

DESIGNATION AND LEASING INFORMATION – SAUGEEN FIRST NATION

WHAT IS A DESIGNATION?

Band owned Land only:-

When Saugeen First Nation wants to continue to Lease out reserve land, the Indian Act requires the land to be designated for leasing. A designation identifies an area of land for a certain use or purpose (e.g.) Leasing and for a certain period.

A designation needs to include these important points;

- term – (Number of years to lease)
- purpose (what the designation is for) i.e. leasing.
- land description (area of land) e.g. Block “A” band owned lands.
- any additional conditions required by the First Nation.

WHAT IS A LEASE?

- A Lease is a legal agreement between the Federal Crown and the lessee (the person leasing the property.)
- These are some common type of leases: Shopping Centre, recreational (e.g. a cottage) or oil and gas exploitation.
- A lease needs to include these important points;
- Term (cannot be longer then the term of the designation.
- Purpose (what the land can be used for)
- Land description (must be within the designated area.
- Rent (amount of money to be paid for using the land)
- Rent review

The lessee should pay enough rent to ensure a fair price for use of the land. Determination of fair market rent Is based on an appraisal.

WHEN LAND IS DESIGNATED, DOES IT LOSE RESERVE STATUS?

NO, the land retains reserve status. The lessee is given use of the land for the term of the lease only. The land is designated for a certain period and the term of the lease cannot be longer then the term of the designation. If the lessee wants to lease the land again, and the term of the designation is over, the land will need to be designated again, This requires another designation vote.

WHAT DOES THIS MEAN?

The Chief and Council will ask their membership if they agree to the proposal designation. This requires a designation vote. Informing the membership and getting their consent in a designation vote is essential.

HOW DO I OBTAIN INFORMATION?

It is very important that the membership understands everything about a designation. They should know the intended use for the land and how much rent the lessee will pay to use the land before the land is designated and leased out. The membership should also understand what the designation and the lease will mean for the future of the First Nation.

The First Nation Chief and Council will provide the membership with an information document explaining important information about the proposed designation. As a First Nation member, you need to ask questions at information meetings so you can understand and can make an informed decision when voting.

WHO CAN VOTE?

If the First Nation conducts its elections under the Indian Act, an eligible voter for a designation vote must be:

- a member of the Saugeen First Nation
- at least 18 years of age
- not disqualified from voting in the First Nation elections

If a First Nation conducts its elections according to customs, an eligible voter is defined in the customs, although no voter can be under the age of 18 years for designation votes.

WHAT DETERMINES A SUCCESSFUL VOTE?

A designation vote is successful if 50% percent plus one on eligible voters cast a ballot and of those 50 percent plus one vote in favour of the designation to proceed.

For Example:

Number of eligible voters	300
Number who voted	151
Number who voted in favour of the designation	76

If the first vote is unsuccessful, a second designation vote may be held. This could occur only if a majority of eligible voters did not cast a ballot on the designation but a majority of those who did vote, voted in favour of the designation.

For Example:

Number of eligible voters	300
Number who voted	100
Number who voted in favour of the designation	75

In this situation, The First Nation may request a second vote to be successful, this second vote requires only a simple majority, that 50% percent plus one of the voters who cast a ballot to vote in favour of the designation.

NEED MORE INFORMATION?

If you would like more information on a proposed designation contact the Saugeen Land Management and Leasing Office @ (519) 797.2064 or Chief and Council Saugeen First Nation @ (519) 797.2781.

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