

January 29, 2018

To: His Worship the Mayor
And Members of City Council

Re: Star Blanket Cree Nation Municipal Services and Compatibility Agreement (MSA) -
Third Party Agreement

RECOMMENDATION

That, upon review and approval by the City Solicitor, the City Manager be authorized to enter into a Three Party Agreement between Star Blanket Band #83, the Canadian Imperial Bank of Commerce (CIBC) and the City of Regina (City), as further detailed in this report.

CONCLUSION

In addition to the Municipal Services and Compatibility Agreement (MSA) between Star Blanket Cree Nation (Star Blanket) and the City, dated December 18, 2007, CIBC (the financial institution for First Nations University of Canada Inc. (FNUniv) have requested a Three Party Agreement, or essentially a security document, which FNUniv has indicated is a requirement of its financial institution, for which the purpose is twofold:

1. Confirmation that the MSA is unmodified and in good standing; and
2. That the City will provide notice to the CIBC in the event of a default under the terms of the MSA, and permit CIBC to cure or remedy any such default.

BACKGROUND

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 Entitlement Band (in this case, Star Blanket) and the affected urban municipality (in this case, the City of Regina).

The First Nations University of Canada acquired land within the boundaries of the City, at the University of Regina, located within the boundaries of Wascana Centre. Star Blanket's intention was, and continues to be, to have the lands set apart as an Entitlement Reserve, for the purpose of leasing this land back to the First Nations University of Canada, which will continue to use the land for educational/institutional purposes for operation of the First Nations University of Canada.

Part of the process for federal reserve designation is for the First Nation to enter into an MSA with the City. The Star Blanket MSA was considered and approved by City Council in December 2007. Through the MSA, a long-term mutually beneficial relationship was

established which respects Star Blanket'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.

As with all MSAs entered into by the City, Star Blanket 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. An equivalent amount for the education portion of the property tax levy is not included in the cost of services. Policing services are a separate agreement, between Star Blanket and the Regina Police Services. In addition, the services do not include those provided by the Boards of Education or the Regina Qu'Appelle Health Authority.

Further to the signing and execution of the MSA, a Band Council Resolution and a City Bylaw were both passed for compatibility purposes.

Although the MSA was signed and executed in December 2007, the Government of Canada has not yet transferred the land into reserve status. However, it is the Administration's understanding that the federal designation process is now proceeding.

DISCUSSION

In November of 2017, the City received a letter from the solicitor for FNUniv requesting the City enter into a Three Party Agreement, with Star Blanket and the CIBC to ensure the following:

Good Standing: The City and Star Blanket provide assurance to CIBC that the MSA is unmodified and in full force and effect; and that to the best of its knowledge, no default of any provisions of the MSA exists.

The Agreement also states that the City agrees that it shall provide written notice to CIBC at the same time it provides notice to Star Blanket of any default under the MSA. In such case, CIBC would have the right to remedy any such default, according to its policies.

The Administration can attest to the fact that the MSA is in good standing, and have no issues with reporting any default to both Star Blanket and the CIBC.

RECOMMENDATION IMPLICATIONS

Financial Implications

There are no financial implications associated with the Three Party Agreement or the MSA. The purpose of the Agreement is essentially a security document which the Band has indicated is a requirement of its financial institution, for which the purpose is twofold:

1. Confirmation that the MSA is unmodified and in good standing; and
2. That the City will provide notice to the CIBC in the event of a default under the terms of the MSA, and permit CIBC to cure or remedy any such default.

Environmental Implications

There are no environmental implications associated with this report.

Policy and/or Strategic Implications

The City has strong partnerships with many First Nations, as demonstrated through various successful MSA's and other partnership documents. As such, to further along the federal reserve designation, it is strategically important to further support Star Blanket by entering into this Third Party Agreement.

Other Implications

None with respect to this report.

Accessibility Implications

There are no accessibility implications associated with this report.

COMMUNICATIONS

A communications strategy is not required.

DELEGATED AUTHORITY

The recommendation contained in this report is within the delegated authority of City Council.

Respectfully submitted,



Sheila Harmatiuk,
Senior Advisor,
Indigenous & Government Relations

Respectfully submitted,



Chris Holden,
City Manager