

**ADDITIONS TO RESERVES POLICY**  
**Council Policy No. 135/18**

**POLICY STATEMENT:**

The Addition to Reserves (ATR) Policy will be used to guide the Council of the City of Fort St. John in addressing any ATR proposal received by the City. The policy will establish the guidelines for a proposal as well as the considerations that Council will address when assessing any proposal. The intent is to provide a clear and transparent process that will allow the interests of all properties to be addressed. It also will ensure that all ATR proposals will be considered fairly and equitable.

**OBJECTIVE:**

This policy is intended to:

- a) Consider the broad interests of all parties and find opportunities for collaboration where possible; and
- b) Ensure that the relationship with First Nations and the City is strengthened through respect and understanding of differences in decision making and traditions; and
- c) Provide clear policy direction to Council on matters to consider when negotiating agreements for the inclusion of ATR lands within the City; and
- d) Promote consistent assessment, acceptance and implementation of Reserve Creation Proposals to ensure fair and equitable agreements.

**PRINCIPLES:**

The following principles will be applied in this policy:

- a) **Autonomy** of both parties to make decisions in the best interest of their community;
- b) Recognition and acknowledgement that First Nations have **legal rights** as established through Treaty 8;
- c) Recognition that Council's goal is to foster and support an **inclusive community** which welcomes and respects diverse cultures and heritages;
- d) Ensure that all citizens are treated **fairly and equitably**;
- e) **Engage** with our citizens to ensure broader views and interests are taken into consideration;
- f) Value **collaboration and partnership** that foster a cohesive community;
- g) **Accountability and transparency** through consistent application of this policy;
- h) **"Good neighbour"** approach to working with a First Nations which promotes good will, good faith and reasonableness;

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PRINCIPLES: (continued)

- i) Recognition that both the City and First Nations have **similar goals and objectives** in relation to the provision of services to their residents;
- j) Work to provide **safe, reliable and cost effective services** to our communities.

MEMORANDUM OF UNDERSTANDING:

Prior to any discussion around Additions to Reserves, it is Council's desire to enter into a MOU with a First Nations community that outlines the values and interests of each party and establishes a relationship built on trust and respect of each other's rights and obligations and a willingness to work collaboratively and that the MOU be ratified by leaders of both communities with the full knowledge and consent of their respective communities.

ADDITION TO RESERVE CREATION PROPOSALS:

In order for Council to consider a request for ATR land, a First Nations shall provide the City with the Reserve Creation Proposal that was submitted to INAC.

CONSIDERATIONS FOR DISCUSSIONS BETWEEN THE CITY AND A FIRST NATIONS:

1. Joint use planning that will allow for the seamless transition between ATR land and the City
2. Bylaw harmonization and coordination including but not limited to:
  - a. Land use and zoning standards
  - b. Building and safety standards
  - c. Public utilities
  - d. Animal control
  - e. Health and safety (fire and police)
  - f. Traffic regulations
  - g. Property maintenance
3. Tax considerations
4. Service Provision and infrastructure improvements
5. Dispute Resolution mechanism
6. Intergovernmental relationship and collaboration through the establishment of appropriate working or technical committees

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**AGREEMENTS:**

The following items may be included in a **Municipal Service Agreement:**

- a) A description of the services that the City is able and willing to provide to the First Nations
- b) The basis for charges levied by the City
- c) Payment due dates
- d) The manner in which the First Nations will be billed for the services
- e) Fees for administration and legal costs
- f) Access by the City to install, maintain and operate the services
- g) Access to emergency services such as police and fire
- h) Upgrading, improvements, replacement and major repairs respecting services
- i) Costs related to engineering studies
- j) Impacts of major developments on the reserve that may affect provision of current and future municipal services