

Urban Reserve Strategy

Edmonton

indigenousrelations@edmonton.ca

TERRITORIAL ACKNOWLEDGEMENT

The lands on which Edmonton sits and the North Saskatchewan River that runs through it have been the sites of natural abundance, ceremony and culture, travel and rest, relationship building, making and trading for Indigenous peoples since time immemorial.

Edmonton is located within Treaty 6 Territory and within the homelands of the Métis Nation. We acknowledge this land as the traditional territories of many First Nations such as the Nehiyaw (Cree), Nakota Sioux (Stoney), Anishinaabe (Saulteaux/Ojibway), Niitsitapi (Blackfoot) and Dene peoples. The City of Edmonton owes its strength and vibrancy to these lands and the diverse Indigenous peoples whose ancestors' footsteps have marked this territory for centuries, as well as settlers from around the world who continue to be welcomed here and call Edmonton home. Together we call upon all our collective honoured traditions and spirits to work in building a great city for today and future generations.

RECOGNITION

This strategy was co-created with the input of multiple partners, advisors and resource people. The City of Edmonton would like to recognize and thank the Confederacy of Treaty Six First Nations, Enoch Cree Nation, Indigenous Services Canada, Alberta Indigenous Relations, and the many members of City Administration whose contributions have led to a richer and more functional Urban Reserve Strategy. We would also like to recognize Sequence Strategies for its role in leading the research function and contributing to strategy development.

TERRITORIAL ACKNOWLEDGEMENT	2
RECOGNITION	2
Executive Summary	5
Urban reserves and how they are created	5
The benefits of urban reserves	6
A vision for urban reserves in Edmonton	6
The City's role in establishing urban reserves	7
Formalizing relationships with First Nations	8
A commitment to learning and adapting	8
1.0 Background	9
1.1 Context, Purpose and Use	9
1.1.1 Council Motion	9
1.1.2 Use and Limitations	9
1.1.3 Terminology	10
1.2 Strategy Development Process	11
1.2.1 Participants	11
1.2.2 Methodology	11
1.3 Strategic Alignment	12
2.0 The Addition-to-Reserve (ATR) / Reserve Creation (RC) Process	12
2.1 How Urban Reserves are Created	12
2.2 Roles and Responsibilities During the Process	13
2.2.1 Role of the Government of Canada	13
2.2.2 Role of the First Nation	14
2.2.3 Role of the Municipality	14
2.2.4 Role of the Government of Alberta	15
2.3 Benefits and Uncertainties	15
2.3.1 Benefits	16
2.3.2 Uncertainties	17
3.0 Guiding Approach	18
3.1 Vision	18
3.2 Values	18
3.3 Principles	18
3.4 Relationships	19
3.5 Communication	19

4.1 General Approach	20
4.2 City Entry Points	22
4.3 Proactive Tools and Tactics	22
4.4 Process Flow Chart	23
5.0 Technical Agreements	24
5.1 Joint Planning Agreement	24
5.2 Municipal Services Agreement (MSA)	25
5.2.1 Typical areas of service collaboration	25
5.2.2 Fees for service	26
5.2.3 Bylaw compatibility	26
5.2.4 Dispute resolution	27
6.0 Future Considerations	27
6.1 Ongoing Dialogues and Learning	28
6.2 Strategy Renewal	29
Appendix A: Proactive Relationship-building Tools and Tactics	30
A1: Letter of Introduction	30
A2: Elected Official Meeting to Identify Objectives	31
A3: MOU or Communications Protocol Agreement	31
A4: Public Signing Ceremony	32
Appendix B: Key Elements of an MSA	34
Appendix C: Fee for Service Models	36

Executive Summary

This Urban Reserve Strategy establishes a framework for the City of Edmonton (the City) to work with any First Nation¹ interested in developing an urban reserve within the City of Edmonton boundaries. It is intended to provide an **overall guiding approach**, plus identify potential tools and approaches for City administration to consider in a flexible and adaptable way to each unique urban reserve proposal and First Nation relationship.

The strategy was created in response to the January 25, 2021 City Council motion directing administration to develop an urban reserve strategy. City administration co-created the strategy with input from the City's First Nation MOU partners, Enoch Cree Nation and the Confederacy of Treaty Six First Nations. Representatives from Indigenous Services Canada and the Government of Alberta Ministry of Indigenous Relations attended strategy meetings on an advisory basis as resource persons only. The development process also included a strong focus on research and learning from other municipalities across western Canada experienced in urban reserve development with First Nation neighbours.

Urban reserves and how they are created

An urban reserve is First Nation reserve land that lies within or adjacent to an urban centre. For the purpose of this strategy, *urban reserves* refer to expansions to a First Nation's reserve lands through a specific federal process known as Addition-to-Reserve/Reserve Creation (ATR/RC). Only First Nations are eligible to pursue urban reserves through the ATR/RC process. The ATR/RC process includes roles for First Nations, Federal, Municipal and Provincial governments. This strategy is only intended to guide City administration in the areas of urban reserve development for which the municipality is responsible. It is not intended to replace, modify or supersede the roles of any other governments in the Addition-to-Reserve/Reserve Creation process.

¹ For the purposes of this strategy, "First Nation" means a "band" as defined under the federal *Indian Act*.

The benefits of urban reserves

First Nations may pursue urban reserves within Edmonton for a variety of reasons. These can include the pursuit of economic development opportunities, the provision of services and other supports to First Nation members located in the region, or for the preservation of culturally-significant sites. Urban reserves have been developed successfully in towns and cities across western Canada for more than 30 years and can take a variety of forms.

Benefits to the First Nation can include improved access to resources for economic development opportunities, greater connectivity and ability to provide services to their urban members and improved access to or protection for culturally-significant sites. Municipalities and non-First Nation neighbours can benefit from increased economic activities, investment and employment opportunities and the revitalization of neighbourhoods through new and long-term development. Both First Nations, municipalities, and the broader community can benefit from stronger relationships between First Nations and non-First Nation governments and the population at large.

Urban reserves are a tangible action step toward reconciliation. As a City, Edmonton supports the journey of Reconciliation by applying the Truth and Reconciliation Calls to Action, the Missing and Murdered Indigenous Women and Girls Calls for Justice and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a foundation for why we undertake this work. As Article 21 of UNDRIP states, Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions.

A vision for urban reserves in Edmonton

This strategy outlines a vision, values and set of principles that will guide administration when it works on urban reserve development with First Nations. The strategy places an emphasis on the importance of relationships, both at the political and technical level. It promotes communication and engagement early and proactively between the City and First Nation, as well as between the City, First Nation, the general public and others who should be informed of urban reserve development.

The vision, values and principles are aligned with the City's existing strategic commitments and roles identified in the Indigenous Framework, the overall direction in the City Plan, and the spirit of the City's existing memoranda relationships with the Confederacy of Treaty Six First Nations (2012) and

Enoch Cree Nation (2017). The strategy provides guidance to City administration in advancing Action 21 of the Edmonton Economic Action Plan, which calls on City Administration to “Expand on existing relationships with the City’s Indigenous memoranda partners by improving supports for economic development opportunities,” including by providing an “integrated, corporate-wide response to requests for the creation of First Nation urban economic zones (also known as urban reserves).”

Vision	Edmonton is a leader in reconciliation, developing mutually beneficial partnerships and relations that promote the cultural, economic, and social well being of Indigenous peoples. We will welcome and work with First Nations to meet their needs and aspirations.				
Values	TRUST	COLLABORATION	LEADERSHIP	RELATIONSHIPS	LEGACY
Guiding Principles	We will recognize and acknowledge the territory that we are on and provide land acknowledgments.				
	We will recognize the strengths and assets First Nations bring.				
	We will willingly share and honour everyone’s wisdom, traditions, norms and experiences.				
	We will pursue long-term relationships, and recognize the long-term benefit of strong relationships with First Nation peoples.				
	We will respect, understand and appreciate the authority of each party.				
	We will support the journey of Reconciliation by applying the Truth and Reconciliation Calls to Action, the Missing and Murdered Indigenous Women and Girls Calls for Justice and the United Nations Declaration on the Rights of Indigenous Peoples as a foundation for the Urban Reserve Strategy.				

The Vision, Values and Guiding Principles serving as a foundation for the Urban Reserve Strategy

The City’s role in establishing urban reserves

There are multiple points through which the City may become involved in an urban reserve process. The City may become involved early, prior to the First Nation identifying land and submitting a proposal to Indigenous Services Canada. It may also become involved in the latter stages when the City is formally notified by Indigenous Services Canada of the reserve creation proposal and the First Nation and municipality work together on the development of a municipal services agreement. Or, the City may become involved at some point in between.

The City of Edmonton Indigenous Relations office (IRO) will be the first point of entry to the City for any urban reserve development. After an initial exploratory meeting with the First Nation to learn about its objectives and purpose for the urban reserve, the IRO will work with Intergovernmental Relations and the City Manager's Office to establish an internal Corporate Urban Reserve Team suited to the particular urban reserve development.

Formalizing relationships with First Nations

There are many tools available to foster a relationship between the City and First Nation in the context of urban reserves. These can include a letter of invitation, elected official meeting, memorandum of understanding (MOU) or protocol agreement, public signing ceremony or joint planning committee. Working together with the First Nation, the City will determine which tool(s) might be helpful to advance the relationship and the joint work.

One of the most important roles for a municipality in establishing an urban reserve is the development of a municipal services agreement (MSA) with the First Nation. MSAs typically address the services to be provided to the urban reserve, the fees for service, bylaw compatibility and a dispute resolution framework. MSAs will be unique to each urban reserve and will be negotiated on a case-by-case basis.

A commitment to learning and adapting

Considering the new and emerging nature of urban reserve development work - particularly in Alberta - City administration recognizes the importance of ongoing future learning and strategy renewal. Several topics have been identified for further learning and exploration. In addition, City administration will review the strategy on an annual basis to ensure relevancy.

1.0 Background

1.1 Context, Purpose and Use

This Urban Reserve Strategy establishes a framework for the City of Edmonton (the City) to work with any First Nation interested in an urban Addition-to-Reserve/Reserve Creation within the City of Edmonton boundaries. It is intended to provide an **overall guiding approach**, plus identify potential tools and approaches for City administration to consider in a flexible and adaptable way to each unique urban reserve proposal and relationship.

1.1.1 Council Motion

At the January 25, 2021 meeting, City Council moved that Administration prepare a report to:

1. formally implement an Urban Reserve Strategy for the City of Edmonton, to work with First Nations that would like to establish an urban reserve within the City of Edmonton boundaries,
2. outline how other municipalities in Western Canada have implemented an Urban Reserve Strategy, including bylaw compatibility, municipal service agreements and other considerations, and recommendations of feasibility on implementing a similar model in Edmonton.

This urban reserve strategy was created and approved by the City's Executive Leadership Team in June 2021 in response to this council motion.

1.1.2 Use and Limitations

This strategy will be activated when the City is approached about or becomes aware of First Nations interested in developing urban Addition-to-Reserve/Reserve Creation within the City boundaries. The City recognizes that some urban reserves may develop in adjacent municipalities and there will be a need to collaborate on boundary protocols and regional servicing. This has been identified as a future area of work to be explored.

Addition-to-Reserve/Reserve Creation is a federal government policy for First Nations to expand or add new reserve lands.

Read more about Addition-to-Reserve/Reserve Creation in section 2.0.

While the City of Edmonton acknowledges that other indigenous groups may also be interested in pursuing urban reserve development, at this time, the application of this strategy will be limited to those urban reserves pursued through the federal Addition-to-Reserve/Reserve Creation policy.

Uniqueness of Each Urban Reserve

This strategy will be used by City administration as a guide. Each urban reserve development and First Nation relationship will be unique. While it is expected that all urban reserve developments and relationships will be guided by this strategy, each will follow a unique path specific to that urban reserve and First Nation relationship.

Municipal Scope Only

The City recognizes that the federal Addition-to-Reserve/Reserve Creation policy includes roles for First Nations, Federal, Municipal and Provincial governments. This strategy is only intended to guide City administration in the areas of urban reserve development for which the municipality is responsible. It is not intended to replace, modify or supersede the roles of any other governments in the Addition-to-Reserve/Reserve Creation policy.

In case of any changes to the federal Addition-to-Reserve/Reserve Creation process or legislation, the City intends to respect those changes and adapt to them while continuing to follow the guidance provided by this strategy. This strategy will be reviewed on an annual basis and considered for relevancy, particularly in light of any process or legislative changes that impact the Addition-to-Reserve/Reserve Creation process.

1.1.3 Terminology

The term *urban reserves* in this document is used to refer to new Addition-to-Reserve/Reserve Creation developments undertaken within the City of Edmonton boundaries.

1.2 Strategy Development Process

1.2.1 Participants

City administration co-created the strategy with input from the City's First Nation MOU partners, Enoch Cree Nation and the Confederacy of Treaty Six First Nations.

Representatives from Indigenous Services Canada and the Government of Alberta Ministry of Indigenous Relations attended strategy meetings on an advisory basis as resource persons only.

Although representatives from Enoch Cree Nation and the Confederacy of Treaty Six First Nations helped to shape the creation of this strategy, its applicability is not limited to these First Nation partners and their members. Instead, City administration will be guided by this strategy when working with any First Nation interested in pursuing an Addition-to-Reserve/Reserve Creation process in the City boundaries.

1.2.2 Methodology

Strategy development was completed over a five-month period between February - June 2021. It was led by City administration and guided by a Steering Committee with participation from each of the external partners.

The strategy development process also included a strong focus on research and learning from other municipalities across western Canada. Conversations were held with officials in municipalities such as Saskatoon, Regina, Winnipeg, North Battleford, Brandon and the Regional Municipality of Wood Buffalo to understand more about their experience, process and learning related to urban reserve development with First Nations. The outcomes from the research are captured in a research paper and helped to inform this strategy. The research paper was attached to the council report and is available from the Indigenous Relations Office.

1.3 Strategic Alignment

This guiding approach and the overall Urban Reserve Strategy is aligned with the City's Indigenous Framework and City Plan and is consistent with the relationships articulated in the City's memoranda agreements with the Confederacy of Treaty Six First Nations (2012) and Enoch Cree Nation (2017).

Action 21 of the 2021 Edmonton Economic Action Plan calls on City Administration to "Expand on existing relationships with the City's Indigenous memoranda partners by improving supports for economic development opportunities," including by providing an "integrated, corporate-wide response to requests for the creation of First Nation urban economic zones (also known as urban reserves)." This Strategy provides guidance for administration in implementing this action.

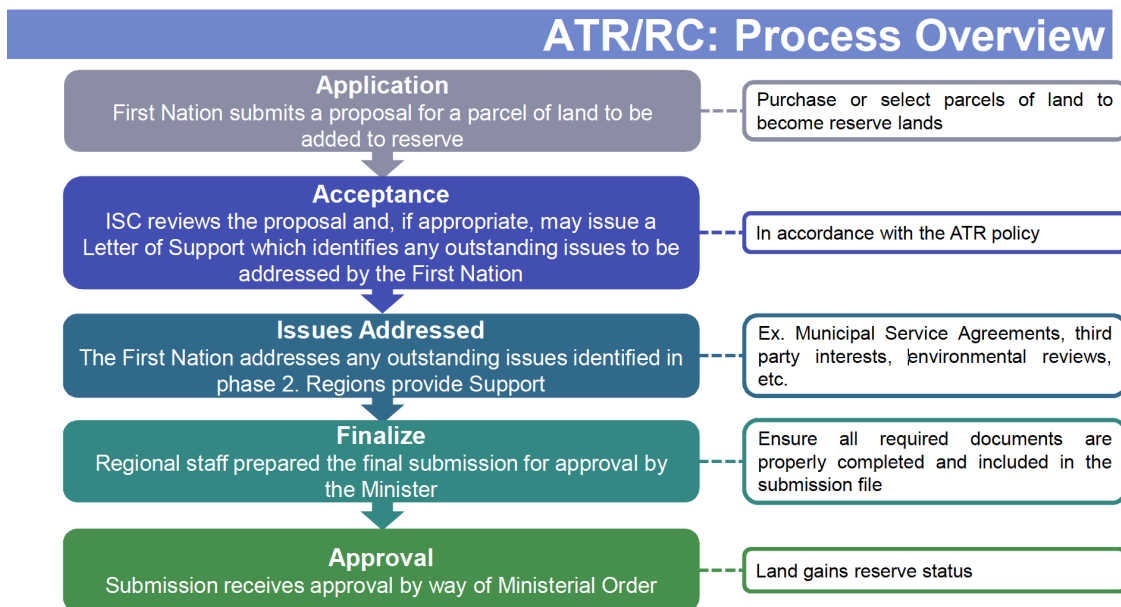
Urban reserves are a tangible action step toward reconciliation. As a City, Edmonton supports the journey of Reconciliation by applying the Truth and Reconciliation Calls to Action, the Missing and Murdered Indigenous Women and Girls Calls for Justice and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a foundation for why we undertake this work. As Article 21 of UNDRIP states, Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions.

2.0 The Addition-to-Reserve (ATR) / Reserve Creation (RC) Process

2.1 How Urban Reserves are Created

Urban reserves are established through a policy called Addition-to-Reserve/Reserve Creation in which an urban parcel of land is added to a First Nation Band's existing total reserve land base. This typically occurs when a First Nation with an existing reserve needs additional reserve land for specifically defined purposes, including economic development.

The following table describes the process that must be followed between the First Nation and Indigenous Services Canada (ISC) to submit, review and ultimately approve an urban reserve.



Supplied by Indigenous Services Canada

The municipality is formally notified of an urban reserve application as part of the 3rd stage of this process. However, strong municipal/First Nations collaboration prior to this point may hasten the acceptance phase.

2.2 Roles and Responsibilities During the Process

Urban reserves involve the collaboration and coordination of federal, provincial, municipal and First Nation governments, with each playing an important but distinct role.

2.2.1 Role of the Government of Canada

Addition-to-Reserve/Reserve Creation processes are established and implemented by the Government of Canada. On behalf of the Government of Canada, ISC plays an important role in reviewing, assessing and determining if the urban reserve application meets the ATR/RC Policy criteria. Once a proposed ATR/RC application has been successfully accepted by ISC, it will either issue a letter of support or non-support to the First Nation. Should the First Nation be successful in receiving a letter of support, ISC will work with the First Nation to develop a workplan specifically suited to their ATR/RC Proposal.

Once the work plan components have been completed, ISC is ultimately responsible for preparing and submitting the land submission package to the Minister (or Governor in Council, if applicable).

2.2.2 Role of the First Nation

The First Nation (or collection of First Nations) is responsible for:

- Selecting and acquiring the desired land for its urban reserve
- Working with ISC on any and all paperwork required to achieve full reserve status
- Any construction or development-related costs to bring the reserve into operation
- Engaging in dialogue with municipal governments in the development and implementation of a Municipal Service Agreement (MSA) to:
 - Provide essential services to a Reserve (where needed)
 - Address by-law compatibility
 - Ensure a dispute resolution process is in place
 - Compensate the municipality for any potential net tax loss adjustment
- Developing and participating in a communication strategy to assist with open communications with municipal residents and their own Band membership
- Meeting its obligations as set out in the MSA

2.2.3 Role of the Municipality

Municipalities must be consulted, however, municipalities have no general or unilateral veto with respect to a Reserve Creation Proposal. Nonetheless, it would be challenging to proceed without municipal support, and without an effective municipal services agreement.

The municipality is responsible for:

- Engaging in dialogue with the First Nation in the development and implementation of a Municipal Service Agreement (MSA) to:
 - Provide essential services to a Reserve (where needed)
 - Address by-law compatibility
 - Ensure a dispute resolution process is in place
 - Compensate the municipality for any potential net tax loss adjustment

- Developing a communication strategy to assist with open communications with municipal residents and First Nation Band membership
- Meeting its obligations as set out in the MSA

City property taxes are not collected from an urban reserve. However a fee-for-service is commonly agreed upon that is often roughly equivalent to the amount the municipality would have collected through property taxes.

2.2.4 Role of the Government of Alberta

While provinces or territories must be consulted on potential Reserve Creation, according to the federal ATR/RC policy they have no general or unilateral veto with respect to an Addition to Reserve/Reserve Creation Proposal.

The federal ATR policy gives provinces a three-month window to express any views in writing to ISC and the First Nation and set out any issues for discussion with the First Nation. It is not expected that these issues need to be resolved at this stage. These issues may inform the content of the Letter of Support, and will assist ISC in assessing the impacts and benefits of the Reserve Creation Proposal.

2.3 Benefits and Uncertainties

Urban reserves across the country bring many benefits to the First Nations that establish these reserves - and to the municipalities that neighbour them. These benefits often come in the form of economic development as First Nations establish businesses on urban reserve lands that generate employment growth and contribute to the local economy. Benefits may also include improved access to services, housing or protection of culturally-significant areas. Urban reserves are tangible examples of advancing reconciliation, improving the Treaty relationship and enhancing the respect and working relationships between First Nations and municipalities.

2.3.1 Benefits

For First Nations

Urban reserves can enable First Nation governments to generate new economic development opportunities, provide employment and training opportunities for members and improve access to the resources necessary to build successful businesses that are not otherwise possible, particularly for those with more remote reserves. Beyond First Nation governments, urban reserves can also provide opportunities for First Nation businesses to establish themselves, create jobs for Indigenous and non-Indigenous people, and contribute to the revitalization of the adjacent municipality. At a more functional level, urban reserves bring First Nation businesses closer to key capital markets and sources of financing.

Many First Nations also use urban reserves to provide supportive programs and services to Nation members who may reside in a municipality or its surrounding area, or to meet cultural objectives. Such goals can help create an ecosystem for Indigenous peoples to interact as entrepreneurs, clients, educators, students and citizens.

For Municipalities

In any community, the opening of a new business is welcomed as a sign of positive economic development and employment growth for the municipality. Urban reserve development can lead to increased business activity, as well as political and social advantages. Through their agreements with First Nations, municipalities are able to generate revenue via the services they provide to the development. An active urban reserve site can also create other economic spin offs because of the jobs it creates and the 'downstream' spending that this new employment creates in the broader community - from housing to retail to cultural events. In other cities, urban reserves have helped revitalize businesses that have closed and activate development sites that have gone dormant.

Many municipalities that have urban reserves find that their working relationships with First Nations have improved because of the structures in place to work through challenges and arrive at solutions. By openly exchanging ideas and information with one another, relationships are made stronger and more productive.

2.3.2 Uncertainties

Many of the uncertainties associated with Urban Reserve development can arise during the negotiation of the Municipal Service Agreement (MSA) which can create tension and friction between the municipality and the First Nation.

For First Nations

For First Nations, urban reserves can present a significant investment and financial risk. This risk is not unlike what other private developers face. Delays in approvals or construction, changes in scope or lack of servicing to the site all represent time the project is not generating revenue. The more work a First Nation can do in advance of purchasing a site to understand its servicing and possible land use, the sooner this risk can be mitigated. There may also be unknown impacts on First Nations as the federal laws and policies which govern them change over time.

For Municipalities

For municipalities, there are risks with MSAs that are not prescriptive enough or that leave room for interpretation around key issues like bylaw compatibility and their correlation to the delivery of municipal services. Some municipalities express some regret that their MSA did not have enough tools to be able to hold First Nations accountable when they veered from agreed-upon bylaw compatibility. At the same time, many municipalities do not take the time to understand First Nations norms, traditions and governance structures, leading to a misalignment of expectations and frustration. Risks can also arise when a municipality challenges the jurisdiction of a First Nation, which is, in turn, a by-product of poor relationship building between parties. As urban reserves are developed, the local governance landscape becomes more complex and may lead to potential impacts on other existing or future regional relationships.

3.0 Guiding Approach

City administration will be guided by a vision, values, set of principles and common understandings about the importance of relationships and communications any time this strategy is activated.

3.1 Vision

Edmonton is a leader in reconciliation, developing mutually beneficial partnerships and relations that promote the cultural, economic, and social well being of Indigenous peoples. We will welcome and work with First Nations to meet their needs and aspirations.

3.2 Values

- **Trust:** We will work together with respect, integrity, transparency, honesty and authenticity.
- **Collaboration:** We will work together for mutual benefit.
- **Leadership:** We will approach our work with courage: being adaptable, efficient, and open to new ideas.
- **Relationships:** We will proactively seek connections with communities and partners.
- **Legacy:** We will create legacies that future generations will thrive in, be proud of and renew.

3.3 Principles

- We will **recognize and acknowledge the territory** that we are on and provide land acknowledgments.
- We will recognize the **strengths and assets** First Nations bring.
- We will willingly share and honour **everyone's wisdom, traditions, norms and experiences.**
- We will pursue **long-term relationships** (such as those already shared with the City's existing Indigenous memoranda partners) and recognize the long-term benefit of strong relationships with First Nation peoples.
- We will respect, understand and appreciate the **authority of each party.**

- We will support the **journey of Reconciliation** by applying the Truth and Reconciliation Calls to Action, the Missing and Murdered Indigenous Women and Girls Calls for Justice and the United Nations Declaration on the Rights of Indigenous Peoples as a foundation for the Urban Reserve Strategy.

3.4 Relationships

The City will aspire to a good neighbour approach by promoting long-term relationship-building that begins early in the process. Relationships are rooted in four key components: understanding norms and traditions, establishing a government-to-government relationship, respecting the rights and authorities of each jurisdiction and distinguishing between political and technical relationships.

Political relationships include the nature of political relationships, historical tensions, governance (relationships between the four levels of government), jurisdiction and policy.

Technical relationships focus on service delivery, including management of joint facilities, service agreement negotiation, engineering standards, community health and safety needs, regulations and requirements.

The City respects that both types of relationships have a role in urban reserve creation, and will strive to ensure clarity about what relationships are most appropriate and when they are needed.

3.5 Communications

Communication plays an essential role in reducing misunderstandings around what urban reserves are and their impact on the community. It is recommended to engage early and often, sharing information and providing opportunities for participation in the process as appropriate. Both the City and its First Nation partners have a role to play in collaborating and developing shared communication strategies around urban reserve creation and implementation.

Communication tactics can range in scope depending on the urban reserve context, but should generally be focused in three distinct areas:

1. **Opportunities:** sharing information and providing opportunities for participation
2. **Proactive myth busting:** addresses common concerns and questions about urban reserves
3. **Responsive:** focused on specific communities and stakeholders when an urban reserve is created



4.0 Initiating an Urban Reserve

4.1 General Approach

Required Roles vs. Proactive Roles

There are several points where the City may become involved in the urban Addition-to-Reserve/Reserve Creation process. City involvement at some stages is *required* (such as when a First Nation is required to develop formalized Municipal Servicing Agreements with the City), while at other stages the City may become involved *voluntarily or proactively* (typically early in the process).

Engaging and building relationships early can help urban reserves to be as successful as possible, ensuring they meet the needs of the First Nation and address any municipal concerns. As a general principle, the City will aspire to become involved proactively in an

urban Addition-to-Reserve/Reserve Creation process and in relationship-building with the First Nation as early as possible - not because it *needs to*, but because it *wants to*.

Receiving Inquiries and Corporate Resourcing

The City's Indigenous Relations Office (IRO; indigenousrelations@edmonton.ca) will serve as the main entry point of contact for First Nations interested in pursuing urban reserves. The IRO will facilitate the initiation process by responding to First Nation inquiries in a timely, welcoming, and open manner, guided by our values and principles. The IRO will arrange an initial conversation with the First Nation to gather more information about its interests and objectives.

Once the status and needs of a given inquiry are determined, IRO can then act to coordinate with the Office of the City Manager and Intergovernmental Relations to assemble and designate a Corporate Urban Reserves Team that will work with the First Nation and coordinate City-led activities. The Corporate Urban Reserves Team, which may also be called (or evolve into) a Joint Planning Committee, will be assembled according to the unique needs of each urban reserve. Generally, the more complex the land use is, the broader the Corporate Urban Reserves Team will need to be. Business areas on the Corporate Urban Reserves Team may include (but are not limited to) planning, law, Intergovernmental Relations, Assessment and Taxation, Integrated Infrastructure Services, contract administration, Edmonton Police Service, Edmonton Fire Rescue Services, Community Standards, zoning and others as needed.

Urban reserve inquiries from First Nations may initially arise through a range of avenues. These could include, for example, the offices of elected officials, technical or business areas within City Administration where First Nations already have an established relationship, or through existing City meetings or engagements involving the First Nation. Regardless of the source, City administration will notify the Indigenous Relations Office of the urban reserve inquiry.

4.2 City Entry Points

There are multiple entry points and stages through which the City may become involved in the urban reserve development process with a First Nation.

Pre-Proposal Submission

A First Nation may approach the City at the earliest stage before it has selected land for the proposed urban reserve and submitted a proposal to Indigenous Services Canada. In this case, City administration can work with the First Nation to better understand its objectives and intentions for the urban reserve development and assist the First Nation in identifying suitable land that will help achieve those objectives. This discussion could consider factors such as intended land use, zoning, servicing, availability to purchase, etc. Involvement at this stage may be quite informal and exploratory.

Post-Proposal Submission

The City may be notified or become involved in an urban reserve relationship with the First Nation once the First Nation has submitted the Reserve Creation proposal to Indigenous Services Canada but prior to the development of a municipal services agreement.

Municipal Services Agreement Stage

Once the First Nation and Indigenous Services Canada have created a work plan to address any outstanding issues to complete the proposed urban reserve, the City will be informed with the goal of completing a municipal services agreement. Having an established relationship in place prior to this stage will support a more successful negotiation of the municipal services agreement.

4.3 Proactive Tools and Tactics

There are multiple tools and tactics available to foster stronger proactive relationships and align expectations between the City and First Nations seeking to develop urban reserves. These tools are offered as options for consideration, but are not required. The decision about whether or not to use them to support a specific urban reserve relationship should be made jointly by the City and the First Nation. The decision should take into account the

specific urban reserve proposal, existing relationships and degree of formality between the City and the First Nation, helpfulness of the tool or tactic and other factors. For example, if informal relationships already exist between the City and a particular First Nation, a formal letter of Introduction may not be required to initiate a first urban reserve meeting.

The tools and tactics are:

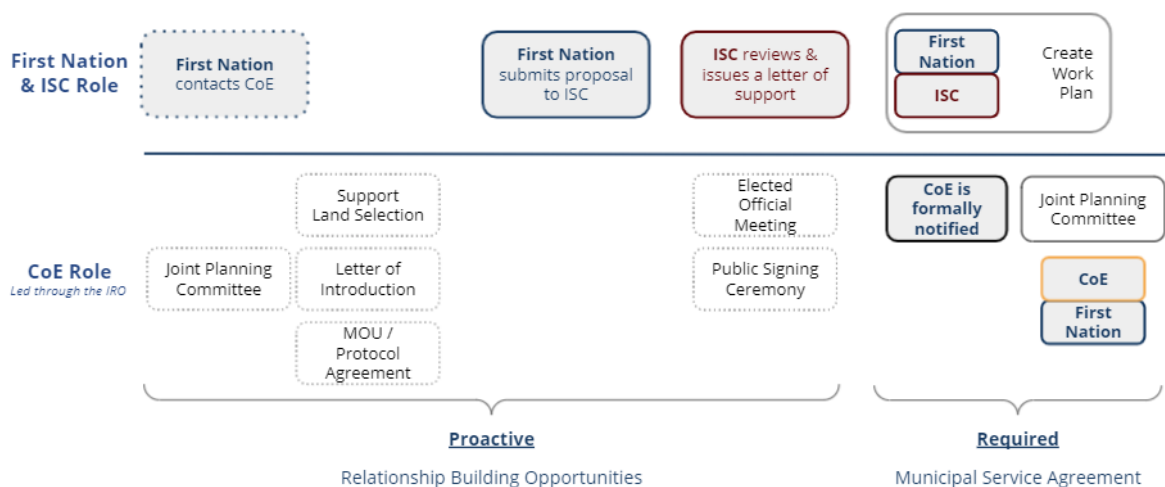
1. Letter of Introduction
2. Elected Official Meeting to Identify Objectives
3. MOU or Communications Protocol Agreement
4. Public Signing Ceremony

Further details on each of the tools and tactics are included as Appendix A.

4.4 Process Flow Chart

The flow chart below illustrates the simplified steps in the current federal Addition-to-Reserve/Reserve Creation (ATR/RC) process, potential City entry points and roles in the process, and potential sequencing for some of the City's roles. City participation as early in the process as possible is highly recommended. The timing/sequencing of all steps is approximate.

- Above the blue line, the formal steps for Indigenous Services Canada (ISC) and the First Nation in the ATR/RC process are outlined. The initial First Nation contact with the City is an optional step and is not required.
- Below the blue line, opportunities for the City to become involved in the ATR/RC process are outlined. Proactive opportunities for early relationship building are identified on the left hand side, whereas *required* municipal points of involvement are included on the right hand side. The proactive tools are optional steps and are not required.



5.0 Technical Agreements

The urban reserve development process requires the creation of technical agreements that cover a range of topics, responsibilities and obligations between the City and First Nation. The agreements and areas of collaboration identified in this section will not apply universally to all cases of urban reserve development in the City. The types of agreements identified here **must be considered on a case-by-case basis** for each urban reserve proposal and relationship.

The City must also consider the signing authorities for the agreement(s) on behalf of the City. In other jurisdictions across Canada, municipal services agreements or other technical agreements may be signed by both an elected official and senior administrative official. This should be determined on a case-by-case basis.

5.1 Joint Planning Agreement

Joint Planning Agreements are occasionally used when a proposed urban reserve site is large, not previously developed, or highly complex and there is a need to ensure complementary land use with surrounding lands and neighbourhoods. These joint documents could be **shared area or site plans** that define how the area will evolve over time - and integrate with existing **area structure plans, area redevelopment plans or neighbourhood structure plans**, for example.

These agreements are also useful if the site is **unserviced or under-serviced** so that there is a formal understanding about when and how servicing will be delivered to the area relative to other surrounding lands.

The need to develop a joint planning agreement can be determined on a case-by-case basis.

5.2 Municipal Services Agreement (MSA)

MSAs are the ultimate tool by which arrangements are made for the provision of and payment for municipal services - and the terms that both parties agree to in order for these services to continue. MSAs must include a number of important components that must be considered and negotiated before the MSA is signed.

Further details on municipal services agreements are included as Appendix B.

5.2.1 Typical areas of service collaboration

Best practice suggests that as many services as possible should be considered when drafting an MSA between the City and a First Nation. At a minimum, the following municipal services should be considered for potential inclusion in an MSA. Note that these municipal services may be delivered directly by City administration or by related external service providers such as EPCOR or the Edmonton Police Service. The external service providers should participate in the development of the MSA, if applicable.

- Water and wastewater
- Solid waste (garbage collection)
- Building permits and inspections
- Fire protection and emergency response
- Transit
- Animal control
- Parks and community services
- Policing

The MSA could include details about what these services entail, including schedules with maps of serviced properties, lists of City facilities, service providers and service schedules (e.g., schedules for solid waste pick-up or transit timetables).

5.2.2 Fees for service

The MSA must spell out how the City will be compensated for providing municipal services to a First Nation urban reserve in exchange for a fee. Because the property will no longer generate property tax revenue for the municipality once converted to urban reserve, the fee for service helps to offset the loss of tax revenue for the municipality and cover the costs of service provision to the urban reserve. This fee can be calculated using a number of different approaches and will be negotiated with the First Nation on a case-by-case basis in consideration of the unique service requirements of each urban reserve.

Further details on fees for service are included as Appendix C.

5.2.3 Bylaw compatibility

Bylaw compatibility is a key part of any discussion/negotiation between a First Nation and the City and must be included in any MSA. The provision of municipal services should be tied to bylaw compliance.

Agreement on bylaw compatibility is important around issues such as (but not limited to):

- land use or zoning standards
- building and safety standards
- public utilities
- animal control
- health and safety
- traffic regulation
- property maintenance

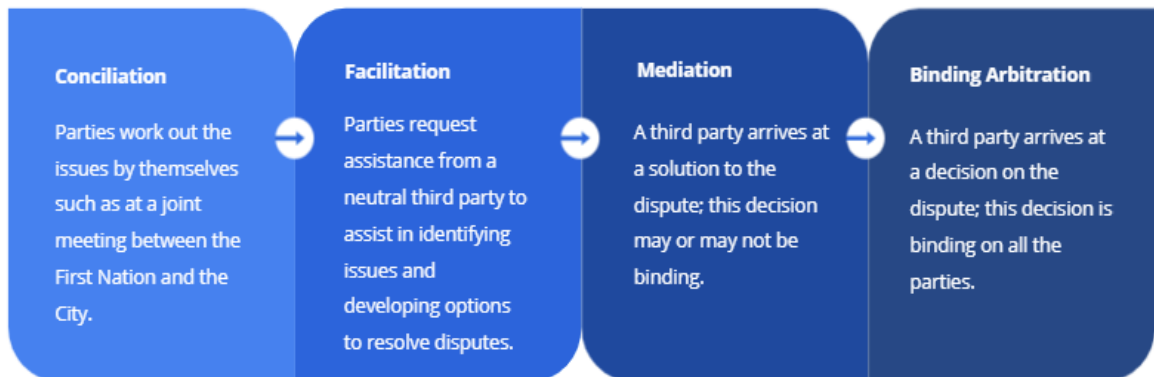
Bylaw compatibility conversations should be grounded in a good neighbour approach. In the vast majority of cases, First Nations simply agree to comply with a municipality's existing bylaws. However, as the Federation of Canadian Municipalities

notes, “By-law compatibility does not mean that all the by-laws must be the same, but rather that both parties have considered how well their laws fit together”.

Bylaw compatibility will be negotiated and determined on a case-by-case basis and recommendations should be provided on where compatible bylaws are needed, where First Nation bylaws overlap with municipal bylaws, and guidelines for how these bylaws will be enforced. Negotiations should also determine whether there are any implications or mitigations related to bylaw compatibility within the regional municipal environment that must be considered, such as with regional municipalities beyond the City of Edmonton.

5.2.4 Dispute resolution

Any MSA should include a dispute resolution mechanism to resolve issues or conflicts that may arise between the City and the First Nation. MSAs typically include an escalating model for resolving disputes:



Specific dispute resolution mechanisms will be discussed and formalized between the First Nation and the City with these principles in mind.

6.0 Future Considerations

The Addition-to-Reserve/Reserve Creation process represents an area of significant learning for City administration. As the City and First Nations grow in their understanding of the urban reserve development process, and as the federal Addition-to-Reserve/Reserve Creation process is refined or updated over time, it will be important to continue to learn, grow and develop in this work.

The City also recognizes that the current scope of urban reserve development guided by this strategy is limited to First Nations developing urban reserves through the Addition-to-Reserve/Reserve Creation process. City administration should be prepared for conversations about how it can support other forms of Indigenous development within the City in the future.

6.1 Ongoing Dialogues and Learning

The City should consider opportunities for ongoing dialogues and learning about the urban reserve development process. Potential opportunities or topics for exploration might include (but are not limited to):

- Any federal policy or legislative changes which may impact the Addition-to-Reserve/Reserve Creation process
- The impact of the *First Nations Land Management Act* on urban reserve development
- Understanding how the urban reserve creation process might look when a Treaty organization, tribal council or other entity made up of multiple First Nations is interested in developing an urban reserve
- Considering a coordinated approach to supporting urban reserve development with other neighbouring municipalities in the Edmonton metropolitan region, or to collaboration with both First Nations and adjacent municipalities when an urban reserve is established in an adjacent municipality
- Learning directly from First Nation-municipal partners in other jurisdictions that have undertaken urban reserve development to further understand their experience, lessons learned and wise practices
- Creation of a matrix of City land categories and types of services typically provided by land use type. This could then be shared with interested First Nation parties
- Considering how the City may be able to support other indigenous groups, communities, or organizations not eligible for the Addition-to-Reserve/Reserve Creation process to achieve their development aspirations within the City whether through a similar process or other methods

- Whether there are other actions that the City can take to help First Nations achieve their goals through means other than establishing an urban reserve.

6.2 Strategy Renewal

This strategy will be reviewed by City Administration on an annual basis to consider its relevance and determine whether existing content should be updated or new content should be added.

Appendix A: Proactive Relationship-building Tools and Tactics

A1: Letter of Introduction

One of the first steps a First Nation and municipality can take is to informally express an interest in working together - often through a letter of introduction. This document can outline, at a high level, why the two parties should work together and is usually directed between elected officials, commonly between Mayor and Chief. This letter would commit both parties to a future meeting where the relationship is established, key issues are 'daylighted' and an initial process is agreed to. FCM provides a template for this kind of letter and is a good starting point for parties wishing to work together.

Sequencing

A letter of introduction is usually the first proactive relationship-building tool used and would take place very early in the journey. It may be used prior to the First Nation identifying land and submitting a reserve creation proposal to Indigenous Services Canada.

Letter of Introduction Template

This template for a Letter of Introduction was developed by the Federation of Canadian Municipalities for the purpose of initiating a relationship or dialogue between a First Nation and municipality (note: it is called a *letter of intent* in the FCM publications).

Dear [Name of recipient(s)],

I would like to introduce myself as the [position] of [Name of First Nation or Municipality]. I have been working with [Name of First Nation or Municipality] for [number of years/months].

Lately, my community has been focusing on: [Discuss current overall objectives in your community, for example, economic development, increasing environmental sustainability, or improving services or infrastructure.]

In the next 30 days, I would like to schedule a casual [get-to-know-you meeting/breakfast/lunch/dinner] where we can learn more about each other and discuss our respective communities and our visions for

the future. As we both know, it is important to know your neighbour and work together for better outcomes for both communities and the region.

Please let me know if there is a convenient time for you to meet with me. I look forward to building a relationship with you and your community.

A2: Elected Official Meeting to Identify Objectives

At an initial meeting between elected officials of the First Nation and municipality, the two groups can begin to ask and answer some key, fundamental questions to understand the high level objectives of each party.

Questions the municipality may want to ask include:

- What sort of intended use would the First Nation have for its land?
- How does the First Nation see the reserve land integrating with the municipality, including zoning and bylaw compatibility?
- Does the First Nation have any formal principles for managing the reserve lands that would be helpful in evaluating bylaw compatibility?

The First Nation may want to use the introductory meeting to ask:

- What lands would be best suited for the kind of development it wishes to pursue?
- What is the capacity of the municipality to provide services to the development?
- What is the municipality's plan for areas adjacent to the lands being contemplated for reserve development?

Sequencing

An elected official meeting usually takes place following the issuance of a letter of invitation and may take place prior to or following the First Nation submitting a reserve creation proposal to Indigenous Services Canada.

A3: MOU or Communications Protocol Agreement

Once a First Nation and City have met to discuss high-level goals and objectives for the process, the next step may be to draft a communications protocol agreement or a Memorandum of

Understanding (MOU) between the First Nation and the City of Edmonton that outlines, at a high level, some of the key points that the parties seek alignment on and how they wish to engage with one another. These agreements can then form the basis of any direct discussion on the Municipal Service Agreement (MSA).

There are multiple models for MOUs and communications protocol agreements ranging from simple to complex. It is important that the City and First Nation select a model that makes sense to and meets the needs of the partners.

Sequencing

An MOU or communications protocol agreement would usually be established following the elected official meeting. It may make sense to establish an MOU or communications protocol agreement once Indigenous Services Canada has received the reserve creation proposal from and issued a letter of support to the First Nation. Creating the MOU at this point may provide additional clarity to both parties about the nature and purpose of the relationship.

A4: Public Signing Ceremony

Public signing ceremonies would typically be held with elected officials from the City and First Nation for the signing and celebration of an MOU or communications protocol agreement. These can be valuable for both parties because they demonstrate a public commitment to relationship-building and provide a moment to celebrate the importance of the milestone. These can represent the formal initiation of a government-to-government relationship between the City and a First Nation.

These ceremonies also provide an opportunity to engage the media and enhance the community's understanding of the urban reserve concept. For municipal residents in particular, signing ceremonies can help put a face to urban reserves and provide context for how the reserve will be used.

Joint participation in First Nation cultural ceremonies by elected officials or administration can also be a meaningful and powerful way to initiate a new relationship between a First Nation and the City

Sequencing

A public signing ceremony would usually be held later in the relationship-building process once the MOU or communications protocol agreement has been developed.

Appendix B: Key Elements of an MSA

As part of its work to support ongoing collaboration between First Nations and municipalities across Canada, the Federation of Canadian Municipalities (FCM) provides frameworks, guidelines and templates for structuring servicing agreements between Nations and cities. [The municipal service agreement toolkit](#) outlines a number of key components that should be included in any service agreement, along with ways to add site-specific provisions relative to urban reserves.

Key contract elements of a service agreement:

- Effective date
- Parties to the agreement
- Authority to enter in agreement (i.e. approval from band council or municipal council)
- Preamble (describes purpose and background for the agreement)
- Definition of terms
- Term of agreement (can define the period of time for the agreement and/or ability to terminate the agreement with reasonable notice)
- Renewal of agreement (stipulates the timeframe for renegotiation and terms in case the agreement expires before a new agreement is reached)
- Constitutional and legislative changes (how to resolve challenges arising from legislative changes i.e. environmental regulations, water regulations etc)
- Consent by interested party (ensuring third parties (i.e. a private developer partner) are aware of the provisions of the agreement)

Description of services in a service agreement

- Description of services provided
- Level of services (often defined as equal to those of residents in the broader community)
- Charges for services (costs for services, including caveats for any increases, including both capital and operating costs)
- User fees (any additional charges for services i.e. building inspection etc)
- Bill payment
- Payment penalties and termination for breach of agreement

- Construction of infrastructure (who is responsible for constructing any new infrastructure required)
- Ownership of infrastructure
- Repair (describes processes for repairing, upgrading or integrating the services)
- Access and rights-of-way (means to ensure access for staff and contractors to the land, including fire protection)
- Liability (defines liability for service provision)

Customary provisions

- Notice (ensures that all parties will always be able to contact each other)
- Entire agreement (outlines which documents are considered part of the agreement i.e. attachments, maps etc)
- Headings
- Amendments (outlines how and when future changes may be made)
- Assignment (in the case of an amalgamation, details who adopts the agreement)
- Enurement (ensures agreement binds current and future parties to the agreement)
- Severance (ensures the main agreement remains intact if a single provision is deemed invalid)
- Waiver of breach (ensures that rights cannot be waived except by written agreement vs. silence or inaction)

Additional provisions

- Conflict and dispute resolution (sets the method of resolving disputes and its terms)
- Further assurance and compatible bylaws (could include which bylaws will apply, i.e. fire protection or animal control, or where new comparable bylaws are required)
- Consultation (a commitment by both parties to consult with one another about key issues like land management, economic development and environmental sustainability)
- Regional integration (ensures both parties act according to regional standards and participate in regional initiatives)

Appendix C: Fee for Service Models

MSAs spell out how a municipality will be compensated for providing municipal services to a First Nation in lieu of not receiving property tax income in return.

There are two broad trends for how this fee is calculated:

- 1) In many cases, this 'fee for service' is based on the amount of property tax the land would have generated had it not been an urban reserve. This 'like-for-like' fee is paid annually as a property tax bill normally would be.
- 2) The 'fee for service' is calculated by subtracting a portion of fees for services that may be considered duplicative government services to ones a First Nation provides to its own Band members. These can include typical 'business of government' costs such as (but not limited to) the City's HR department, legislative, municipal election and information technology costs. This would result in a lower fee for service paid by the First Nation than would have been previously collected as property tax.