OF RAMA

9 ONTARIO	SERPENT RIVER
10 ONTARIO	WUNNUMIN
11 ONTARIO	WAPEKEKA
12 ONTARIO	CURVE LAKE*
13 QUEBEC	MONTAGNAIS DE LES ESCOUMIN
14 SASKATCHEWAN	ISLAND LAKE
15 YUKON	NA-CHO NY'A'K-DUN

CATEGORY 3: Recipients that do not have an agreement in place but are in the process of entering into one

REGION	TRIBAL COUNCIL
1 SASKATCHEWAN	PRINCE ALBERT DISTRICT CHIEFS
2 ATLANTIC	ST. JOHN RIVER TRIBAL COUNCIL
	BAND NAME
1 ALBERTA	FORT MCKAY*
2 ATLANTIC	EDMUNDSTON
3 BRITISH COLUMBIA	LOWER KOOTENAY*
4 BRITISH COLUMBIA	ISKUT INDIAN BAND
5 ONTARIO	SIX NATIONS OF THE GRAND RIVER
6 ONTARIO	CHIPPEWAS OF THE THAMES FIRST NATION
7 ONTARIO	MATACHEWAN
8 ONTARIO	BIG TROUT LAKE
9 SASKATCHEWAN	HATCHET LAKE
10 SASKATCHEWAN	ONION LAKE
11 YUKON	KWANLIN DUN
12 ALBERTA	LESSER SLAVE LAKE INDIAN REGIONAL COUNCIL

CATEGORY 4: Tribal Councils/Bands that do not have an agreement in place & are not in the process of entering into one.

REGION	TRIBAL COUNCIL
1 SASKATCHEWAN	BATTLEFORDS TREATY #6 TRIBAL COUNCIL
2 BRITISH COLUMBIA	MUS-GAMAGW TRIBAL COUNCIL
3 BRITISH COLUMBIA	THE ALLIANCE TRIBAL COUNCIL
4 SASKATCHEWAN	YORKTON DISTRICT CHIEFS COUNCIL
5 MANITOBA	SOUTHEAST RESOURCE DEVELOPMENT COUNCIL
6 ATLANTIC	NORTH SHORE MICMAC DISTRICT TRIBAL COUNCIL
	BAND NAME
1 ALBERTA	SADDLE LAKE
2 ALBERTA	LITTLE RED RIVER *
3 ATLANTIC	SAINT MARY'S
4 ATLANTIC	EEL RIVER
5 BRITISH COLUMBIA	COWICHAN BAND*
6 BRITISH COLUMBIA	KOOTENAY INDIAN AREA COUNCIL*
7 BRITISH COLUMBIA	HARTLEY BAY
8 BRITISH COLUMBIA	COLDWATER
9 BRITISH COLUMBIA	TREATY 8 TRIBAL ASSOCIATION*

10	BRITISH COLUMBIA	LAKALZAP BAND*
11	BRITISH COLUMBIA	PAVILION
12	BRITISH COLUMBIA	SUMAS
13	BRITISH COLUMBIA	DOIG RIVER
14	BRITISH COLUMBIA	KLUSKUS
15	BRITISH COLUMBIA	SHACKAN
16	BRITISH COLUMBIA	SKWAY
17	BRITISH COLUMBIA	NUCHATLAHT
18	BRITISH COLUMBIA	NICOMEN
19	BRITISH COLUMBIA	QUALICUM
20	BRITISH COLUMBIA	AITCHELITZ
21	MANITOBA	GARDEN HILL
22	MANITOBA	FAIRFORD
23	MANITOBA	YORK FACTORY
24	MANITOBA	RED SUCKER LAKE
25	MANITOBA	DAKOTA PLAINS
26	ONTARIO	BATCHEWANA
27	ONTARIO	GOLDEN LAKE
28	ONTARIO	LONG LAKE NO. 58 FIRST NATION
29	ONTARIO	DEER LAKE
30	ONTARIO	RAT PORTAGE
31	ONTARIO	NORTH SPIRIT LAKE
32	ONTARIO	SHEGUIANDAH
33	ONTARIO	WABAUSKANG
34	ONTARIO MOHAWKS*	
35	ONTARIO	WAWAKAPEWIN
36	QUEBEC	RESTIGOUCHE
37	QUEBEC	LES ATIKAMEKW DE MANAWAN
38	QUEBEC	WEMINDJI
39	QUEBEC	ABENAKIS DE WOLINAK
40	SASKATCHEWAN	GORDON
41	SASKATCHEWAN	YELLOWQUILL
42	SASKATCHEWAN	SWEET GRASS
43	SASKATCHEWAN	MUSKOWEKWAN
44	SASKATCHEWAN	ENGLISH RIVER
45	SASKATCHEWAN	KEY
46	SASKATCHEWAN	LUCKY MAN
47	YUKON	DAWSON
48	YUKON	VUNTUT GWITCHIN

Footnote: Any Band or Tribal Council with a * beside it has been included on the recommendation of the regional office.

Appendix 3

Accountability Review:

Part I: Prescriptive Models of Accountability

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1. Preliminary Schedule

**ANNOTATED OUTLINE:
ACCOUNTABILITY REVIEW
PART I: PRESCRIPTIVE MODELS OF ACCOUNTABILITY**

1. INTRODUCTION

1.1 Relation of Phase II (Accountability Review) to AFA Evaluation

As part of the evaluation of AFA, a review of the issue of Ministerial and First Nations accountability is being undertaken. This appendix provides an overview of the first part of this accountability review which will examine different types and models of accountability mechanisms and practices. The second part of the accountability review, which will focus specifically on First Nations' accountability in practice, is outlined in Appendix 3 of this report.

1.2 Purpose of Part I (Prescriptive Models)

Part I will consist of an analysis of different accountability models. It will examine various accountability mechanisms and practices, and will make recommendations as to which models would be most beneficial to the parties involved in AFA as well as to other current and future Departmental activities such as devolution initiatives.

1.3 Issues

- Theoretical perspectives on accountability within the context of Canadian federal, provincial and municipal governments, as well as Aboriginal and international practices;
- Actual accountability requirements and practices within DIAND programs and processes;
- Potential options for practical models of Ministerial and local accountability in the context of devolution to First Nations;
- How is accountability built into Band and Tribal Council political and administrative systems; and
- Lessons learned based upon accountability in practice.

2. ANNOTATED OUTLINE OF PART I (PRESCRIPTIVE MODELS)

2.1 Options for practical models of accountability in the context of devolution to First Nations

This part of the discussion paper will present a range of practical models of Ministerial and local accountability in the context of

devolution to First Nations.

Potential prescriptive models of Ministerial accountability encompassing instruments such as delegation or joint administration will be critically assessed in light of the Department's changing environment. The range of models will address issues such as the implications for Ministerial accountability in light of increased emphasis on local accountability for new or evolving institutions, as well as methods for assessing the existence and sufficiency of local accountability procedures and mechanisms.

2.2 Theoretical Perspectives on accountability

This section of the discussion paper will examine theoretical perspectives on the issue of accountability. It will draw on experiences within and between Canadian federal, provincial and municipal governments, as well American, Australian and other international experiences where applicable.

It will begin by examining the concept of accountability and differing definitions. Accountability types such as financial and political, as well as the institutions, reporting relationships and funding mechanisms used to implement such forms of accountability will also be examined. This will be followed by a general review of existing models of accountability including factors to be considered for identifying the existence of accountability and implementing it.

and 2.3 Overview of different forms of aboriginal governments, organizations institutions and their existing internal accountability structures and practices

Using existing literature, this section will provide a brief inventory of existing Aboriginal governments, organizations and institutions. It will focus upon the internal accountability mechanisms which have been adopted within these various forms of organization. This section will also provide a critical examination of the accountability mechanisms available to constituents of the various forms of Aboriginal organizations and bodies.

2.4 Detailed summary of actual DIAND program and process requirements and practices

This section of the discussion paper is to address two related items. Firstly, a review of accountability requirements of First Nations and

related organizations to their membership and the Minister through Department arrangements such as AFA, Self-Government and Devolution initiatives.

Secondly, based upon existing Departmental reviews and literature, an examination of how, and to what extent, existing Ministerial and local accountability requirements are met in practice. A sub-issue which is to be addressed entails an examination of the indemnification clause which exists in the AFA agreement and its impacts on the obligations of both parties.

2.5 Conclusions

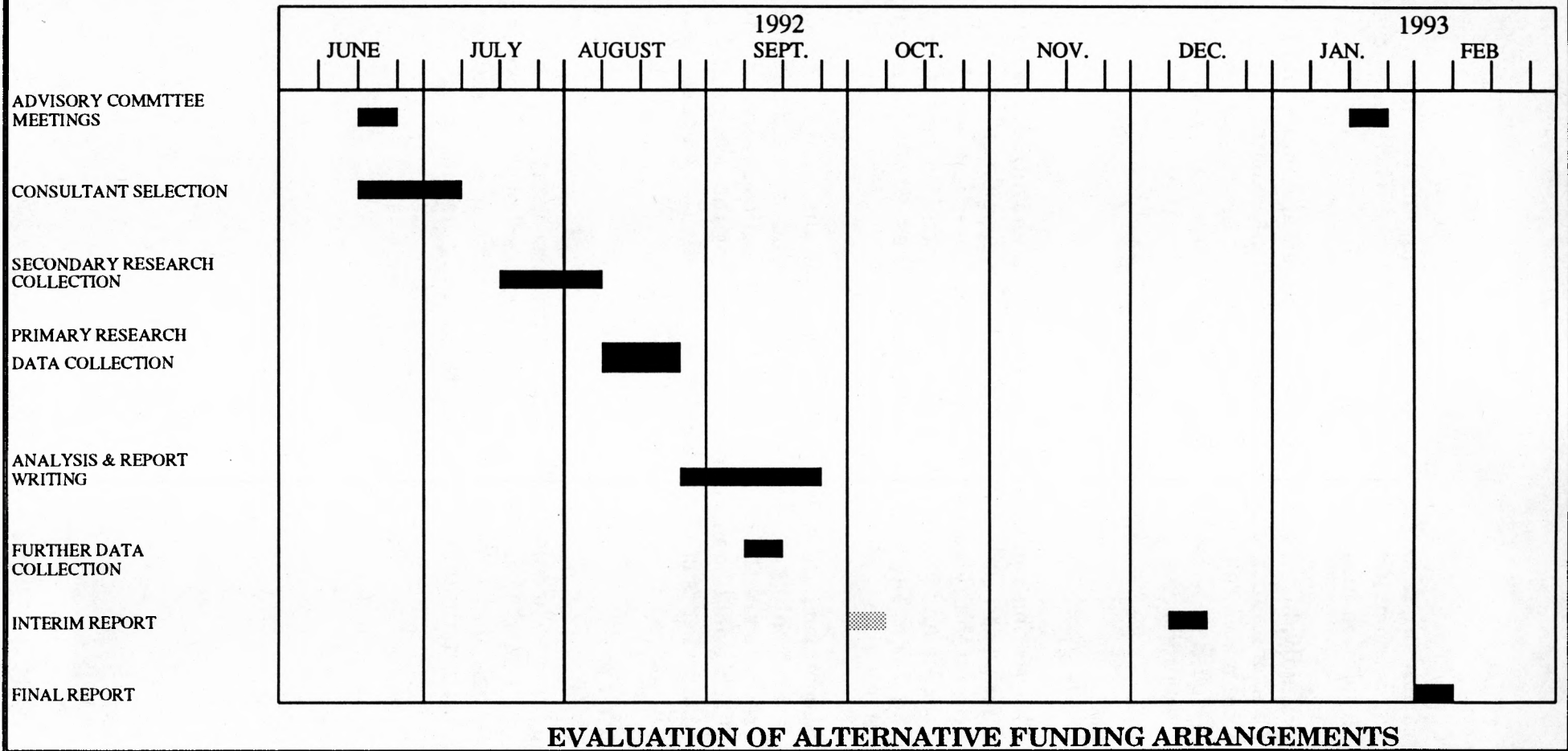
This section will consist of an analysis and synthesis of the information gathered. The strengths and weaknesses of the different accountability models, mechanisms and practices and their potential benefits and detriments to the objectives of AFA and other current and future Departmental activities such as devolution initiatives will be assessed.

Recommendations will be made based on this analysis and assessment as to which accountability models, mechanisms and practices are the most beneficial to all parties involved in AFA, and which would be most suitable for fulfilling the accountability requirements of future Departmental activities such as devolution initiatives.

3. **SCHEDULE**

A preliminary schedule for the Part I of the Accountability Review, Prescriptive Models of Accountability, is provided on the following page. The duration of activities are anticipated to occur over the summer period and an interim draft report is expected in early December, 1992.

**PROPOSED SCHEDULE FOR PART I ACCOUNTABILITY REVIEW:
PRESCRIPTIVE MODELS OF ACCOUNTABILITY, 1992/93**



Appendix 4

First Nation Accountability In Practice: The John Smith and Muskeg Lake Indian Bands and The Saskatoon District Tribal Council

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FIRST NATION ACCOUNTABILITY IN PRACTICE: A CASE STUDY AT THE JOHN SMITH AND MUSKEG LAKE INDIAN BANDS AND THE SASKATOON DISTRICT TRIBAL COUNCIL

1. INTRODUCTION

1.1 Purpose of Appendix

This appendix outlines a plan for examining First Nations' accountability in practice within the Saskatoon District Tribal Council and member First Nations. It presents the purpose of the study, the approach to be used, the issues of the study and the methodologies which will be used to address them. In addition, this appendix includes an annotated outline of the study and a preliminary schedule of activities.

1.2 Purpose of Study

As stated in the attached Terms of Reference in Annex 1 of this appendix, the purpose of this study is to examine how accountability is built into Tribal Council and Band political and administrative systems. The findings are to be used as part of the accountability review being undertaken as part of the Evaluation of Alternative Funding Arrangements. The study will also provide a basis for other DIAND initiatives such as future devolution activities.

1.3 Approach

The study will be overseen by an Advisory Sub-Committee consisting of representatives of the Saskatoon District Tribal Council, Muskeg and John Smith Bands, Saskatchewan Regional and District Offices, Transfer Payments Directorate at Headquarters, and the Evaluation Directorate.

The Advisory Sub-Committee will be responsible for reviewing planning materials, and the study will be managed by the Saskatoon District Tribal Council through the use of a Cree Consultant. The Evaluation Directorate will assist the Advisory Sub-Committee in preparing the planning documents and reviewing the final reports for the study.

The study will focus upon the Saskatoon District Tribal Council and two member First Nations: John Smith and Muskeg Lake Bands. However, all member First Nations will be requested to participate.

2. OVERVIEW OF THE SASKATOON DISTRICT TRIBAL COUNCIL

The Saskatoon District Tribal Council (SDTC) is a legally incorporated body of seven member Bands in the Saskatoon District. It was created in 1982.

2.1 Membership

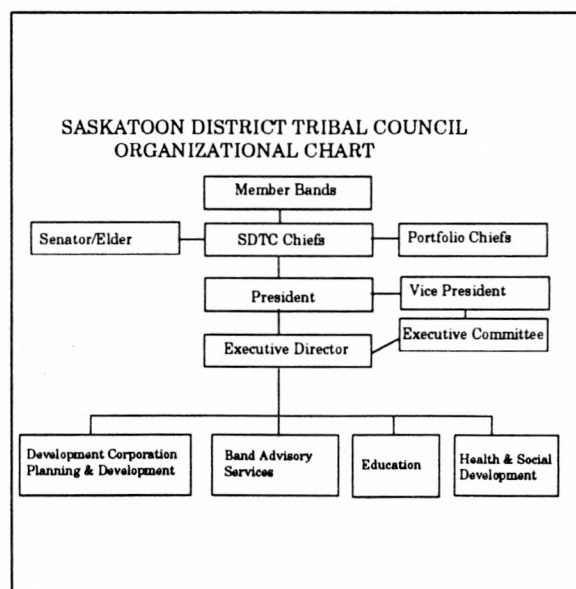
Table 1 below presents the member Bands along with their respective populations. As of 1992, the total on-reserve population within the SDTC is approximately 2,578.

Table 1

	On-Reserve	Total Members
John Smith	320	827
Moose Woods	136	266
One Arrow	264	837
Mistawasis	709	1,383
Muskeg Lake	302	987
Yellowquill	650	1,655
Kinistin	197	572
Total	2,578	6,524

2.2 Organizational Structure

This Chart presents an overview of the Tribal Council's organizational structure. The main programs delivered by the SDTC include Education, Band Advisory Services (Economic Development, Technical Support and Financial Advisory Services), Health and Social Development, Planning and Development. The operating budget of the Tribal Council is approximately six million dollars and it employs approximately 90 full-time staff.



3. ISSUES AND QUESTIONS

The study proposes to address the following issues and related questions.

1.- **What are the existing accountability mechanisms and practices at the political and administrative levels within the Tribal Council and Member Bands?**

a) Organizational and Political Structures and Functioning:

Description of current organizational, administrative and political structures and functioning. Formal and informal lines of authority and communication within and between the Tribal Council and Member Bands. As well, the sources of accountability and accountability systems within and between Tribal Council and Member Bands will be detailed.

b) Types of Accountability: Description of the types of accountability which exist for Tribal Council/Band governments. What are the provisions and practices for each respective form of accountability. What tools are used to maintain accountability such as appeal systems, formal and informal access to information policies and practices, etc.

2.- **What are the current accountability mechanisms and practices undertaken by the Tribal Council and member Bands to the Minister, and other levels of Aboriginal and non-Aboriginal governments and organizations?**

a) Reporting Requirements: What DIAND reporting requirements the Tribal Council and Member Bands are responsible for? How these are undertaken, as well as a description of internal approval processes and responsibilities for such reports. The extent to which such reporting requirements are undertaken by the Tribal Council and Member Bands?

b) Accountability Procedures: What procedures are involved between the Tribal Council/Member bands and the Department in undertaking DIAND accountability requirements (eg: communications and meetings on audit review, etc.)

c) Other Levels of Government and Organizations: What reporting requirements and practices, if any, exist for the Tribal Council and Member Bands to other levels of government and aboriginal and non-aboriginal organizations.

3.- To what extent, if any, has AFA affected the accountability of the Tribal Council and Member Bands to their local constituents?

a) Enhancements to Accountability: Has AFA enhanced Tribal Council/Band Governments' accountability to their constituents? If so, how? Has the Chief and Council/Tribal Council modified\implemented existing/new on-going accountability mechanisms through AFA?

b) Changes in Reporting: What changes in internal Tribal Council and Member Bands' reporting (both formal and informal practices) to their constituents have occurred as a result of AFA?

c) Information and Constituent Input: As a result of AFA, do constituents have more input into the functioning of their governments (ie: information on, and input into, the decision-making processes at the Tribal Council and Band levels?)

4.- Political Level: What have been the impacts of AFA at the political level of the Tribal Council and Member Bands?

- a) Has the relationship with Chief and Council and Band membership changed with the implementation of AFA?
- b) What are the actual Chief and Council/Tribal Council relationships with Governments? What changes, if any, resulted from AFA?
- c) Has there been an impact of AFA on the overall level of government (political management)

5.- Management Capacity: What impacts have occurred from AFA on the Tribal Council and member Bands management capacity?

- a) Have the results of the assessment changed from the original assessment. If yes, in what areas and why?
- b) Has program design been modified/created since AFA? If so, how and where?
- c) Has program delivery been modified at the Band level?

6.- Administrative Level: What have been the impacts of AFA at the administrative level of the Bands and Tribal Councils?

- a) Have the advantages of AFA been fully utilized by the Band and Tribal Council -- are Bands and Tribal Councils aware of the advantages. If yes, how? If no, why?

- b) Has financial management of Bands improved?
- c) Has financial situation of the Bands been modified? If yes, in what ways and why?
- d) Has the Band program and financial planning improved? Chief and Council planning and program staff planning (Long and short term)
- e) Has the administrative relationship with government agencies been modified with AFA?
- f) Has the relationship between Bands and financial institutions improved?
- g) How has AFA impacted on the relationship between the Department and the Band/Tribal Council. (Quantity and Quality)
- h) What specific administrative accountability mechanisms have been implemented, if any, by the Band and Tribal Councils since AFA?
- i) Has AFA brought more responsibilities/stress on Chief and Councils, Band and Tribal Council, Program staff? If yes, how? And how is it addressed?

7. - Other Impacts: What other impacts have occurred as a result of AFA?

- a) What impact (if any) has AFA had in relation to Indian Self-Government development.
- b) What impact (if any) has AFA had in relation to the Indian Act.
- c) What impact (if any) has AFA had in relation to Treaties?

4. METHODOLOGIES AND QUESTIONS

Chart 1 on the following page presents an overview of the study's questions and the methodologies proposed to address them. The study will employ five main instruments. Each of these are detailed below.

1) In-Person Interviews: In-person interviews will be undertaken with the Tribal Council President and the Chiefs and selected Councillors of all member Bands. The administrators of all member Bands and the Tribal Council are also to be interviewed. Personnel of the Tribal Council and John Smith and Muskeg Lake such as program and financial staff, including auditors, will also be included.

CHART 1: QUESTIONS AND METHODOLOGIES

ISSUES AND RELATED QUESTIONS	IN-PERSON INTERVIEWS		Household Interviews of Band Members	File Reviews (3): Tribal Council & Band Offices	Discussion Groups (3) Elders' & Aboriginal Policy-Maker	AFA Management Assessment(s)
	Tribal Council President, Chief and Councilors	Tribal Council/Band Administrators & Personnel				
1. Existing accountability mechanisms within the Tribal Council and Member Bands:						
a) Organizational and Political Structures & Functioning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
b) Types of Accountability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Accountability mechanisms to the Minister, and other organizations:						
a) Reporting Requirements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
b) Accountability Procedures	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
c) Other governments & orgs.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>
3. Affects of AFA on Accountability:						
a) Enhancements to Accountability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
b) Changes in Reporting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c) Information and Constituent Input	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

CHART 1: QUESTIONS AND METHODOLOGIES

ISSUES AND RELATED QUESTIONS	IN-PERSON INTERVIEWS		Household Interviews of Band Members	File Reviews (3): Tribal Council & Band Offices	Discussion Groups (3) Elders' & Aboriginal Policy-Maker	AFA Management Assessment(s)
	Tribal Council President, Chief and Councilors	Tribal Council/Band Administrators & Personnel				
4. What have been the impacts of AFA at the political level of the Tribal Council and Member Bands?	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. What impacts have occurred from AFA on the Tribal Council and Member Bands' management capacity?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6. What have been the impacts of AFA at the administrative level of the Tribal Council and Member Bands?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
7. What other impacts have occurred as a result of AFA?						
-Self-Government Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
-Indian Act	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
-Treaties	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

2) Household Interviews: In-person interviews of Band member households will be undertaken at the John Smith and Muskeg Lake Bands. Band members to be interviewed will be selected at random.

3) File Reviews: File reviews will also be undertaken at the Tribal Council, John Smith and Muskeg Lake offices.

4) Elder Discussion Groups: Two discussion groups with Elders, one at John Smith and the other at Muskeg Lake, will also be conducted.

5) Discussion Group with Aboriginal Policy-Makers: Discussion groups with Aboriginal Policy-Makers will also be conducted.

6) AFA Management Assessment: The initial assessment used by the Tribal Council to enter AFA will be re-done in order to assess whether the results have changed and if so where. In order to ensure standardized results, the same assessment that was originally undertaken will be used; however, the up-dated version of the assessment may also be undertaken in order to examine whether any differences arise as a result of using different assessments.

5. ANNOTATED OUTLINE

This section of the appendix presents a detailed annotated outline of the study. It outlines a preliminary structure of the study, the issues to be addressed within each section, and, where appropriate, the methods that will be used to address them.

1 INTRODUCTION

This section will provide the background and objectives of the study. It will explain how the study fits into the overall Accountability Review and the evaluation of the Alternative Funding Arrangements.

2 BACKGROUND

This section will provide a detailed account of the methodologies used for the study. For example, the number of interviewees and their positions, groups consulted during the study, and file reviews are to be explained. A detailed explanation will also be provided on how the interviews with Band Members were conducted.

3 **PROFILE** *m*

This section will provide a detailed description of the recent economic, social, political, demographic and cultural history of the Tribal Council and member First Nations. The current situation of the Tribal Council and member First Nations with respect to each of these categories will be thoroughly described.

4 **HISTORY AND CHANGING NATURE OF THE ADMINISTRATIVE RELATIONSHIP WITH DIAND** *m*

This section will primarily focus on the evolving relationship with respect to financial arrangements between the Tribal Council and member First Nations and the Department. Information for this section will primarily involve file reviews within the Tribal Council and Member Bands; and, interviews with Tribal Council and member First Nation representatives and administrators.

5 **TRIBAL COUNCIL AND MEMBER BANDS ORGANIZATIONAL STRUCTURES AND FUNCTIONING** *m*

This section will involve an organizational analysis of both the formal and informal structures and how they function within the Tribal Council and member First Nations. It will present both the political and administrative organizations and how they interact.

6 **TRIBAL COUNCIL AND MEMBER BANDS POLITICAL STRUCTURES AND FUNCTIONING** *n*

This section will examine the formal and informal political structures and practices of the Tribal Council and member First Nations. In particular, it will examine the role of constituent members and groups in the policy development and the general governing of the Tribal Council and member First Nations.

Items to be addressed within this section include: the decision-making process and how priorities are established; control mechanisms; involvement of people within the political system (eg: who, how, and when); the power sphere of the political system and linkages with other organizations and/or institutions and the administrative level.

7 ACCOUNTABILITY

Building from the previous sections, this part of the study will provide in detail the types of accountability practised by the Tribal Council and member Bands. Different types of accountabilities such as political, financial, as well as the sources of them will be presented.

The provisions and practices for each form of accountability are to be described. For example, for Financial Accountability, a description is to be provided on such items as: input and feedback mechanisms for constituents; type and destination of audit information, e.g. published, in accordance with GAAP, etc.; audit and budget development and approval processes; availability and access to budget/audit information; etc. In addition, the sources of each form of accountability will be examined (e.g. Band membership, Band Council, etc.)

7.1 Constituents

This section describes how the Tribal Council and Member Bands are accountable to their respective constituents. Thus, it will first define the constituents of each, and then describe what mechanisms and practices are used. For example, items such as access to information policies, both formal and informal, or appeal systems, will be presented.

7.2 Ministerial

This section will provide the findings on what Ministerial accountability entails from the perspective of the Tribal Council and member Bands. This will include reporting requirements and the extent to which they are undertaken, as well as other accountability procedures such as audit reviews with the Department.

7.3 Other Levels of Aboriginal and Non-Aboriginal Governments, Institutions, and Organizations

This section of the study will provide an overview of the accountability requirements of the Tribal Council and member Bands to other levels of aboriginal and non-aboriginal governments, institutions and organizations.

This will include local, provincial, or federal level governments and organizations and/or media.

8 **IMPACT OF ALTERNATIVE FUNDING ARRANGEMENTS ON
UPON TRIBAL COUNCIL AND MEMBER BAND
ACCOUNTABILITY MECHANISMS AND PRACTICES**

This section of the report will focus on the long-term impacts of AFA upon accountability. It will address whether AFA has enhanced Tribal Council/Band Governments' accountability to their constituents and, if so, how? What changes in internal Tribal Council and Member Bands' reporting (both formal and informal) to their constituents has occurred as a result of AFA? As well, whether constituents have more input into the functioning of their governments (i.e. information on and input into the decision-making processes) as a result of AFA will be examined.

9 **LONG-TERM IMPACTS OF AFA: FINDINGS**

This section of the study will focus specifically on the long-term impacts of AFA on both the Tribal Council and Member Bands addressing all aspects of the questions outlined in section 2 above.

9.1 **Impacts of AFA at the political level of the Band and Tribal Council**

This section will examine the relationship of Chief and Council and Band members with the implementation of AFA. The relationship of Chief and Council with Governments (Federal, provincial, municipal as well as Indian governments will also be addressed. In addition, this section will assess the impact of AFA on the overall level of government at the Tribal Council and Member Band levels.

This section will make primary use of the interviews with Band members, as well as other sources of information such as interviews with Chief and Councils and file reviews.

9.2 **Impacts of AFA on Management Capacity**

This section will examine if the results of the assessment changed from the original assessment. As well, program design modifications or creations, as well as modifications to program delivery will also be assessed. The primary

mechanism data collection instrument for this section is to consist of undertaking another management assessment in order to assess whether any changes have occurred.

9.3 Impacts of AFA on the administrative level

The impact on the range of administrative functions as outlined in the questions above will be assessed within this section.

9.4 Other Impacts of AFA

This section will focus specifically on the perceived impacts of AFA on the following:

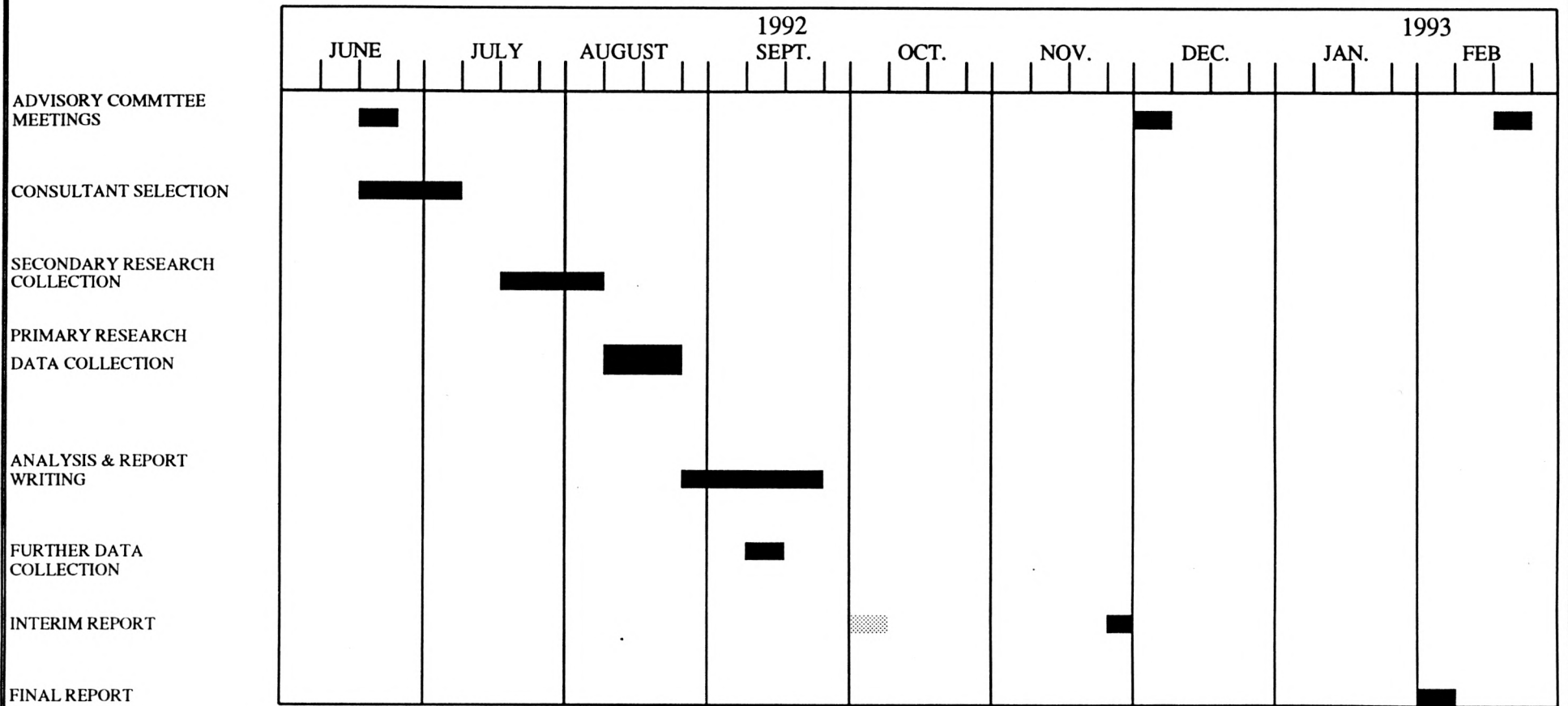
- Indian Self-Government development;
- the Indian Act; and,
- Treaties.

This will entail applying findings from the interviews, file reviews and discussion groups in order to assess perceived impacts on the part of Tribal Council and Member Band representatives and staff.

6. SCHEDULE

A preliminary schedule for the study is provided on the following page. A draft of the study is to be completed by October, 1992 and a final draft tabled by March, 1993.

28 **PROPOSED SCHEDULE FOR PART I ACCOUNTABILITY REVIEW:
PRESCRIPTIVE MODELS OF ACCOUNTABILITY, 1992/93**



EVALUATION OF ALTERNATIVE FUNDING ARRANGEMENTS

Annex 1

Terms of Reference

Terms of Reference

AFA Evaluation Study of Accountability Issues Module II: First Nation Accountability In Practice - A Study At The John Smith And Muskeg Lake Indian Bands And The Saskatoon District Tribal Council

Background: As one part of the Evaluation of Alternative Funding Arrangements, a review of the issue of Ministerial and local First Nation Accountability is being undertaken.

This Accountability Review consists of three components. The first component of the Accountability Review will focus upon prescriptive models of accountability based upon a theoretical review of existing accountability requirements and practices within DIAND. The second component will examine existing accountability mechanisms and practices at the Band and Tribal Council level. The third component will examine the lessons learned on practical accountability mechanisms.

Need: As part of the Accountability Review, a descriptive examination of existing accountability practices and mechanisms at the Tribal Council and Band levels is needed.

Scope: This study will assess the impacts of AFA on accountability practices and mechanisms. To do this, the study will examine current accountability practices of the Saskatoon District Tribal Council and the member First Nations of Muskeg Lake and John Smith Bands.

Issues: This study will address the following issues:

1. What are the existing accountability mechanisms and practices at the political and administrative levels **within** the Tribal Council and Member Bands;
2. What are the current accountability mechanisms and practices undertaken by the Tribal Council and member Bands to the Minister, and other levels of Aboriginal and non-Aboriginal governments and organizations; and,
3. To what extent, if any, has AFA affected the accountability of the Tribal Council and member Bands to their local constituents?

Approach:

As stated in the AFA Evaluation Terms of Reference, this study will be overseen by an Advisory Sub-Committee consisting of representatives of the Saskatoon District Tribal Council, Muskeg and John Smith Bands, Saskatchewan Regional and District Offices, Transfer Payments Directorate at Headquarters, and the Evaluation Directorate.

The Advisory Sub-Committee will be responsible for reviewing all planning materials, and the study will be managed by the Saskatoon District Tribal Council through the use of a Cree Consultant. The Evaluation Directorate will assist the Advisory Sub-Committee in preparing the planning documents and reviewing the final reports for the study.

It is proposed that the study employ a process of combining multiple sets of data collection techniques and the use of iteration to validate the study's findings. The Advisory Sub-Committee will decide upon the exact methods to be used. Potential methods include:

- In-depth interviews with political and administrative representatives of the Tribal Council and member First Nations;
- group interviews with Elders and other constituent groups;
- random survey of band members; and,
- File Reviews at DIAND Offices and the Offices of the Tribal Council and member First Nations.

An important aspect of the approach to this study is that feedback of the study's initial findings will be provided to the various groups participating in the study in order to validate the study's findings with respect to the issues being examined.

Resources:

It is estimated that this study will cost between 30K and 40K. The Evaluation Directorate, Transfer Payments Directorate, and the Tribal Council will be co-contributors for the costs of the study.

Time-Frame:

A draft report is to be completed by the end of the summer and the final report will be tabled as part of the overall AFA evaluation by the end of January 1993.

Appendix 5
Annotated Outline for the Case Study

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1. INTRODUCTION

1.1 Purpose of the Case Study

This section will outline the purpose of the case study. It will discuss how the case study fits into the overall evaluation of the long term impacts of Alternative Funding Arrangements (AFA), and the objectives of the case study: to assess the long-term impacts of AFA, the implementation and renegotiation processes, as well as examine the issue of Ministerial and First Nations' accountability.

1.2 Methodology

This section will describe the approach taken in completing the case study. It will explain the following:

- rationale for the choice of the Band/Tribal Council;
- number of interviews carried out and the position of interviewees;
- number of file reviews conducted; and,
- description of the interviews with constituents¹.

2. BACKGROUND

2.1 History and Profile of Band

This will be a short (1-2 pages) descriptive narrative on the Band giving pertinent information such as location, type of tribe, population breakdown by age and sex, types of economic opportunities in the area and the economic activities in which the Band/Tribal Council are involved.

(This information will be acquired through the literature\file reviews, the Community Profiles Systems, and interviews with the Band council representatives.)

¹

Where the case study is of a Band, the constituents will be Band members; if the case study is of a Tribal Council, the constituents will be the member Bands. These interviews will be conducted by phone or, where possible, in-person.

2.2 Financial Development

This section will examine how the Band's operations have changed in its administration of expenditures since the AFA agreement was signed.

(This information will be primarily obtained through the file reviews and interviews with Department and Band Council representatives and personnel.)

3. ALTERNATIVE FUNDING ARRANGEMENT: IMPACTS

The evaluation will study the long-term impacts, intended and unintended, on the Band\Tribal Council as a result of their AFA agreement.

3.1 Intended Long-term Impacts

The intended impacts of AFA derive from the objectives of the AFA program. This section will address each intended impact.

3.1.1 Increased Indian administered activities

Under this section, the number of activities administered by the Band/Tribal Council before and after the implementation of the AFA agreement is to be examined. Whether AFA has enhanced recipient management policy-development processes will be examined. This section will also explore the impacts on the administrative structure and costs, as well as any impacts upon the quality and quantity of services provided to recipient constituents.

3.1.2 More flexibility for Indian Band/Tribal Council to modify programs to suit their needs

Under this section, the study will determine if programs have been modified to better serve community priorities and, if so, how this was accomplished. Attention will be focused on how resource allocation has been structured to meet community needs. In addition, the study will review how the Band\Tribal Council determines their activities and how budgetary deficits and surpluses are managed. What types of flexibility in financial and program management AFA has afforded recipients and whether there are any potential impediments to the use of this flexibility will also be examined within this section.

In cases where the AFA agreements were renegotiated, the new clauses will be reviewed.

3.1.3 Enhancement of accountability of Chief and Council to their Band members

This section of the study will describe whether there were any repercussions on the decision-making process. It will focus on whether AFAs have assisted in reducing the amount of control by the Department on the affairs of the Band\Tribal Council and whether AFAs have enhanced local accountability. This section will also address whether other DIAND initiatives are consistent with the objectives of reduced DIAND control and whether AFA has affected Recipient\Department relations.

3.1.4 Indian Bands/Tribal Council will be accountable to the Minister without compromising ministerial accountability to Parliament.

This section will investigate how the Band\Tribal Council are accountable to the Minister. The mechanisms and practices put into place, and how they are working are to be examined. For example, what reporting is required and the extent to which this is undertaken will be examined.

3.2 Unintended Impacts

This section will explore what other impacts, if any, have occurred as a result of implementing AFAs.

4. **ALTERNATIVE FUNDING ARRANGEMENT: PROCESS**

This section will examine the process of developing and implementing AFAs within the renegotiation process.

4.1 Development Processes of the Agreement

This section will begin with a description and explanation of what, if anything, the Band did in the way of preparation before they renegotiated their AFA agreement. For example, what was involved in the renegotiation stage and what was involved in the development of the agreement, timeframe, reasons for delays, problems encountered, etc.

4.2 Implementation Processes of the Agreement

This section will outline the preparations the Band\Tribal Council carried out to enable them to implement the agreement. Any problems encountered, as well as issues such as communications with the Department, advisory services, etc., will be addressed.

4.3 Follow-up Processes of the Agreement

4.3.1 Financial and Program Reporting

This section will describe in detail the reporting which the Band/Tribal Council is responsible for throughout the year under the AFA including program reporting, financial reporting such as expenditure and base budgets, statistical reports, as well as any other required reporting. It will examine the reporting process, including timeframes and usefulness of the reports, their uses by the Department and the First Nation/Tribal Council, and whether the amount, quality, and format of the reporting are useful or should be changed.

4.3.1 Audit

This section will describe the procedures followed by the Band\Tribal Council to comply with the Agreement's audit requirements. It will cover such areas as duration, cost of the audit, etc.

4.4 Summary of AFA Process

This section will provide a summary of the findings with respect to the AFA process.

(Information for this section will be derived from DIAND and First Nation/Tribal Council representatives and personnel including auditors, and file reviews at the offices of DIAND and the First Nation/Tribal Council.)

5. ALTERNATIVE FUNDING ARRANGEMENT: ACCOUNTABILITY

5.1 Accountability of Bands/Tribal Council to their local communities

This section will begin with a description of what the Band\Tribal Council did in the way of being more accountable to their community as a result of AFA.

5.1.1 Decision-Making Process

It will provide a description of the Band/Tribal Council's decision-making process, including political, administrative, and organizational structures and practices. It will include the number and level of people involved.

This section will be concluded with a summary of the decision-making process using information received from Band/Tribal Council.

5.1.2 Accountability Process

This section will investigate, as deeply as possible, the accountability processes undertaken by the Band\Tribal Council to their constituents as well as describe the types of accountability being practices (e.g. *political accountability, financial accountability, as well as other forms of accountability*) and what each of these entail.

5.2 Accountability to the Minister

This section will describe what the Band\Tribal Council accountability requirements are to the Minister and how these are undertaken.

5.3 Impact of AFA on Local First Nations Accountability

This section of the study will describe what, if any, are the impacts of AFA on the Band\Tribal Council's accountability to their constituents.

6. ALTERNATIVE FUNDING ARRANGEMENTS: IMPROVEMENTS

This section will provide an overview of the functioning of AFA. It will address three central issues:

a) **Levels of Satisfaction:** How satisfied is the Band\Tribal Council and Department representatives and personnel with the Agreement?

b) **Functionality of AFA with other Initiatives:** What other funding mechanisms or arrangements is the Band\Tribal Council involved with and how does AFA function with these?

c) **Evolving Needs:** Are the recipient's financial needs evolving beyond the current AFA and, if so, how can the agreement be improved to better meet these needs?

7. CONCLUSION

This section will conclude the study by outlining the major findings of the interviews and file reviews.

Appendix 6
Detailed Program Description

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When applying, Bands/Tribal Councils should demonstrate their management and administrative strengths, and their commitment to using AFA to meet community needs and priorities as efficiently and effectively as possible.

The entry process is aimed at facilitating the entry of those Bands that are ready to take on the additional responsibilities; for other bands it identifies the degree of management development required to meet the eligibility criteria (minimum requirements). Thus, bands seeking entry into AFA must establish their eligibility through a management and accountability assessment.

As stated in the Information Processes Procedures in the 1986 MoU, the Minimum requirements are that the potential recipient must:

- a) have had previous experience with program administration under devolution;
- b) have in place a sound administrative/management organization;
- c) have in place processes and procedures to facilitate program management and to support financial control;
- d) have established reporting mechanisms to its constituents, including the publishing of plans containing annual and/or multi-year budgets, and annual audit reports;
- e) be in a sound financial position, or if a deficit exists, have in effect a recovery plan that meets the requirements of the Department;
- f) forward to the Department a sufficiently detailed plan covering the duration of the agreement showing how the agreed-upon level of funding will be administered and a monthly forecast of cash flow requirements on an annual basis;
- g) agree in writing to maintain financial records in accordance with generally accepted accounting principles in order to ensure the relevancy and completeness of reports;

- h) agree to engage an independent auditor: the audit will be conducted in sufficient detail to report on the Band's activities and in accordance with the Alternative Funding Arrangements Audit Guide.
- i) agree to provide to the Department and make available to Band members a copy of the audited financial statements and auditor's report and opinion within 90 days of the end of the recipient's fiscal year;
- j) agree in writing to provide information, as may be required, in order to formally evaluate the Alternative Funding Arrangements process;
- k) agree in writing to meet minimum program requirements for those specified services for which the Minister has obligations;
- l) agree in writing to abide by the provisions for remedial action; and
- m) agree in writing to the restrictions on the use of capital funds.

1.3 Negotiations

The basis for negotiations are negotiable and non-negotiable services, minimum program requirements and a base budget.

The negotiating team is composed of Departmental and Band/Tribal Council representatives. The negotiating process results in a formal agreement detailing the responsibilities of both parties based on the concept of providing First Nations members with the flexibility to define community objectives and plans, re-design programs and allocate funds in accordance with the needs and priorities of their community and its members.

The following documentation must be prepared prior to negotiations:

- Proposed services;
- Terms and conditions;
- Methods for calculating budgetary adjustments;
- Minimum program requirements

- Departmental and Band responsibilities;
- Reporting requirements;
- The ratification process ; and
- A process to resolves contentious issues;

(Information Process Procedures, AFA, p. 36)

Minutes are taken during the negotiations, and areas of agreement and disagreement are listed.

1.4 Development of the agreement

A draft agreement is prepared after the negotiations have been successfully completed.

The minimum provisions of the draft agreement are paragraphs (g), (i), (j), (k), (l) and (m) as listed in section 2.3.1.2 of this report.

When both parties are satisfied with the content of the draft agreement, they make recommendations to their respective signing authorities, that is, the Band/Tribal Council and the Minister of Indian Affairs.

1.5 Implementation

After the agreement is signed, the Band/Tribal Council and the Department are responsible for implementing the agreement within the negotiated terms and conditions.

The INAC AFA unit is responsible for implementing and maintaining a system for the tracking and maintenance of various data such as entry criteria, a negotiation report, a base budget, a database and a capital plan.

2. Follow-up

The follow-up phase is divided into two sub-activities: audit and remedial action.

2.1 Audit

The Department must receive annual financial and non-financial statements in accordance with the AFA Audit Guide.

It is the responsibility of the Regional Director General to set up and chair a formal Audit Review Committee to review the audit reports of Bands/Tribal Councils operating under an AFA agreement.

2.2 Remedial action

In cases where an agreement's terms and conditions have not been met, the Minister has an obligation to ensure that remedial action is taken.

The first step is to notify the recipient and ask for a remedial plan.

If no remedial action is taken by the recipient, the Minister can take further action such as establishing an independent review process.

Appendix 7
Minimum Program Requirements

MINIMUM PROGRAM REQUIREMENTS

The Council shall abide by the following Minimum Program Requirements with respect to the delivery of the programs and services listed below. These Minimum Program Requirements are established to enable the Minister to fulfil his obligation for accountability to Parliament, to ensure that essential standards are met and to fulfil responsibilities which use from the Indian Act and Treaties.

NOTE: **The Agreement will contain only the Minimum Program Requirement for those programs the Council is undertaking to deliver.**

1. Membership Administration

The Council shall provide information to the Minister for the purpose of maintaining the Indian Register and, in the case of bands not controlling their own membership rules under section 10 of the Indian Act, for the maintenance of band lists in accordance with the DIAND Indian Status and Membership Field manual, as amended from time to time.

2. Land Management

The Council shall administer land transactions in accordance with the DIAND Program circular H-10 as amended from time to time.

3. Elementary/Secondary Education

Council shall ensure that registered Indian students ordinarily resident on reserve have access to education from (specify grade levels). Council shall ensure that education standards enable students to transfer within the school systems of the Province of without academic disadvantage. School capital projects shall comply with DIAND school space accommodation standards.

4. Post Secondary Education University and College Entrance Preparation

Council shall ensure that Post-Secondary Education/University and College Entrance Preparation programs for treaty/status Indian living on and off-reserve are administered in accordance with eligibility criteria and allowance schedules which are formally defined and publicly available. Administrative decisions shall be subject to appeal through an established process to ensure equitable management of the programs.

5. Social Assistance & Welfare Services

Programs for Basic/Special Needs. Individual and Family Care and Adult Care will be administered to residents of reserves/lands recognized by the Minister in accordance with:

- an objective needs test
 - a formally defined and publicly available benefit schedule specifying rates, conditions and criteria for eligibility
 - provisions to ensure equitable treatment of all reserve residents
 - an impartial process for the appeal of administrative decisions
 - procedures to ensure confidentiality of client information.
- * The Council must also comply with the terms and conditions of the 1965 Canada-Ontario Welfare Services Agreement and abide by all applicable provincial legislation and regulations in order to qualify for the provincial share of contributions which is not included in the Bases Budget.
- * Applicable to Ontario only

6. Indian Pension Plan Funding

Pension plans must be fully portable, available to all eligible Council employees irrespective of occupational group, designed so as to meet, as applicable, the requirements of Revenue Canada and to conform to and be registered under the Federal Pension Benefits Standards Act - 1985 with the Office of the Superintendent of Financial Institutions Canada.

7. Community Capital

7.1 General

The Council shall provide for the preservation of public health and safety and the environment, and the protection of the Federal Government's investment in capital assets.

7.2 Capital and Housing

The Council agrees that Capital projects shall be planned and implemented according to the following generally accepted project management principles:

- 1- all projects will have a well defined and formally approved scope of work, schedule, and budget;
- 2- a qualified project manager will be appointed for all projects;
- 3- feasibility studies will be carried out when deemed necessary by the Council;
- 4- all new facilities shall be designed to meet code requirements as outlined in 7.5 all designs for projects having a total estimated cost of more than \$50,000 or not normally within the competence of a technician/technologist shall bear the stamp of a professional engineer or architect;
- 5- all projects will be inspected and certified by qualified inspectors for compliance with code requirements;
- 6- all housing construction must be inspected by CMHC designated inspectors for compliance with code requirements at the following stages: site, foundation, framing and insulation, and completion.

7.3 Facilities Operation and Maintenance

Operation and Maintenance of community infrastructure and education capital facilities shall be carried out in accordance with the following maintenance procedures:

- 1- Band Capital assets shall be recorded in an inventory of band assets;
- 2- performance/level of service standards shall be identified for all assets;
- 3- minimum maintenance activities shall be identified for all assets;
- 4- all activities shall be assigned to a responsible person to ensure their completion;
- 5- a record shall be kept of all maintenance activities performed.

7.4 Fire Protection Services

The Council shall provide fire protection services.

7.5 Codes

The Council shall 1) adhere to the following codes in the construction of new facilities, the operation and maintenance of existing facilities and the provision of fire protection services and as well 2) designate an enforcement agency.

- 1- National Building Code of Canada (NBC) and supplements (Associate Committee on the NBC, National Research council) or provincial equivalent.
- 2- Guidelines for Canadian Drinking Water Quality (Health and Welfare Canada).
- 3- Guidelines for Effluent Quality and Waste water Treatment at Federal Establishments. (Environment Canada)
- 4- National Fire code of Canada (NFC). (Associate Committee on the N.F.C., National Research Council) or provincial equivalent.
- 5- Code of Good Practice for Handling solid waste at Federal Establishments (Environment Canada)
- 6- CMHC Septic Tank Standards (Canada Mortgage and Housing Corporation)
- 7- Canadian Electrical Code. Part 1, 2 and 3 (Canadian Standards Association Parts C22.1, C22.2 and C22.3) or provincial equivalent.
- 8- Canada Labour Code. (Labour Canada) or provincial equivalent.
- 9- Gas Pipeline Systems. (Canadian Standards Association). (Where gas distribution is owned and operated by band).
- 10- Design of Highway Bridges. (Canadian Standards Association) or provincial equivalent.
- 11- Canadian Environmental Protection Act (CEPA) and its related guidelines and regulations
- 12- EARP Guidelines Order (June 22, 1984)

NOTE: Other codes as appropriate may be added to suit particular requirements.

8. Policing

The Council will ensure that Band constables receive and maintain an annual certification from the R.C.M.P. or appropriate provincial authority (specify).

PROGRAM POLICIES OF THE COUNCIL

The Council shall adopt and apply the following policies in order to meet the Minimum Program Requirements in SS2. These policies are subject to change by the Council and the Minister will be advised of any such changes not later than 30 days after their adoption.