Minute No. 538
Report – Executive Policy Committee – June 15, 2022

Item No. 1 Gaawijijigemangit Agreement – Municipal Development and Services Agreement for Naawi-Oodena

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Gaawijijigemangit Agreement ("the Agreement"), attached hereto as Schedule A, relating to the provision of municipal services to, and the development of, a proposed urban reserve at Naawi-Oodena, be approved.

2. That the City enter into, execute and deliver the Agreement, and such other agreements as determined necessary by the Director of Legal Services and City Solicitor to implement the intent of the foregoing and/or such other agreements relating to matters mentioned herein (the "Ancillary Agreements").

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve any changes to the Agreement and the Ancillary Agreements, in accordance with this report and such other changes deemed necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

4. That authority be delegated to the Chief Administrative Officer to negotiate and approve any changes of all future amendments of the Agreement, in accordance with this report and such other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

5. That the Winnipeg Public Service be directed to report back 2 years after the date the "First Nation Land" is set apart as reserve, on the status of the Municipal Development and Services Agreement.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – June 15, 2022

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2022, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Gaawijijigemangit Agreement – Municipal Development & Services Agreement for Naawi-Oodena

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Jack	M. Jack	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

The Public Service is seeking Council approval to enter into the Gaawijijigemangit Agreement: a Municipal Development & Services Agreement ("MDSA") between The City of Winnipeg and Brokenhead Ojibway Nation, Long Plain First Nation, Peguis First Nation, Roseau River Anishinabe First Nation, Sagkeeng First Nation, Sandy Bay Ojibway First Nation and Swan Lake First Nation (collectively referred to as the "Treaty One Nation") for the City to provide municipal services for a proposed urban reserve at the Naawi-Oodena site (formerly referred to as the Kapyong Barracks). The parties have participated in a lengthy collaboration spanning several years, and the proposed MDSA is the result of a great deal of discussion, review and analysis of common and best practices across Canada, but more importantly, through the lens of reconciliation.

While two other urban reserves currently exist within the City of Winnipeg, Naawi-Oodena is relatively novel in terms of size, magnitude of potential development, and scope of activities to be considered. For these reasons, the collaborative approach to the creation of the Gaawijijigemangit Agreement ("the Agreement") has also been unlike any previous experience, beginning with the clear, collaborative understanding that the parties were building an entire community where nothing has actively existed for decades.

The Agreement has been negotiated to reflect a government-to-government relationship, predicated on the parties' mutual respect for the exclusive legislative jurisdiction of the other.

The parties have agreed that there are many specific and important details remaining and therefore have committed to the creation of a Joint Committee. The Joint Committee will have a crucial role in the implementation and ongoing administration of the Agreement.

RECOMMENDATIONS

1. That Council approve the Gaawijijigemangit Agreement ("the Agreement"), attached hereto as Schedule A, relating to the provision of municipal services to, and the development of, a proposed urban reserve at Naawi-Oodena.

2. That the City enter into, execute and deliver the Agreement, and such other agreements as determined necessary by the City Solicitor / Director of Legal Services to implement the intent of the foregoing and/or such other agreements relating to matters mentioned herein (the "Ancillary Agreements").

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve any changes to the Agreement and the Ancillary Agreements, in accordance with this report and such other changes deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

4. That authority be delegated to the Chief Administrative Officer to negotiate and approve any changes of all future amendments of the Agreement, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

5. That the Winnipeg Public Service be directed to report back 2 years after the date the "First Nation Land" is set apart as reserve, on the status of the Municipal Development and Services Agreement.

6. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required to enter into the Agreement.

IMPLICATIONS OF THE RECOMMENDATIONS

Before the federal government is prepared to set aside lands as urban reserve, it typically requires the First Nation in question to enter into an MDSA with the municipality in which it is to be located. Therefore, formally approving the Agreement will permit the lands within Naawi-Oodena to be set aside as urban reserve. This will then enable the Treaty One Nation to proceed to develop these otherwise vacant lands over the decades to come. There are numerous tangible and intangible positive implications to this continued journey of reconciliation.

As a fundamental part of the Agreement, the City will receive payments for services from Treaty One Nation as lands are developed. Once developed, Treaty One Nation intends to utilize its taxing authority to create a property and business tax regime that mirrors that existing beyond the boundaries of Naawi-Oodena, to present a seamless transition. Once collected, Treaty One

Nation will forward 65% of those taxes collected to the City as payment for services rendered under the Agreement.

In its response to the Calls to Action of the Truth and Reconciliation Commission, the City has committed to supporting the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"). Collaborating and cooperating with Treaty One Nation in the process required for the creation of this urban reserve supports and promotes the following UNDRIP Articles:

- Article 3 - Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- Article 5 - Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- Article 20(1) - Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- Article 21(2) - States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

HISTORY/DISCUSSION

First Nations who did not receive all the land they were entitled to under treaties signed by the Crown and First Nations can file a Treaty Land Entitlement ("TLE") claim with the Government of Canada. TLE settlement agreements are negotiated between First Nations and the Government of Canada, typically with the participation of provincial/territorial governments. The federal government must adhere to treaty obligations to provide the promised amount of reserve land to treaty First Nations.

Generally, a TLE settlement agreement specifies an amount of land that a First Nation may either purchase on a willing buyer-willing seller basis, or select from unoccupied Crown land, or both in some cases, within an agreed to acquisition or selection area.

Once purchased or selected, the First Nation may submit a proposal to the Government of Canada for the land to be added to the First Nation's reserve under the Additions to Reserve process.

One key feature of this process is that the First Nation is directed and encouraged to enter into an MDSA with the municipality within which the reserve is to be located. Discussions commenced in 2021 with representatives of Treaty One Nation and the City's Public Service concerning the process to be followed toward negotiation of a mutually acceptable MDSA.

It has been agreed that Treaty One Nation will develop the overall site in parallel and in conjunction with the Canada Lands Corporation ("CLC"); Treaty One Nation will develop 68% of the lands, with CLC developing the remaining 32%.

Treaty One Nation and CLC jointly developed a Master Plan for the entire property, which is attached as Schedule C.

From the Master Plan - Executive Summary:

"*Treaty One Development Corporation in partnership with Canada Lands Company CLC Limited have developed this Master Plan for the former Kapyong Barracks. This Master Plan establishes a comprehensive planning and land use framework for the transformation of the 160-acre site into a diverse and vibrant mixed-use community that emphasizes Indigenous design excellence and connectivity with surrounding established neighbourhoods.*

This Master Plan is based on seven overarching aspirations, that underscore not only the significant development potential of the site, but also the significant opportunities that exist to bring communities together: 1) generating prosperity and cultivating partnerships; 2) building a welcoming and inclusive community; 3) celebrating First Nations identity and culture; 4) promoting sustainable urban development; 5) advancing new expressions in Indigenous design; 6) sharing knowledge and cultural teachings; and 7) showcasing innovation in design and urban development.

The land use framework is organized around seven land use designations that work together to create a complete community, with a diverse mix of housing, businesses, cultural institutions, community amenities, and attractions."

It should be noted that the Agreement only includes the Treaty One Nation and the City as parties; CLC will develop its portion of the lands subject to all existing laws and processes of the City of Winnipeg, similar to any other developer.

The following are the most salient features of the Agreement:

<u>Provision of Services</u>

The City has agreed to provide services in and on Naawi-Oodena land in a scope and manner consistent with the balance of the City. As Treaty One Nation develops further and builds certain capacities, it may choose to provide various services in and on the Naawi-Oodena land, but until that time, the City will continue to provide its full schedule of services.

<u>Infrastructure</u>

In most respects, Treaty One Nation will be solely responsible for developing all infrastructure within Naawi-Oodena.

Service Charges

The City will receive payments for services from Treaty One Nation as lands are developed. Once developed, Treaty One Nation intends to utilize its taxing authority to create a property and business tax regime that mirrors that existing beyond the boundaries of Naawi-Oodena, to present a seamless transition, but most importantly, to avoid any disparities in tax treatment between property owners and/or businesses choosing to locate within Naawi-Oodena and those located outside its boundary. Once collected, Treaty One Nation will forward 65% of those taxes collected to the City as payment for services rendered under the Agreement. It is acknowledged that 35% of those taxes collected will remain with Treaty One Nation, for the transformative and reconciliatory purposes of:

- Enabling Treaty One Nation to build its own servicing capacity within Naawi-Oodena;
- Resourcing the governance mechanisms to operate as a distinct level of government within these boundaries; and
- For any other purposes directed to supporting members of the seven First Nations comprising the Treaty One Nation.

Land Use and Development

Being a contractual relationship between two governments, it is acknowledged that each government has exclusive jurisdiction over how development occurs within its respective boundaries. Nonetheless, the parties have acknowledged that all parties will be best served with processes that incorporate collaboration, routine and frequent communication, and a mutual desire to have overall development proceed in a manner that provides mutual benefit.

The parties continue to have discussion and will require ancillary agreements regarding matters detailed and/or contemplated in the Agreement including but not limited to service, access to certain portions of the development and the Kenaston widening.

The parties have also committed to a detailed process that will ensure timely sharing of information and plans with sufficient mutual opportunities for review, comment and engagement.

Joint Committee

While the Agreement is intended to serve as the bedrock document that provides the fundamental framework for all future collaboration and engagement, the parties acknowledged that development on this scale involves far too many specific and important details to be able to settle and include in the current Agreement.

Accordingly, the parties have committed to the creation of a Joint Committee. The Joint Committee will have a crucial role in the implementation and ongoing administration of the Agreement.

Economic Impact

The potential benefits from the development of these lands by Treaty One Nation are immense, for the Treaty One Nation and for the City at large.

The City Economist has summarized these potential benefits and impacts in Schedule B.

Conclusion

On Friday, May 27, 2022, the Governing Council of the Treaty One Nation formally approved the Agreement. Therefore, the only remaining approval is that of the City, through a decision of Council.

Once formally approved, it is expected that the lands will be added to reserve soon thereafter, with the Treaty One Nation hoping to move forward imminently with development plans.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 1, 2022

Project Name:

Gaawijijigemangit Agreement– Municipal Development & Services Agreement for Naawi-Oodena

COMMENTS:

Financial implications associated with this agreement for services to be provided by the City are not known at this time.

The City has agreed to provide services in and on Naawi-Oodena land in a scope and manner consistent with the remainder of the City. The City will receive payments for services from Treaty One Nation as lands are developed.

Once developed, Treaty One Nation intends to use its taxing authority to create a property and business tax regime that mirrors that existing beyond its boundaries of Naawi-Oodena. Once collected, Treaty One Nation will forward 65% of those taxes to the City as payment for services rendered under the agreement.

The potential benefits from the development of these lands by Treaty One Nation are immense, for the Treaty One Nation and for the City at large. Refer to impacts summarized by the City Economist in Schedule B of this report.

Jocelyn Peters - June 1, 2022

Jocelyn Peters, CPA, CGA
Manager of Finance & Administration (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

Treaty One Nation
Indigenous Relations Division
Assessment & Taxation
Assets & Project Management Department
Legal Services (as to legal issues)
Public Works Department
Planning, Property & Development Department
Water & Waste Department

OURWINNIPEG POLICY ALIGNMENT

Leadership and Good Governance

Objective 2 – Promote trust and government responsiveness through meaningful, inclusive and informed community engagement.

Policy 1.13 - Indigenous Economic Development
Facilitate the process of reclamation of Indigenous land for urban reserve development by building respectful relationships with Indigenous governments and leadership to establish or maintain processes and protocols for service provision, bylaw harmonization, and land-use planning.

Economic Prosperity

Objective 1 - Ensure transparent and predictable conditions are in place to support desired business growth through attraction, investment, and retention.

Policy 3.10 - Indigenous Economic Development
Prioritize Indigenous heritage, culture, art, entrepreneurial and tourism-related economic opportunities.

Social Equity

Objective 2 – Build bridges spanning ideas, cultures, identities and generations on a foundation of truth, understanding, and rights-based reconciliation.

Policy 5.4 – Reconciliation with Indigenous Peoples
Prioritize municipal implementation responsibilities within the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada's Calls to Action and the National Inquiry Into Missing and Murdered Indigenous Women and Girls' Calls for Justice.

Policy 5.5 – Indigenous Lens
Include an Indigenous lens and leadership in municipal governance processes, to recognize, respect and advance Indigenous rights, and build cooperative and mutually beneficial relationships toward reconciliation.

City Building

Objective 1 – Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals

Objective 2 – Integrate resilient land use, transportation and infrastructure planning, and investments.

Objective 3 – Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset.

Policy 6.6 – Intensification Target
Achieve the intensification target by making development in existing built-up areas easier and more desirable and predictable, as directed in Complete Communities

Policy 6.9 – Transformative Areas
Designate Downtown, Corridors, Mixed Use Centres, Major Redevelopment Sites and New Communities as Trans- formative Areas within the Urban Structure in Complete Communities, representing lands that provide the best opportunities to accommodate significant growth and change.

Policy 6.15 – Regional Mixed Use Corridors
Recognize that a primary function of designated Regional Mixed-Use Corridors is for the efficient movement of people, goods and services, while transitioning the functional design over time to support mixed-use intensification and transit-orientation.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic opportunity 1: Corporate leadership

1.8 Work with Indigenous communities, the provincial government, and the federal government to advance climate action

Strategic opportunity 3: Advancing sustainable transportation — increase mobility options & shift to zero emission vehicles

3.2 Increase the density of urban development along key transit corridors

3.3 Design new suburban communities to enable enhanced public transit services and access to transit corridors

Strategic opportunity 4: Facilitate compact, complete development & increase density

4.1 Increase strategic infill development that provides access to, and capitalizes on existing and planned corridors with frequent public transit service

4.4 Support the redevelopment of former commercial and industrial lands into active use

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

The information and recommendations presented in this report align with and advance the Winnipeg Poverty Reduction Strategy (2021 – 2031) as follows:

They embody the following **Guiding Principles**:

- We will Uphold Human Rights
- We will Honour Relationships and Reconciliation with Indigenous Peoples
- We will Address Systemic Oppression, Trauma, and Social Inequity
- We will Promote and Maintain the Welfare of all residents
- We will Develop Trust and Meaningful Partnerships to find solutions and drive change

They align with the following **Goals and Objectives**:

Goal 1: Equity and a Culture of Caring are Demonstrated through Strategy Implementation and Systems Change

Related 10-year Objectives:

B. City decisions and actions are informed by Lived Experience perspectives, trusting relationships are established.

Goal 6: All City Services are Equitable, Inclusive and Accessible

Related 10-year Objectives:

A. Residents have equitable access to City services, in particular demographic groups who experience marginalization.

C. Use of City's tools and resources are maximized to reduce systemic inequities

Goal 8: Equity in Community Safety is Increased through Collaboration

10-year Objectives:

A. Community and equity-based approaches to safety are prioritized and resourced, particularly for First Nations, Métis Nation, Inuit, Black, Racialized and Religious Minority groups and in areas of higher poverty.

SUBMITTED BY

Department: Office of the Chief Administrative Officer
Prepared by: M. Jack
Date: June 2, 2022

Attachments:
Schedule A – Gawijijigemangit Agreement
Schedule B – Economic Impact Summary

Schedule C – Naawi-Oodena Master Plan