

City of Regina and George Gordon First Nation - Municipal Services and Compatibility Agreement

Date	February 3, 2021
To	Executive Committee
From	City Manager's Office
Service Area	City Manager's Office
Item No.	EX21-8

RECOMMENDATION

The Executive Committee recommends that City Council:

1. Approve the Municipal Services and Compatibility Agreement between the City of Regina and George Gordon First Nation, attached to this report as Schedule A.
2. Instruct the City Solicitor to prepare the necessary bylaw authorizing the City Clerk to execute the Municipal Services and Compatibility Agreement.
3. Approve these recommendations at its meeting on February 10, 2021.

ISSUE

George Gordon First Nation (George Gordon), through its holding company, George Gordon TLE Holdings LTD., has acquired land located at 400 Broad Street, Regina, Saskatchewan. George Gordon intends to have the land set apart as reserve land pursuant to the terms of the George Gordon Treaty Land Entitlement Settlement Agreement.

A First Nation that is seeking reserve status on land located within an urban centre is required to negotiate and execute a servicing agreement with the municipality for which the land is located. The servicing agreement addresses issues of tax loss compensation, bylaws and servicing compatibility and dispute resolution.

The City of Regina (City) and George Gordon have negotiated the Municipal Services and

Compatibility Agreement (MSA) on terms acceptable to both parties. The City has been advised that the same agreement is concurrently being recommended for approval to George Gordon's Band Council. Parallel documentation respecting the provision of a Police Services Agreement will be prepared and presented to the Board of Police Commissioners. In addition, as a final step, the Government of Canada's review and approval is required prior to the land being designated as a reserve.

IMPACTS

The purpose and background of an MSA is contained in Article 9 of the Saskatchewan Treaty Land Entitlement Framework Agreement, which provides, in part, that where an Entitlement Band purchases land and improvements within the boundaries of an urban municipality, the land and improvements will not be set apart as Entitlement Reserve until an agreement has been entered into between the First Nation (Entitlement Band) and the municipality in which the land is located.

Upon obtaining reserve status, George Gordon will have jurisdiction to control and implement its own tax system on the reserve lands. However, as with all MSAs entered into between the City and a First Nation, George Gordon agrees to pay, in consideration for the services, an annual amount which equals the municipal and library portion of the property tax and special tax levy for any given year that would have been levied on the land, if the land were not reserve land. Policing services are a separate agreement between George Gordon and the Regina Police Service.

Through the MSA, a long-term mutually beneficial relationship will be established that respects George Gordon's jurisdiction, as well as the need for ongoing compatibility and coordination with the City, as it pertains to land use, building and fire standards, public health and safety, and the provision of City services.

OTHER OPTIONS

Alternative options would be:

1. Approved the MSA with specific amendments.
2. Refer the MSA back to Administration. If City Council has specific concerns with the MSA, it may refer it back to Administration to consider further recommendations and direct that the report be reconsidered by Executive Committee or brought back directly to Council following such further review. Referral of the report back to Administration will delay approval of the land status application until requested information has been gathered or changes to the MSA have been made.
3. Deny the MSA. George Gordon will not be eligible to proceed with the land status application if Council rejects the MSA.

COMMUNICATIONS

Any communication activities regarding this Agreement will be jointly developed with George Gordon.

DISCUSSION

The land specifically referenced in this MSA is described as follows:

Surface Parcels:

Lot 12, Block 9, Plan DH5726

Lot 13 Block 9, Plan DH5726

Lot 14, Block 9, Plan DH5726

Lot 15, Block 9, Plan DH5726

This land is civically known as 400 Broad Street, Regina, Saskatchewan.

The significant provisions of the MSA include:

- The City shall provide all normal City services to the Land. The type and level of services supplied shall be the same as the City provides to similarly zoned lands within Regina, which are in a similar state of development and shall specifically include fire protection and policing services.
- George Gordon agrees to pay the City in consideration for the municipal services, an annual amount which equals the municipal and library portion of the property tax levy for any given year that would have been levied on the land, if the land were not reserve land.
- George Gordon agrees to annually pay any local improvements, any Business Improvement District levies and any special charges levied against the land.
- Annual amounts to be paid by George Gordon shall not cover those services which are normally provided by the City in consideration for a direct charge or user fee payable by the party to whom such services are provided. Such services include the supply of water and the provision of sanitary and storm sewer systems.
- George Gordon agrees that it will take all necessary steps, including passing and enforcing compatible bylaws, to ensure that, at all times the occupation, use, development and improvement of the land is essentially the same as if that land were not reserve land, particularly in regard to land use, building and fire standards and business regulation. The City may adopt technical construction and site drainage standards for new developments, and those standards shall apply to all new developments on the land.

- In the event of a dispute between George Gordon and the City, the parties agree to meet to try to develop a practical solution through binding arbitration.
- George Gordon and the City agree that their respective Councils, and/or their representatives, will meet at least once in each calendar year to discuss such matters as may have arisen between them and to keep open the lines of communication.

DECISION HISTORY

The recommendations in this report require City Council approval.

Respectfully Submitted,



Leah Goodwin
Senior Advisor, Government & Indigenous Relations

Respectfully Submitted,



Chris Holden
City Manager

Prepared by: Leah Goodwin, Senior Advisor, Government & Indigenous Relations

ATTACHMENTS

Schedule A - George Gordon First Nation - Municipal Services Agreement