

COMMUNITY TRANSFER INITIATIVE

IMPLEMENTATION PLAN

The Community Transfer Initiative represents the Government of the Northwest Territories commitment to recognize and encourage community self-government. Community Transfer Agreements, with interested communities, will recognize community authority, identify and designate community responsibilities and transfer resources for program and service delivery.

This initiative will give communities the opportunity to restore local responsibility and self sufficiency and to tackle economic and social problems by setting local priorities and using home grown strategies. A more efficient, responsive and cost-effective northern government is expected to result in the long run.

The initiative will be an open and cooperative process co-directed by the Government, communities and MLAs.

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PRINCIPLES

1. The prime objectives of community government transfers are to:
 - create a system whereby communities reduce their dependency on outside government through more responsive local programs.
 - address immediate desires for community control through community and aboriginal self-government;
 - support efficient and cost-effective government at the community and central levels;
 - ensure that community training and development will play an important role in the implementation of the Community Transfer Initiative;
 - enable community residents to become familiar with how government functions and to become a part of the total process.
2. The GNWT recognizes aboriginal peoples' inherent right to self-government and, on that basis, will negotiate community self-government transfers within its jurisdiction.
3. Aboriginal self-government should proceed in a manner compatible with the development of public government in the Northwest Territories.
4. Communities will initiate the transfer process through their community leaders, including their MLA's.
5. All GNWT programs and services are considered to be available for transfer, either in the short or long term.
6. The Community Transfer Initiative (CTI) will result in community transfer agreements with communities. The agreements will define conditions for transfer, legal and financial accountabilities, minimum standards, monitoring and evaluation procedures, funding arrangements and training needs.
7. Transfer agreements will be made with community structures, which are determined by the community and recognized by the GNWT. Transfers to unincorporated/unorganized communities will also be considered if requested by the communities.
8. Community transfer initiatives will take into account the development of territorial and national constitutions, the evolution of northern government and the settlement of aboriginal rights.
9. There will be no reduction or unnecessary interruption of services to individuals.

10. Funding based on existing expenditures will be provided to communities to ensure acceptable program delivery capability. Community expectations regarding increases to current territorial funding levels for programs and services need to be minimized. Note: Where a community wishes the transfer of a program not currently delivered in the community, expenditures will be calculated on the basis of the appropriate regional and headquarters expenditures.
11. The level of authority, autonomy and program responsibility exercised by a community government may vary from community to community, depending on local priorities, willingness and capability.
12. In exercising their respective levels of authority, responsibility and autonomy, community governments shall recognize the mutually agreed to or legislated authority of Ministers for territorial-wide programs and responsibilities.
13. Minimum standards for delivery of programs and services based on current levels of service will be maintained.
14. The initiative must be accomplished through interdepartmental involvement coordinated by the Department of the Executive through the Ministry of Intergovernmental and Aboriginal Affairs.

TRANSFER FRAMEWORK: Models, Menu and Process

Models

The GNWT will entertain a range of models which may not be consistent with one another. In each case, government must determine whether and how it can legitimately transfer programs, services and authorities to uniquely northern structures.

Models will be developed for each structure which analyze jurisdiction, accountability and funding issues, and the status of GNWT laws of general application. The scope of a transfer may be delegation, devolution or transfer of legislative authority, and this will determine the nature of accountability and funding arrangements.

Models will include, but will not be limited to the following:

- community governments, as currently established in territorial legislation, such as incorporated settlements, hamlets, cities, towns, villages. Transfers to unincorporated/unorganized communities will also be considered if requested by the communities.
- community governments which function in conjunction with a community aboriginal self-governments, such as charter communities;
- community governments which are a combination of currently existing community governments and aboriginal self-governments. The means for legal recognition by the GNWT of such an arrangement will be described;
- aboriginal community self-governments, which are prepared and able to deliver programs and services, where necessary, to non-aboriginal residents in accordance with GNWT requirements;
- regional/district/area organizations, with the approval and participation of all communities in the affected area, or a GNWT approved plan for the delivery of programs and services to non-included communities.

Accountability issues include:

- ultimate authority for legislated and policy commitments, program-specific commitments and fiscal accountability;
- protection of legislated ministerial authority;
- accountability of the community government structure to constituents will be detailed in any transfer agreement - e.g., through provisions for making by-laws;
- provisions for clients to appeal decisions of the organization delivering the program/service;
- minimum standards for transferred programs/services, including federal requirements (e.g., Canada Assistance Plan);
- general criteria for program delivery (without dictating the manner in which the program/service must be delivered);
- reporting requirements based upon minimum standards and legal/statutory requirements;

- monitoring mechanisms and evaluation requirements;
- audit requirements.

Funding issues include:

- Calculation of funding bases and formulae to increase or decrease them, taking into account taxation capacity and requirements for offsets, windfalls and revenue growth.
- Funding options such as, but not limited to, the following: unconditional block, conditional block, semi-block (core and program specific), program specific, contracts, direct federal funding.

Development of models may raise other issues, such as:

- the need to recognize new forms of community government structures through legislation
- the need to incorporate special purpose community bodies within community government structures (e.g., Housing Associations and Community Education Councils)
- the role of regional GNWT boards and administration
- potential changes to the GNWT budget process
- the need to initiate discussions with the federal government regarding changes to federal/territorial arrangements.

Menu

Generally, all programs and services, and many authorities of the GNWT, will be considered available for transfer. Some may not be immediately or easily transferred due to legal restrictions, pan-territorial implications and intergovernmental policy considerations.

The following is a **sample** list of program areas to be considered for transfer, based on community interest to date:

Municipal by-law authority

Municipal Services

Social Services

Housing

Health

Education

Culture/Language

Economic Development and Tourism

Public Works

Community Justice

Transportation

Minimum standards and criteria will be identified for each program area to be transferred. These will be required, in many cases, to maintain Ministerial accountability, to guarantee universal access, to ensure consistency with laws of general application and to protect governing organizations' accountabilities to constituents.

Following are some examples of minimum standards:

Overall

- Canadian Charter of Rights and Freedoms
- Canada Labour Code
- National Building Code
- Canadian Environmental Protection Act and EARP Guidelines order
- Financial accounting guidelines
- Equal and fair access to programs

Social Services

- equal and fair access to social financial assistance based on needs assessment
- child welfare legislation
- a formally defined and publicly available benefits schedule
- procedures to ensure confidentiality of client information

Housing

- equal and fair access to housing programs based on need

Community Justice

- Criminal Code
- Corrections regulations

Education/Training

- standards regarding end results of education/training and grade levels
- mandatory curricula

Ultimately, the limits of what can be transferred are determined by the jurisdiction of the GNWT. This jurisdiction is defined by the NWT Act and federal delegation and devolution to the GNWT. Constitutional development in both the East and the West will further define the distinctions between community and central levels of government.

Process

1. The initiative is publicized through workshops, to ensure all communities are aware of the process.
2. Community formally contacts GNWT requesting information or involvement in the process. The community might wish to notify the MLA of the action.
3. Regional Director and CTWG staff (and MACA staff where requested by the community) travel to the community to meet with representative group(s) to present broad information on the transfer process and discuss ideas the community might have. MLA should be invited, by the community, to attend the meeting.
4. IF the community decides to proceed with a specific request for transfer, CTWG staff meet with the affected departments to discuss the initial request with a view to assisting the department(s) to prepare for more specific talks with the community.

If the community decides NOT to proceed the process ends at this point. (NOTE: Community may choose to opt out of the process at any time).

5. Regional Director and CTWG staff, together with departmental staff (from either headquarters or the region), travel to the community to discuss the community's proposal in more depth. Departmental staff would be expected to describe the relevant programs in detail in order to provide the community with sufficient knowledge to determine whether or not to proceed.

6. a) The community decides whether to proceed further.
- b) A proposal, including a timetable, is submitted to the CTWG with a copy to the MLA. The proposal should include, at a minimum:
 - the community objectives of the transfer
 - some indication of community preference regarding the organization to which the transfer is to be made
 - the level of authority sought
 - a description of a process to obtain informed community (public) input to the transfer process
 - a rough draft of a workplan and timetable
 - a request (justified) for funding, if necessary,

NOTE: CTWG staff will be available, at the community's request, to assist in developing the proposal and conducting the required research.

7. A meeting of the Regional Director, departmental staff and CTWG staff is held to discuss the proposal. These discussions will address all aspects of the proposal, including the timetable and workplan. Where it has been identified that community resources are not adequate to accomplish all of the work, alternative means of getting the job done will be discussed. These alternative may include such things as setting up joint committees to share the workload, the government agreeing to undertake research on behalf of the community, temporary secondments of government staff to the community or, failing a reasonable alternative, submission of one-time funding requests to the Legislative Assembly, through the regular government process.

The objective of this meeting stage is to ensure that everyone involved knows and agrees to what is to be done, by whom, and when. If the community wishes, the MLA should be invited to attend.

8. The community proceeds with the initial research as per the proposal.
9. The community, with the assistance of departmental and CTWG staff, works to conduct the initial research and a self-assessment designed to ensure that both the GNWT and the community-at-large are comfortable with the community's ability to undertake the transfer. Training and community development needs, where necessary, will be identified and a means to provide the training will be worked out. MLA's will be kept informed throughout the assessment process. (See comments on self-assessment below.)

10. While this work is being carried out, a Steering Committee, chaired by the Deputy Minister, Intergovernmental and Aboriginal Affairs (representing the Minister and the Community Transfer Committee), will be established. Members will be the Deputy Ministers of MACA and Personnel and the Deputy Ministers of the affected department(s). The number of members will vary with the nature of the transfer, e.g., a service contract arrangement for the transfer of an Economic Development Officer position would require fewer members than the transfer of the maintenance functions of the Housing Corporation and Public Works. The Regional Director should be a member and attend as appropriate and feasible.

The purposes of the Steering Committee are to:

- ensure all work is consistent with the Transfer Framework;
- review and direct responses to community proposals;
- ensure smooth realization of the transfer and that "technical work", including questions pertaining to infrastructure (to be done by staff in the affected service departments) proceeds expeditiously. "Technical work" will be done by working groups chaired by CTWG staff reporting to the Steering Committee; e.g.,
 - a description of new roles for Departmental staff vis a vis community program delivery (as authority for programs and services is transferred to communities there will be reductions in the number of regional and headquarters personnel presently involved in the delivery and administration of community programs and significant changes to the roles played by remaining GNWT employees in headquarters and regions),
 - a workplan and timetable for Departments,
 - an identification of immediate and on-going cost/PY implications to GNWT,
 - indication of required legislative/regulation/policy changes
 - see items listed under Transfer Agreement for further detail
- seek Cabinet approvals as required throughout the process (approval in principle, approval of transfer plan, final approval);
- ensure that all affected departments are fully involved in the process; and
- coordinate the development of ongoing evaluation procedures for transferred programs.

11. At the stage where the assessment is complete (assuming it indicates preparedness) and all internal technical work has been done, a draft transfer agreement will be worked out with the community, the Regional Director, departmental staff and CTWG staff participating in the process. The community might wish the MLA to be involved.
12. The draft transfer agreement will contain, at a minimum:
 - description(s) of the program(s) being transferred
 - description of institutional arrangement
 - community objectives for the transfer and a description of how the plan achieves these objectives
 - statements of the levels of authority being transferred and those being retained by the Minister(s)
 - accountability mechanisms appropriate for the community government structure and the scope of the transfer
 - description of circumstances under which a transfer agreement might be rescinded and the means of doing so
 - description of the minimum standards which must be met by the community as it delivers the program(s)
 - description of the (new) role of the GNWT
 - budget for the program(s) to be transferred
 - description of future funding arrangements including provisions for retention of surplus funds
 - description of post transfer evaluation plan
 - description of how community will organize and deliver program(s)
 - training and/or community development needs prior to or subsequent to transfer
 - an indication of programs to be considered for transfer in the future (and training if required) and, if appropriate, a timetable for future transfers
 - identification of liability or insurance implications
 - description of community process for ratification of the transfer agreement.
13. The draft transfer agreement will have to be approved by:
 - the community (in accordance with the ratification procedures outlined in the Transfer Agreement)
 - the Steering Committee/Community Transfer Committee
 - the Minister, IAA
 - Political and Constitutional Development Committee
 - Cabinet and its sub-committees, as appropriate.
14. Once approved by Cabinet, the transfer is effected.
15. MACA, affected departments and CTWG staff monitor the implementation and on-going delivery of transferred programs.

COMMUNITY ASSESSMENT

In order for communities to determine what it is they want to accomplish through the transfer process, and the resources/training needed to get there, a self-assessment process has to take place. Through direct involvement with the community in the self assessment process the community's ability to undertake the responsibilities of the transfer will be determined. It is expected that the community itself, with the assistance of the GNWT, will conduct the self-assessment without the need for outside, expensive consultants.

Since the scope of transfers may vary considerably a spectrum of items to be included has been developed. Depending on the scope and nature of a community's involvement in a transfer process, the actual required assessment needs will be identified. The assessment process represents a continuum in that a community may begin with limited transfers requiring limited assessment but plan larger transfers requiring more extensive assessment in the future.

Assessments will include the appropriate components of the following:

- The Community's Vision which describes the overall direction the community wishes to pursue, as defined by specific goals and priorities. Areas communities may want to look at are economic, social, political/organizational and cultural/spiritual goals, both long-term and short-term.
- Community Aspirations in relation to the short and long terms
- Assessing the Community's Current State of Affairs including an inventory of human, physical, financial, and natural resources; a description of the decision-making structures in the community including an assessment of perceived weaknesses and strengths; managerial and administrative capabilities;

- An Action Plan which outlines how the community proposes to meet its objectives in terms of program priorities (i.e., a list of programs the community is proposing to deliver)
- Training Needs as determined by the gap between what the community wants to accomplish and the skills currently available in the community;
- Evaluation and Monitoring through the setting of appropriate indicators that measure progress towards achieving the set objectives.
- Economic Spin-off Benefits which might result from transfers, e.g., additional opportunities to create bookkeeping businesses, auditor jobs, increased local advertising, local privatization opportunities, etc.

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