



MUTUAL AID AND SERVICE AGREEMENTS: WISE PRACTICES FOR FIRST NATIONS COMMUNITIES

Brenda Murphy, Laurie Pearce, Annette
Chretien, & Erin McLean-Purdon

March 31, 2017



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

LAURIER 

Funding provided by Indigenous and Northern Affairs Canada



RESEARCH TEAM

LEADS: DR. BRENDA MURPHY, DR. LAURIE PEARCE, AND DR. ANNETTE CHRETIEN

RESEARCH ASSISTANT: ERIN MCLEAN-PURDON

PROJECT MANAGEMENT: BRYCE GUNSON


CORRESPONDING AUTHORS

bmurphy@wlu.ca; lpearce@jibc.ca

CONTENTS

Introduction	1
What are Mutual Aid and Service Agreements?	4
Benefits	7
Challenges	9
Is an Agreement Right for Your Community?	11
Establishing Relationships: Agreement Foundations	13
Phases in Developing an agreement	15
Components of an Agreement	20
Final Thoughts	22
References	24

THANK YOU TO THE PARTICIPANTS WHOSE
GENEROUS CONTRIBUTION OF THEIR TIME
AND KNOWLEDGE IMMENSELY INCREASED THE
DEPTH AND RICHNESS OF THIS PROJECT.



AID AGREEMENTS EXPEDITE EMERGENCY RESPONSE BY
ESTABLISHING PROTOCOLS FOR REQUESTING AND
PROVIDING ASSISTANCE AND DETERMINING POLICIES
AND PROCEDURES FOR REIMBURSEMENT AND
COMPENSATION IN ADVANCE, THEREBY ELIMINATING
OR LESSENING THE EXTENT TO WHICH THESE ISSUES
MUST BE NEGOTIATED WITH EACH NEW EVENT

Astho, 2012, 1

INTRODUCTION

This Mutual Aid and Service Agreements Wise Practices Guide (herein called the Guide) has been created to increase the emergency management (EM) planning and response capacity of Indigenous communities to access needed services such as hazard identification, fire response, search and rescue, and evacuation and accommodation services. It recognizes that First Nations are responsible for the creation and implementation of their own EM plans. Mutual aid and service agreements (MASAs) are formal or informal arrangements between two or more local authorities for the provision, or sharing, of a needed good, service, or equipment.



The Guide supports First Nation communities in their efforts to mitigate and prepare for emergencies by 1) Encouraging the development of locally-responsive, community reflective and culturally appropriate plans and 2) Providing advice regarding how to more efficiently access locally-available physical, social and human resources (e.g. fire trucks, emergency training expertise, evacuation centres, and search and rescue personnel).

In 2013, the Auditor General of Canada examined the state of First Nation emergency management. The report found that not only do emergencies occur more often in First Nations communities than in non-Indigenous communities, but that systemic barriers make responding effectively to these emergencies challenging. These barriers include “lack of emergency management plans, poor socio-economic conditions, limited economic opportunities, and the high frequency of emergencies” (Collier

2015, 6). Importantly, of the 506 First Nations communities audited many had outdated EM plans and 67 had no EM plan.

MASAs can contribute to alleviating some of these problems by accessing needed services in a cost efficient and equitable manner. For instance, First Nations with multiple service agreements tend to pay lower costs for fire protection.

Through regional coordination and cost sharing measures, MASAs can bolster local/regional self-sufficiency by capitalizing on available strengths and resources. The growing emergence of these partnerships in both Indigenous and non-Indigenous contexts recognizes that joint problem solving at the local level is a practical way to deal with issues affecting both communities.

MASAs can be undertaken across the four pillars of EM. For example:

- **Prevention and Mitigation** - Submitting joint requests for proposals for needed critical infrastructure upgrading, addressing regional flooding (e.g. larger culverts) or fire risks (e.g. reducing fuel load)
- **Preparedness** - Engaging in joint training, sharing the cost of a community EM coordinator, delivering coordinated public education program and evacuation plans
- **Response** - Delivering fire response, emergency medical services, emergency social services, evacuation centre services, managing joint or alternate emergency operations centres
- **Recovery** - Planning for a joint reconstruction, repair and upgrading, coordinated approach to 'building back better' and reducing regional risks



The Guide was developed with funding from Indigenous and Northern Affairs Canada. In addition to completing an environmental scan of available information from Canada and abroad, the team conducted 10 key informant interviews involving individuals from coast to coast to deepen the knowledge base.

The next section of the Guide provides more background about MASAs. Then the benefits and challenges are laid out. This is followed by sections to help you decide if a MASA is right for your community, thinking about the relationships that help support agreements, the steps for developing an agreement, and the components of an agreement. Wise practices are embedded into each section. You will also find five case studies highlighting a variety of instances where MASAs are in place and are contributing to local disaster resilience in a variety of ways.



Did You Know?

Without evidence of adequate emergency management planning, band councils may be liable or face insurance problems, should a serious incident occur.

WHAT ARE MUTUAL AID AND SERVICE AGREEMENTS?

“If your community faces evacuations, consider a MASA with another First Nation community. This can avoid, or reduce, the cultural and other impacts of being dislocated to a major city centre.” Project Interviewee

Mutual aid and service agreements (MASAs) are a subset of a larger group of formal and informal arrangements focused on sharing resource needs or services between two or more First Nations communities or between First Nation authorities and municipalities. Agreements may also exist between emergency management organizations and nearby private corporations, especially in Canada’s far North. In Canada and internationally, MASAs and other inter-local agreements are increasingly seen as a tool for more decentralized, bottom-up governance that allow regions to effectively self-organize. As such they are useful for First Nation communities as they continue to decolonize, heal from the impact of historic trauma and



work on developing self-sufficiency and independence. Within the context of disaster risk

reduction (DRR) and non-structural mitigation, MASAs offer First Nations the opportunity to work cooperatively with nearby jurisdictions to address hazards and better prepare for crises and emergencies. The most common services provided or shared through MASAs are fire and other emergency

WORKING TOGETHER TO INCREASE REGIONAL CAPACITIES

Prince Albert Grand Council (PAGC), SK is a tribal council representing 12 First Nations and 30,000 First Nation members. Part of developing self-sufficiency is the implementation of both formal and informal MASAs.

In one example, a First Nation community has developed an informal aid agreement with the adjacent rural municipality for fire services. The rural village owns the fire truck, but the volunteer fire crew is composed of both rural and First Nation community members. PAGC contributes to increased preparedness by providing training to all volunteers. The volunteers develop stronger relationships increasing their ability to undertake coordinated and efficient emergency response. By building on the capacities of both communities and deepening the volunteer relationships, the region is able to provide all local residents with this important service in a timely and effective manner. (Project Interviewee)

services.

Mutual aid agreements can be distinguished from service agreements. The type of agreement a community might choose is often based on the capacities of the community (see side bar example).

- In *Mutual Aid Agreements*, two or more local authorities have resources to share and agree to do so under specific circumstances. For instance, adjacent communities with fire departments often agree to help each other in larger emergencies. Mutual aid agreements are more typically used in larger, better-resourced communities.
- In *Service Agreements*, a community purchases a needed service from a neighboring jurisdiction, provincial or territorial governments, or contracts with a company for a specific service. Common examples include ambulance services and fire protection. Communities can also put into place contracts for often-needed equipment such as a backhoe or sandbags. Service agreements are very common among smaller First Nation communities that may lack infrastructure and capacity.



From a Western perspective, MASAs can range from being formal or informal. However, this binary distinction was questioned by one of our participants as a legacy rooted in colonial thinking. He suggested that for First Nations communities an agreement made - whether oral, by handshake or signed - is binding and holds the expectation of being honoured. In an oral tradition, agreements could be “signed” by singing a song. The bottom line? Choose the MASA style and level of formality that is right for your community.

- *Formal MASAs* are legally binding agreements. They take the form of legal contracts, outlining each party’s rights and obligations, as well as specifying compensation for services procured and setting out the agreement’s limits and exceptions. Within western frameworks, these formal agreements represent the highest level of commitment between communities. They provide the security of knowing what services will be available in a crisis as well as the likely costs. They can help avoid the situation of needing to accept whatever price is demanded by a provider in the throes of a crisis. Generally, across Canada, particularly in First Nation communities, they appear to be less prevalent than informal agreements.
- *Informal MASAs* are more flexible, non-legally binding, “handshake” or oral agreements between communities. They can also be between a community and a key corporation such as a mining company, especially in Canada’s far North. Examples of informal agreements include memoranda of understanding, letters of

agreement, and oral agreements. The flexibility of the less structured, informal agreement lends itself to on-the-fly adjustments and reduced drafting and implementation costs. This type of agreement, very common across Canada, is used to complement existing policies and provide general guidelines for the coordination of local emergency service efforts. These agreements lack the legal safeguards of formal MASAs and require strong and trusting relationships between partners.



Principles of Effective Agreements

Common Interest: It's critical that partner objectives are aligned, achievable and fulfilled.

Mutual Benefit: Fairness is key. All parties must see themselves as benefiting proportionate to their contribution.

Cost Effectiveness: Agreement benefits must be greater than the resources needed to manage the partnership.

(Municipal Finance Officers' Association of Ontario 2014)

BUILDING FROM ONGOING RELATIONSHIPS

Wawa, Ontario is a northern rural municipality that has a formal mutual aid agreement for fire services with its neighbour, Michipicoten First Nation. Following years of informal agreements across several areas, including landfill and water testing, since about 2009-10 the two communities have signed a formal agreement for fire service that is renewed each year. The agreement is structured as a fee for service, with an hourly rate for personnel plus a cost for deploying the vehicles such as fire trucks. The costs are based on Ministry of Transportation Ontario standard call-out rates. In addition, the Michipocoten leadership is always invited to be part of the Community Control Group and the two communities worked together to respond to a 2012 flood event. At the request of the Band Chief, it was a natural extension of that relationship for Wawa to host Michipocoten First Nation evacuees during the flood response. (Project Interviewee)

BENEFITS

“To get the benefits that come from working cooperatively with other First Nations, smaller communities could consider working through a Tribal Council or developing a regional collaboration among nearby neighbours.”
Project Interviewee

For many First Nations and municipalities, the high cost of service provision, the downloading of provincial and federal services, and lack of available funding means there are many benefits to entering into MASAs. Generally, those involved in MASAs suggest that the arrangements meet or surpass their expectations and provide good value (see case study for an example).

The benefits include:

- Improving community-to-community and/or government-to-government relationships
- Contributing to independence and self-determination
- Providing growth and new opportunities to both municipal and First Nations communities
- Building a stronger labour force and increasing capacity of both political and technical staff, due to knowledge sharing
- Implementing working partnerships that deepen inter-community relationships
- Complying with regulatory or policy standards
- Improving levels of service and preventing duplication of services, facilities and equipment



- Achieving financial savings and cost effectiveness
- Addressing cross-boundary responsibilities such as road network maintenance, fire management or flood control
- Increasing capacity to respond to peak load pressures created by the demands of an emergency or disaster



CHALLENGES

“There are institutional differences between a rural municipality and a First Nation that can lead to confusion - e.g., declaring an emergency is the Chief’s responsibility and not controlled by provincial legislation or policies.”
Project Interviewee

Despite these benefits, MASAs are not without their challenges. These include:

Failure to consider more systemic issues: It is important to underscore that systemic social and material barriers can make the implementation of MASAs challenging. Where pre-existing conditions of historical trauma that increase vulnerability exist, and where hazard mitigation is underfunded or critical infrastructure is inadequate, a MASA is but a piece of the larger puzzle for realizing real progress on increasing DRR amongst Canada’s First Nations communities (see Tobique case study for one innovative response).

Additional complexity of cultural or other differences: Developing MASAs tend to be harder to put in place where 1) communities have diverse characteristics and values, and 2) communities have weaker inter-community relationships and less well



developed relationships with higher authorities. In the context of First Nation to municipal MASAs, the differences in cultural heritage will inevitably lead to challenging, but not insurmountable, hurdles.

DEVELOPING CULTURALLY APPROPRIATE TOOLS

Tobique, First Nation, NB, has developed the Wampum Critical Incident Stress Management (CISM) Network. It is now shared across several Maliseet communities. The Network was developed by an Elder and residential school survivor who recognized that there were unmet mental health needs during and after crises including suicides and disasters.

All individuals are trained in CISM protocols that are adapted to Indigenous ways of knowing. For instance, when an incident occurs, a smudging or other ceremony may be performed. Perhaps a sacred fire will be lit where people can gather and team members attend as a compassionate presence.

With several teams now in place, the teams can be invited in to respond to another’s crises. This is key for the impacted community whose Network members may also be affected by the incident.
(Wendall Nicholas,
www.wasueg.com)

High up-front investment in time and money: Developing effective formalized MASAs can be risky since there is no guarantee that the effort initially expended will ultimately result in a completed agreement. Some communities may not feel they have the capacity to make these initial investments without a more certain outcome. An informal MASA might be appropriate in these circumstances.

Feasibility and capacity limitations: Where there are limited human, infrastructure or monetary resources and/or when the distances between communities is vast, MASAs may not be a viable approach. Completing a needs assessment and feasibility analysis are crucial steps prior to investing resources into MASA development.



Failing to provide MASA services in a timely fashion: Even when MASAs are in place, there can be disputes or other problems regarding the provision of that service. In one tragic case from Saskatchewan, in 2015, a municipality failed to respond to a fire call on a neighboring First Nation reserve, resulting in the deaths of two children. Although a fee for service arrangement for fire protection services existed between the two communities, the municipal fire department failed to respond due to a miscommunication over an unpaid \$4,000 fire bill. This situation highlights the importance of strong inter-community communication protocols and dispute resolution mechanisms.

Political dynamics: Mismatched election cycles and situations where political and/or personnel turnover is high can thwart MAA efforts. Where there is a power imbalance amongst participants, less powerful actors tend not to fare as well in negotiated agreements. These situations emphasize the importance of mutual cultural awareness and sensitivity as well as being well prepared going into any agreement negotiations.

COMMITMENT AND PERSERVANCE

In 2016, the Alexis Nakota Sioux First Nation of Treaty 6 signed its first mutual aid agreement with Lac Ste. Anne County for the sharing of fire services. Previously there had been a service provision agreement with the County that had expired in December 2014.

While collaboration and fraternity are important characteristics of any fire department, the County needed to become familiar with the additional layer of First Nation processes and protocols to further develop the mutually beneficial relationship.

Taking more than two years to complete, the negotiations stalled several times before finally being re-proposed by the County in the spring of 2016. Following appropriate protocols as tokens of respect, as well as creativity and teamwork were all credited as being key to the successful negotiation of this historic agreement.

Lac Ste. Anne County. (2016, July 9)

IS AN AGREEMENT RIGHT FOR YOUR COMMUNITY?

“The typical documents that form the basis of agreements should be reviewed by First Nation people to ensure that cultural differences and other needs are addressed. Review the approaches taken in emergency social services documents, which often have better language around cultural sensitivity.”
Project Interviewee

In addition to considering both the benefits and challenges, there are several other factors that can influence whether or not your community may want to enter into a MASA and the likelihood of its success.

Multiple agreements with the same partner developed over a longer period of time tend to be more successful

Where there are ongoing relationships with a partner community for a variety of services, new agreements are often easier to develop and maintain.

For example, since 1991 the Kamloops Indian Band and the City of Kamloops have negotiated

four separate agreements for service provision, economic development and communication, as well as an agreement for a land transfer (FCM 2011).

The feasibility of developing a MASA for the delivery of a particular good or service.

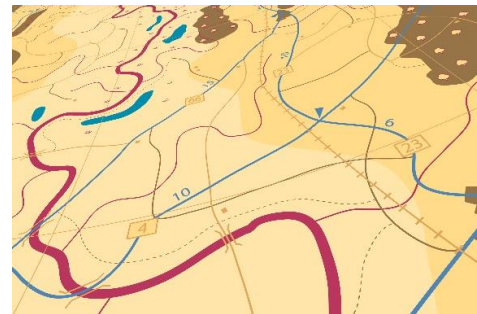
The types of services most often provided or shared are (from most to least prevalent): emergency services, transportation,



administration, water/sewage, animal control, planning, waste, recreation, economic development, boundary changes and social services. Given this vast range and the upfront costs, especially of a formal MASA, a key first step is a feasibility study. Either completed by administrative staff or a third-party, a feasibility study assesses your needs and the potential for economic and operational cooperation with a partner community. Often the cost of the feasibility study is shared between the interested parties.

Geographic distance can shape the type and scope of services specified by a MASA.

Key aims for communities entering into MASAs are increased cost effectiveness and improved, or at least maintained, standards of service provision. With this in mind, distances between communities needs to be a consideration. For instance, entering into a service agreement to handle all fire response may not meet your community's needs, if your potential partner community will have a slow response time. However, if your community has some fire response capacity and is only looking for backup during larger events, distance may be less of a concern.



MASAs for broader emergency management goals do not necessarily stop community cooperation separated by larger geographic distances. Geographically isolated communities may seek MASAs to help mitigate region-wide risks such as flooding, undertake joint training to increase preparedness, provide evacuation aid during response or pool resources during recovery. Evacuees, for example, often report that they would prefer to be relocated to smaller, regionally-proximate towns, rather than larger city centers.

Checklist for Positive Agreement Development

- ✓ Respect each other's culture, values, belief, history, and community
- ✓ Hold face-to-face meetings with open communication
- ✓ Have realistic expectations, particularly if this is a new relationship
- ✓ Use bottom-up decision making involving community members in the consultations
- ✓ Practice integrity and trustworthiness by following through on promises and obligations

ESTABLISHING RELATIONSHIPS: AGREEMENT FOUNDATIONS

“Get to know the people who you are in a MASA with. In the height of a crisis it helps to know the people you're calling on. It still boils down to the strength of personal relationships.” Project Interviewee

Particularly for formal agreements, if close ties are not already in place between neighboring communities, consider moving toward a more collaborative relationship with a potential partner before getting down to the business details of a MASA.

Partnerships can be thought about along a continuum from low levels of interaction through to full



collaboration (see side bar). If desired, MASAs can likely develop from informal to formal as the partnership relationship deepens. It's generally felt to

be good practice to develop a strong partnership foundation before leaping into a formal MASA.

The capacity to move toward a collaborative agreement requires a number of key ingredients. These include:

- A basis of mutual understanding and trust has developed between the communities
- The community is ready and able to engage
- Leadership is supportive of the initiative
- The right partners have been invited to participate
- The partnership has developed a shared understanding of the service to be shared or provided
- Staff to do the work have been identified
- Partner expectations are clearly laid out
- Active membership renewal ensures sustainability

Part of developing a successful partnership, especially between a First Nation community and a neighboring

TYPES OF PARTNERSHIPS

Networking: Involves the sharing of information & learning about each other. Requires limited time and resources. Use to gather information about potential partners & MASAs.

Coordinating: Involves information exchange and exploring the harmonization of services. Could be suitable for informal MASAs.

Co-operative: More structured with higher levels of commitment & engagement. Likely minimum level for formal MASAs.

Collaborative: Highest levels of mutual goodwill & engagement developed over extended time period. Likely contributes to successful MASAs. (Torres and Margolin 2003)

municipality, may be the need to address cultural differences. Developing cross-cultural awareness and competence will increase trust, reduce misunderstanding, and aid in planning, developing common goals and problem solving. One way to develop cultural competence is for community members involved in developing a partnership to intentionally engage in a self-assessment exercise followed by a cross-cultural dialogue focused on the following four dimensions:

- Cultural: How well do you know the other community's culture?
- Governance: How well do you know the other community's governance?
- History: How well do you know the history of your partner community?
- Strength of Relationship: How would you rate your relationship to the other community? (FCM n.d.)

Guidelines for Successful Relationship Building

Get Curious: Find out about each other's decision-making processes, responsibilities, government organization, day-to-day operations and strengths

Be Open: Look for overlaps in vision, values, needs and aspirations

Start Small: Begin with more easily achievable interactions and projects

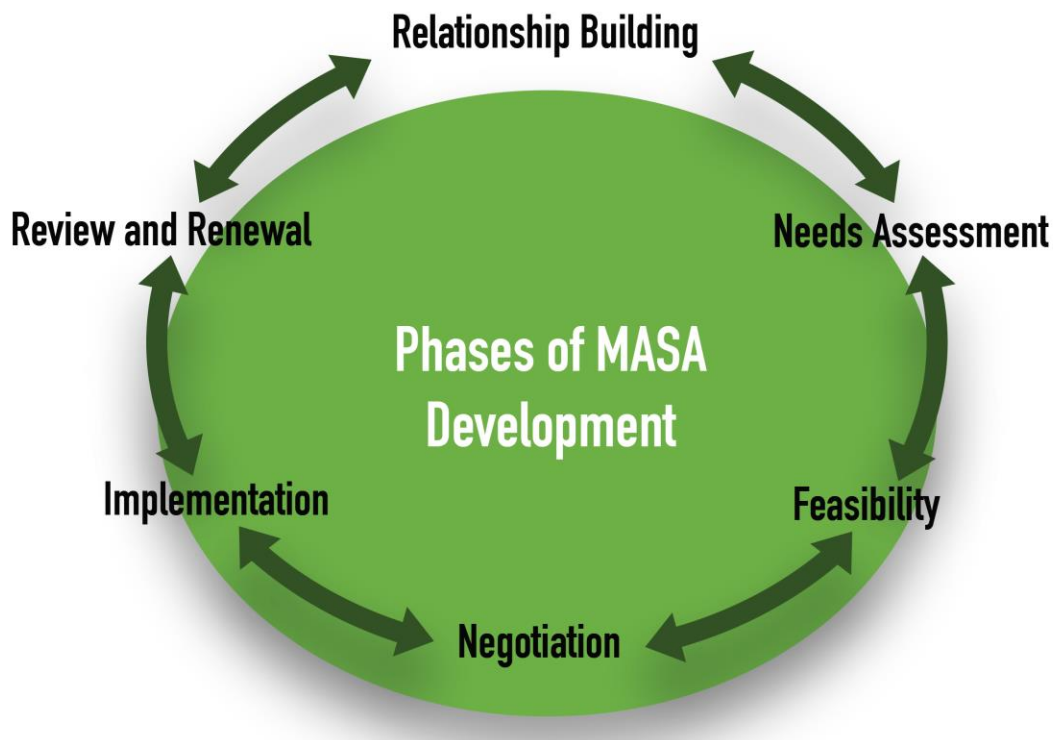
Get Creative: Develop a set of protocols that helps your partnership build trust



PHASES IN DEVELOPING AN AGREEMENT

“Know your hazards, needs, capacities, do your risk assessment, build your plan and figure out what you may need to get from your neighbours. Make sure that what they have will meet your needs.”

Based on the environmental scan and interviews, the following phases emerged as being key to the development of MASAs. This process, as shown in the model below is conceived as circular and moving in both directions since each round of considering a MASA will inevitably build on previous relationships and agreements. In addition, within any MASA development process, communities may need to circle back to early phases as new information emerges or conditions change.



It's important to note that this is an idealized depiction of the often, much more complex ways MASAs will actually develop in any community. Think of this model as some of the sign posts a community may see along its journey toward the development of a MASA. Also remember that it's quite common, and very useful, to start off with an informal MASA. Expect that each phase could last several weeks or longer.

Every community's version of a MASA will need to be tailored to its needs and might hit some roadblocks along the way. In one region, for example, a First Nation community and its municipal neighbour had a setback in their negotiations when discussing who would take control of the scene during fire responses. Over an extended period of time it was eventually decided that first-on-site would take control and that once the second community's back-up arrived, the fire department with the best capacity to handle the scene would then take charge.

Here are some activities to consider undertaking in each stage of the MASA development. Again, these are suggestions. Each community will need to adjust according to their needs and preferences.

RELATIONSHIP BUILDING

The issues and approaches to relationship building are outlined in the previous section. The importance of this phase cannot be over-stressed.

- Begin the process by identifying mutual values and creating mutual goals among all parties to the agreement
- Consider a relationship-building agreement prior to one focused on jurisdictional or technical issues (see the link to a protocol agreement in the next section)
- Develop cross-cultural awareness and competence as well as trust and respect at the outset of the process (see the Alexis Nakota Sioux case study for an example)
- If desired, develop protocols regarding how to start, conduct and end meetings (e.g. smudging, blessings, use of talking stick/feather, etc.)



NEEDS ASSESSMENT

- Consult your community to establish a broader vision and goals and fully understand members' needs and aspirations
- Identify short and long-term service gaps
- Identify services that could be included in an agreement
- Engage needed expertise to assist in the assessment

FEASIBILITY STUDY

- Evaluate alternate ways to address service gaps and determine if a MASA could be useful (see the Tobique case study for a mental health example)
- Evaluate leadership buy-in; without this a formal community-to-community MASA is not possible

- An informal MASA between aligned operational units may still be possible such as a handshake agreement between two fire departments
- Evaluate the relationship with the potential partner to determine readiness to enter into a MASA
- Evaluate which type of MASA is likely the best fit (mutual aid/sharing; formal/informal)
- Hold a public meeting to gauge buy-in for entering into a MASA for the needed service
- Evaluate the costs, as well as the logistical and technical challenges
 - Assess the compatibility of equipment - e.g. fire hydrant couplings and radio systems
- Engage needed expertise to assist in the study, including third-party service providers

NEGOTIATION

- Research user fees and other costs prior to undertaking any negotiations
- A successful agreement should lead to a win-win situation; partners should feel their goals and needs are better met by being part of the agreement. Although the evidence is mixed, there were several reported instances in the environmental scan and among our participants of prices being set at unfairly high levels, placing unnecessary burden on the First Nation community (see the Wawa case study for one way to come up with an equitable price).
- Use available resources and expertise during the negotiations to develop an effective agreement
- Accurately represent your organizations' capabilities and be honest about all information and costs
- Hold face-to-face meetings

IMPLEMENTATION

- Test-run the new agreement with a pilot project or mock exercise; follow up on noted tensions, issues or difficulties
- Undertake joint training or other ways to build the operational relationship (see the PAGC case study for one example)
- Report back to leadership and the community about how the MASA is working
- Check-in with the partner community to monitor ongoing operations and deepen relationships
- Address disputes and problems promptly to avoid escalation
- Keep track of any improvements to consider when the MASA comes up for renewal



REVIEW AND RENEWAL

- As communities deepen their relationship, consider moving from an informal to a formal MASA
- As the end date for the agreement approaches, both communities have the opportunity to adjust and/or rethink the MASA
- Review the operational reports and determine what has worked well and what should be improved
- Review the leadership, community and partner willingness to continue with the MASA
- Review the needs assessment and feasibility study and assess any changes that could impact a new MASA
- Undertake a new round of negotiations to renew the MASA, if desired



Key questions to ask in each phase of MASA development are included in the table below.

MASA Phases: Key Questions

Phases	Key Questions
Relationship Building	What does your community know about the potential partner?
	What does your community need to know or do to be able work with this partner? How can this be accomplished?
Needs Assessment	What services does your community provide? What are the gaps?
	Does your community currently have the capacity and desire to enter into a round of negotiation about MASAs?
Feasibility Study	Can your prospective partner fill your servicing gaps in a cost efficient and timely manner?
	What are the barriers and opportunities to the sharing or provision of services?
Negotiation	What are the key clauses and conditions that your community would want to see in an agreement?
	Who should undertake these negotiations? What are the expected timelines?
Implementation	Is your community getting the needed services through the agreement?
	From an operational perspective, is the provision or sharing of the service being delivered according to the terms of the agreement?

Review and Renewal	Overall, have the outcomes met your community's expectations? Would you like to review the agreement?
	Have your needs or other conditions changed?
	What would you like to revise in the next version of the agreement?

MASA Development Principles

Transparency: All parties should understand how costs will be shared and services delivered

Consultation: Community members should be engaged and informed

Fairness: The cost sharing formula should be equitable

Respect: Be aware of, and honour, the jurisdiction of each party; negotiate on a government-to-government basis

Accountability: Assign responsibility for deliverables; follow through on promises

Preparation: Do needed background work; know what is needed and what can be offered

Attitude: Adopt an open-minded, empowered way of thinking that contributes to local self-determination

Find a Champion: The push from a couple of passionate individuals can help keep your community on the MASA development path, even when roadblocks are encountered

Expert Advice: Get help and advice on any aspect of the process where your community lacks knowledge or expertise; consider help from a professional negotiator if difficulties arise

COMPONENTS OF AN AGREEMENT

“Make sure there are no surprises in the agreement, ensure what you think you're signing, is what you're signing.” Project Interviewee

Formal agreements usually include a number of relatively standard clauses. Be sure to review available templates and agreements from your region to find one that best suits your community's needs. See the Table below for some samples. Overwhelmingly,



our participants stressed the importance of getting professional guidance when

entering into a formal MASA, especially if your community does not have in-house expertise or experience with MASAs. When developing a MASA the following components are often included.

- Definitions of key terms
- Scope of service being provided or shared
- Geographic boundary of service area
- Roles/responsibilities individual parties
- Procedures, requesting and providing aid
- Payment, reimbursement, cost allocation
- Workers' compensation
- Liability and immunity
- Notification procedures
- Communication and reporting protocols
- Protocols for inter-operational communications
- Dispute resolution mechanism
- Lifespan of the agreement and provisions to update and terminate the agreement

FAR NORTH AND INDUSTRIAL PARTNERS

In Canada's far North, MASAs are usually informal & rely on relationships between the Emergency Management Office (EMO) & the predominant commercial or industrial partners located nearby. Private companies often have far more assets than small, remote communities & are closer than federal assets located in the south. Most emergencies are handled with local volunteers & equipment. When larger events occur, other assets such as planes & generators from nearby sites or commercial enterprises can get pulled in.

Informal MASA problems may occur due to staff turnover where key relationships no longer exist. In addition, questions regarding liability & insurance issues have yet to be properly explored.

Formalizing MASAs has not been seen as a priority. Rather, the unwritten code in the North recognizes that when something goes wrong in this harsh climate, it's often a matter of life & death: everyone pitches in. (Project Interviewee)

Samples of Agreements and Template

[Sliammon First Nation/Powell River Regional
Emergency Assistance Agreement](#)

[Nak'azdli Indian Band Council and District of
Fort St. James Protocol](#)

[Fire Protection Template](#)

DISPUTE RESOLUTE MECHANISM

Of these components, the inclusion of a dispute resolution mechanism was frequently mentioned as being very important since it is simply impossible for the MASA to anticipate all situations that could arise. Ideally, the agreement will outline a staged approach that encourages both parties to come forward immediately when a problem is first noticed. At the initial stages of a disagreement, it's often possible to resolve the situation amicably, at the operational level. For longer-standing, deeper problems, the MASA should outline how to undertake a more formal dispute resolution process. This process could be a stepped approach moving from negotiation to arbitration, and/or could involve alternate dispute resolution mechanisms.



FINAL THOUGHTS

“Ultimately, it is the responsibility of chief and council to engage with their neighbours and figure out how to provide adequate fire safety and emergency management protection for their community. This can’t be left to fire chiefs.” (Project Interviewee)

Why don’t communities put agreements in place? Often because there isn’t capacity, more immediate problems push emergency management onto the backburner, and MASAs require a mind shift to becoming more proactive and prepared. Are MASAs worth the effort? Consensus seems to be that they are. Here are some final thoughts.

Relationships, relationships, relationships. Nothing is possible without them! Explore your community’s willingness - and that of both immediate and more distant neighbours - to engage in respectful, reciprocal, culturally aware connections. How might everyone benefit from these improved relationships, including in the area of emergency management?



While currently, there are more First Nation to municipal agreements, this trend is changing. As First Nation communities revitalize and begin to heal from historic trauma there appear to be more First Nation to First Nation agreements being established. Consider working through an established entity such as a tribal council or develop your own formal or informal network to meet common goals and address joint issues. Another avenue could be to consider partnering with nearby Métis or Inuit communities

Consider working toward an informal MASA as a first step along the path towards being more prepared for emergencies. This could be for fire response or mental health; think creatively about the many other ways services could be improved by working together. Perhaps jointly hire a regional emergency coordinator, become an evacuation host community or enter into a partnership to reduce the impact of a key hazard such as fire or flood.

Enter into any agreements with your “eyes open”. Know what your community needs and what a potential partner can offer. Design your agreement to meet your cultural needs, as well as other logistical or operational considerations.

If your community has the misfortune of experiencing a disaster, this could be a “window of opportunity” where the importance of emergency management and preparedness will be better understood. This may be the time when your community will be more willing to invest the time, energy, money and personnel into getting a MASA in place.

First Nations communities face many ongoing challenges and will require extensive ongoing support to revitalize and reinvigorate cultural practices, Traditional Knowledge, and governance structures. MASAs are but one small piece of that puzzle. Hopefully, this Guide will help your community think about what could be possible along the road to becoming more disaster resilient.



REFERENCES

- Association of State and Territorial Health Officials (ASTHO). (2012). Emergency Authority & Immunity Toolkit: Mutual Aid and Assistance Agreements. ASTHO Legal Preparedness Series. Retrieved from http://www.astho.org/uploadedFiles/Programs/Preparedness/Public_Health_Emergency_Law/Emergency_Authority_and_Immunity_Toolkit/09-Mutual%20aid%20FS%20Final%203-12.pdf
- Collier, B. (2015). Emergency Management on First Nations Reserves. Library of Parliament Research Publications. Retrieved from <http://www.lop.parl.gc.ca/Content/LOP/ResearchPublications/2015-58-e.html>
- Federation of Canadian Municipalities. (2011). First Nations - Municipal Community Infrastructure Partnership Program Service Agreement Toolkit. Federation of Canadian Municipalities. Retrieved from https://www.fcm.ca/Documents/tools/CIPP/CIPP_Toolkit_EN.pdf
- Federation of Canadian Municipalities. (n.d.). Self-Assessment Exercise: Relationship. Retrieved from <http://www.fcm.ca/home/programs/past-programs/community-infrastructure-partnership-program/program-resources/workshop-activities.htm>
- First Nations Tax Commission. (2013). Guide to a Facilitated Service Agreement Between First Nations and Local Governments. Retrieved from http://sp.fng.ca/fntc/fntcweb/SA_guide_2014_web_small.pdf
- Hepburn, N., LeSage, E. C., & McMillan, M. L. (2004). Shared Service Arrangements Determinants of Success. A Study of Economic Development and Recreation and Culture: Shared Service Arrangements Among Municipalities of the Alberta Capital Region. Western Centre for Economic Research, University of Alberta. Retrieved from http://webdocs.edmonton.ca/InfraPlan/infra/reports/wcer_shared_service.pdf
- Lac Ste. Anne County. (2016, July 9). County Signs Mutual Aid Agreement with First Nation. Lac Ste. Anne County Municipal Website. Retrieved from <http://lsac.ca/index.php/news/92-county-signs-mutual-aid-agreement-with-first-nationn>
- Municipal Finance Officer's Association of Ontario. (2014). Shared Services in Ontario's Local Public Sector: Localizing Accountability.

- Nelles, J., & Alcantara, C. (2011). Strengthening the Ties that Bind? An Analysis of Aboriginal-Municipal Inter-Governmental Agreements in British Columbia. *Canadian Public Administration*, 54(3), 315-334.
<http://doi.org/10.1111/j.1754-7121.2011.00178.x>
- Province of Nova Scotia. (2014). Regional Service Delivery Cost Sharing Guide. Retrieved from <https://novascotia.ca/dma/pdf/mun-RSD-cost-sharing-guide.pdf>
- Powell, D., Fixsen, D., & Dunlap, G. (2016). Pathways to Service Delivery: A First Nations' Guide to Developing and Re-negotiating Municipal Service Agreements. Urban Systems. Retrieved from http://www.urbansystems.ca/wp-content/uploads/2014/09/Pathways-to-Service-Delivery_v18_Comp.pdf
- Service Nova Scotia and Municipal Relations (2006) Local Government Resource Handbook Part II - Administration: Section 2.3.1, December Retrieved from <http://www.novascotia.ca/dma/pdf/mun-local-government-resource-handbook-2-3-1.pdf>
- Spicer, Z. (2015). Regionalism, Municipal Organization, and Interlocal Cooperation in Canada. *Canadian Public Policy*, 41(2), 137-150.
<http://doi.org/10.3138/cpp.2014-078>
- Sweetgrass, S. N. (2015). Lack of fed dollars for firefighting forces First Nations to take steps. Aboriginal Multi-Media Society. Retrieved from <http://www.ammsa.com/publications/alberta-sweetgrass/lack-fed-dollars-firefighting-forces-first-nations-take-steps>
- Torres, G. & Margolin, F.S. (2003). The Collaboration Primer. Chicago, IL: Health Research and Educational Trust. Retrieved from <http://www.hret.org/upload/resources/collaboration-primer.pdf>