

### 1. What is an urban reserve?

An urban reserve is land within a city which has been purchased on the open market by a First Nation and granted reserve status by the Federal Government. Land does not become a reserve just because it is owned by a First Nation. Reserve status is obtained by going through a process which results in a Federal designation of the land as reserve.

### 2. Why are urban reserves being created?

Approximately 30 First Nations in Saskatchewan have established that they either did not receive the reserve land to which they were entitled when they signed their Treaty, or that reserve land was subsequently taken away from them. In other words, they are owed reserve land by the Provincial and Federal Governments.

In 1992, the Treaty Land Entitlement First Nations, and the Provincial and Federal Governments, signed an agreement to settle these outstanding claims. First Nations received specific sums of money for the purpose of purchasing land on the open market which would then become reserve land. Most of that land is agricultural, but a small portion is urban land.

### 3. What are the benefits of an urban reserve?

There are tremendous economic, social and cultural development opportunities that benefit the entire community.

Benefits for First Nations include:

- Economic opportunities to create new businesses and increase employment opportunities for the growing number of Indigenous people living in cities.
- Another way for First Nations to create financial resources.

Benefits for the city include:

- Investment in new businesses or refurbishing and renewing existing businesses.
- Economic spin-offs from job creation and investment in the community.

Benefits for both the city and the First Nations include:

- Positive relationships between Saskatchewan First Nations and the city.
- Overall, a strengthening of the First Nations community in Saskatoon builds a stronger and more inclusive city.

### 4. What do urban reserves look like?

What you will see is simply a piece of urban property. It can be an office building, a school, a hotel, a residential subdivision, a gas station, a vacant lot, or a commercial or industrial development.

### 5. Does Saskatoon have any urban reserves?

Yes, there are seven:

- The “Asimakaniseekan Askiy Reserve” of Muskeg Lake Cree Nation (commercial and industrial development) in Sutherland was created in 1988;
- The “Sounding Sky Reserve” of One Arrow First Nation (Fire Creek Gas and Grill, commercial development) at 20<sup>th</sup> Street and Avenue P was created in 2005;
- ‘Cree Way Gas West’ located at 22nd Street and Witney Avenue (commercial development), was created by the Muskeg Lake Cree Nation in 2011.
- In 2014, the paid parking lot on 4<sup>th</sup> Avenue and 20<sup>th</sup> Street was

designated reserve by Yellow Quill First Nation. There are plans to develop an office building on the site in the future.

- The First Nations Bank located on 4<sup>th</sup> Avenue South was designated urban reserve in 2018, by Yellow Quill First Nation.
- In 2019, Thunderchild First Nation received Urban Reserve designation for the land and business known as the Retro Petro Gas & Convenience Store, located at 1135 Idylwyld Drive North in Saskatoon.
- As a result of the 2015 boundary alteration, the reserve created by Red Pheasant Cree Nation in 1999 is now inside City limits. It is currently a vacant lot.

#### **6. What is the difference between urban reserve and urban holding?**

An urban holding is land that has been purchased by a First Nation but not transferred to reserve status, thus remaining under the jurisdiction of the City. Urban holdings are not exempt from city bylaws or property taxes.

#### **7. Are there city lands which are identified as urban holdings?**

Yes, there are four:

- Avord Towers (office tower and retail space) - on Spadina Crescent - owned by the Canadian First Nations Investment Corporation;
- Little Pine First Nation has an urban holding located south of 22<sup>nd</sup> Street West near the Circle Drive overpass.
- Thunderchild First Nation has a gas station and convenience store located on the corner of 33<sup>rd</sup> Street West and Idylwyld Drive (Retro Petro).

- Kahkewistahaw First Nation has purchased 40 acres of undeveloped land on Claypool Drive in the Hampton Village Business Park in the Airport Business Area.

#### **8. Can anyone go on a reserve?**

Yes, it is just like any other urban property.

#### **9. What is the effect of obtaining reserve status?**

Once land has reserve status, it is under the jurisdiction of the First Nation, rather than the City. For example, City taxes do not apply. The First Nation becomes the taxing authority on the land. Many City bylaws also do not apply. They are replaced with First Nation jurisdiction. Federal laws such as the *Criminal Code* do apply.

Obtaining reserve status is not mandatory. The First Nation may choose to keep the land as an urban holding.

#### **10. Does City Council have the right to approve or deny an urban reserve?**

No. City Council has the right to enter into good faith negotiations for a Municipal Services Agreement before the reserve is created. City Council does not have veto power. If negotiations fail, the matter goes to arbitration. If the arbitrator finds that the City has not negotiated in good faith, the Federal Government may proceed to create the reserve without an agreement.

Saskatoon City Council has successfully concluded Municipal Services Agreements for all urban reserve land and proposed urban reserve land in Saskatoon to date.

### **11. What is included in a Municipal Services Agreement?**

The two main topics which are negotiated are Fee-for-Service and Bylaw Compatibility.

### **12. What is Fee-for-Service?**

Fee-for-service is the annual payment which the City receives from the First Nation in lieu of property taxes. It is calculated in exactly the same way as property taxes and is the exact same amount as would be billed for municipal and library taxes. The fee-for-service also includes any applicable local improvement charges, business improvement district levies or special charges. The fee-for-service is billed at the same time, and is payable at the same time, as a property tax bill.

In return, the City is required to provide to the urban reserve all municipal services which would be provided to neighbouring land and at the same level. Municipal services include policing, fire, snow removal, infrastructure repairs, etc.

The First Nation also enters into a separate agreement with the School Boards regarding the education portion of the standard property tax levy.

### **13. What is Bylaw Compatibility?**

The First Nation's independent jurisdiction is clearly recognized, as is the need for compatibility in an urban environment.

The First Nation will ensure through its bylaws and leases that the urban reserve has the same building and fire standards, public health and safety, and business regulations that exist on surrounding non-

reserve properties, and that the land use generally complies with the City's Zoning Bylaw.

### **14. Are there any items that the Municipal Services Agreements do not cover?**

Yes, retail taxes, such as taxes on fuel and tobacco, are not covered. Retail taxes are under either Provincial or Federal jurisdiction. The City has no right to negotiate with the First Nations regarding how much retail tax they will charge on urban reserves. Customers with a Status Card are not required to pay GST or PST for on-reserve purchases. They may also be given a rebate of all or a portion of the Provincial gas tax and the Provincial tobacco tax for on-reserve purchases. The First Nation's store owner pays the full amount of gas tax and tobacco tax when they receive the product. The tax is then rebated by the Province upon proof that the sale was made to someone with a Status Card.

Any gas or tobacco tax which is not rebated to the customer is kept by the First Nation as tax revenue to be used for their own government purposes.

Customers without a Status Card must pay full taxes on reserve. Their taxes are remitted to the Provincial and Federal Governments. They are not retained by the First Nation.

The first urban reserve gas bar and confectionary opened in Saskatoon in 2000, on the Muskeg Lake reserve in Sutherland. A second opened in 2006, on the One Arrow reserve on 20<sup>th</sup> Street and Avenue P.

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