



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.1

Halifax Regional Council
January 27, 2009

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in cursive script, appearing to read "Dan English".

SUBMITTED BY:

Dan English, Chief Administrative Officer

A handwritten signature in cursive script, appearing to read "G. Kaiser".

Geri Kaiser, Deputy Chief Administrative Officer - Corporate Services
and Strategy

DATE: January 14, 2009

SUBJECT: **Millbrook Band Council - Proposed Land Addition at Sheet Harbour
Indian Reserve #36**

ORIGIN

This matter originates from a letter to the Mayor from the Millbrook Band Council requesting the support of Halifax Regional Municipality for the petitioning of the Government of Canada to confer Reserve status on a 90 acre parcel of land adjacent to and immediately south of the Sheet Harbour Indian Reserve No. 36, Lot 1, reserve land of Millbrook First Nation.

RECOMMENDATION

It is recommended that Regional Council provide a letter of support to Chief Paul for submission with their Application for reserve status.

BACKGROUND

The Millbrook Reserve adjacent to Truro has some reserve land at Sheet Harbour. Their lawyer, David English, advises that the Millbrook Band Council is in the process of acquiring land adjoining the Sheet Harbour reserve lands. In order to acquire the land, the Band has to secure reserve status for the property from the Federal Government. The process of adding lands to reserve land is lengthy and also require the Band Council to give notice to any municipality affected. The Band Council has advised that it is extremely helpful for the Band Council to have letters of support for the application and there are no immediate or even short term plans for the property.

The Band has advised the lands are currently used for forest resource purposes and that the Council has no plans to currently change that use; however normal community development pressures and their commitment to explore all opportunities for the advancement of the social, political and economic well being of their communities may lead to more intensive and beneficial uses of the lands in the future.

DISCUSSION

The implications to HRM of changing the status of the land from ownership in fee simple into reserve land would be that the land is taken out of the tax base. The market value under the present assessment is \$31,300.00 of (presumably) resource land. The land would be part of the jurisdiction of Millbrook First Nation and not municipal governance. Further, should HRM have any occasion to be involved in a project that would affect this property, there would be a duty to consult with Millbrook First Nation prior to any such undertaking, but that obligation is the same for the reserve land which is presently held.

From a legal perspective, no other implication is apparent.

BUDGET IMPLICATIONS

There would be a decrease in property tax revenue based on the current assessed value of \$31,300.00. Annual tax loss (Resource) is \$360.00.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council may decide to deny the Band Council request for a letter of support.


ATTACHMENTS

None

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Kirby Eileen Grant, Senior Solicitor, Legal Services

Report Approved by:



M.E. Donovan, Director, Legal Services & Risk Management

Financial Approval by:



Catherine Sanderson, Senior Manager, Financial Services, 490-1562