

City of Brandon – Gambler First Nation Municipal Development & Service Agreement Frequently Asked Questions and Answers: February 2018

Q1. What is a First Nation Urban Development Area?

A1. First Nation Urban Development Areas, more commonly referred to as urban reserve lands, are an increasingly viable means for First Nations across Canada to create their own economic opportunities/new businesses, increase employment opportunities for their members and increase self-sufficiency. A municipality in which a First Nation Urban Development Area is established can also benefit from increased revenue and the economic spin-offs relating to new business and job creation. There are more than 120 of these types of First Nation Urban Development Areas located throughout Canada, with the vast majority (approximately 90%) of them found in Manitoba and Saskatchewan.

Q2. Does a municipality or City Council have the right to approve or deny the creation of a First Nation Urban Development Area?

A2. The creation of urban reserves is a process between the First Nation and the Federal Government. A municipality does not have the right to approve or deny reserve creation, as this authority lies solely with the Federal Government. Further, there is a federal expectation that municipalities will enter into good faith negotiations for a Municipal Development and Service Agreement with a First Nation intending to create an urban reserve in the municipality.

Q3. What is a Municipal Development and Service Agreement?

A3. The Municipal Development and Service Agreement is a legal document that defines: how typical City services will be supplied to the First Nation; compatibility with and enforcement of City By-laws, payment for services to the City; applicable development charges and a dispute resolution mechanism.

Q4. What has led to a City of Brandon – Gambler First Nation Municipal Development and Service Agreement?

A4. Gambler First Nation approached the City of Brandon in 2016 regarding its intent to purchase privately-owned land on Brandon's North Hill and begin the process with the federal government of granting the land reserve status. With this knowledge, the City of Brandon engaged in discussions and negotiations to prepare a Municipal Development and Service Agreement with Gambler First Nation.

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Q5. As per this Municipal Development and Services Agreement, what municipal services will Gambler First Nation receive and what will it pay the City of Brandon for these services?

A5. Gambler First Nation will pay an annual General Service Charge to the City of Brandon. This charge was calculated using the same formula used to quantify municipal taxes, but is based upon the portion of municipal services that the First Nation will receive.

As per the agreement, the First Nation will receive most of the same municipal services that any other commercial landowner would receive – access to landfill services, site access to the city’s transportation network, street/sidewalk maintenance and snow removal up to its property line, all public safety services such as police, fire/ambulance response and emergency dispatch services, maintenance of any applicable surrounding municipal greenspace, sewer and water distribution and maintenance services up to its property line, etc.

Paying the negotiated annual general service charge also affords the First Nation access to other types of municipal services such as transit, recreational and greenspace amenities, etc. The First Nation’s access to fee-for-service delivery (i.e. water bills, permit fees, tipping fees, recreation fees, transit fees) is the same as any other City user.

However, the First Nation will not receive municipal support services (for example, human resources/information technology/finance management) or benefit from the municipal governance framework. Since the First Nation will not benefit from the municipal framework in those ways, it will not have to pay for such governance overhead costs. The First Nation has its own governance and administration that is their own expense outside of their agreement with the City of Brandon.

Q6. Where is the land in question that Gambler First Nation wants to develop on and how big is it?

A6. The land in question is at 1725 – 18th Street North and 1655 Clare Avenue. It is approximately 8 acres in size and is currently zoned as commercial-arterial in use.

Q7. Is the land an urban reserve now?

A7. The land is currently privately owned. The City of Brandon respects Gambler First Nation’s right to speak to details of the Addition to Reserve process currently underway with the federal government.

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Q8. What is Gambler First Nation going to build on the land?

A8. The City of Brandon respects Gambler First Nation’s right to speak to details of its proposed development. The agreement permits any land use currently listed for Commercial Arterial-zoned (CG and CAR) land within the [City of Brandon Zoning By-law](#). The agreement includes Gambler’s commitment to use the City’s development review process (including adhering to the zoning by-law, paying development charges, obtaining building permits, following the design standard of City services connecting to the property, etc.)

Q9. Does this mean Gambler First Nation could build a casino on the land?

A9. As per the [City of Brandon Zoning By-law](#), a casino (which includes table wagering games) is not a permitted use for CG and CAR land and has not been included as a permitted use in the Agreement with Gambler First Nation. An amusement parlour is a permitted recreational use in the CAR district in the same way it is permitted for any other CAR zoned lands in Brandon. An amusement parlour may include VLTS/gaming machines and a bingo hall, subject to any provincial licensing.

Q10. Does Gambler First Nation have to follow all of the City of Brandon’s by-laws?

A10. The First Nation is its own level of government. Through the municipal development and services agreement, the First Nation has requested that all City requirements (including by-laws) apply to their reserve lands. This includes application of certain provincial acts and their respective regulations such as the Building Code, Plumbing Code and Fire Code. These requirements are part of the services that the Gambler is paying the City to provide to them. The First Nation also has their own laws and have made the commitment that any changes that differ from City requirements will be subject to a full consultation process.

Q11. Where can I read details about the Municipal Development & Service Agreement between the City of Brandon and Gambler First Nation?

A11. A detailed summary of the agreement, as presented by City of Brandon Senior Administration at the February 20th, 2018, meeting of Brandon City Council can be found on the [City of Brandon website](#).
