

## Memorandum of Understanding

Between

Her Majesty the Queen in Right of the Province of Alberta,  
as represented by the Minister of Municipal Affairs  
(the “Minister”)

and

the First Nations Tax Commission (“FNTC”)

Whereas, FNTC is a commission established under the *First Nations Fiscal Management Act (FMA)* with the capacity, rights, powers and privileges of a natural person;

And whereas, FNTC has a mandate to, among other things, assist First Nations in the exercise of their jurisdiction with respect to real property assessment and taxation on reserve lands and to build capacity in First Nations to administer their taxation systems;

And whereas, FNTC and the Minister have reached an understanding for a process intended to assist taxing First Nations in Alberta by providing linear property information in the possession of the Minister directly to the First Nations or their appointed agents for the purpose of preparing property assessments on reserve land;

And whereas, FNTC may be appointed by a First Nation as an agent in order to receive linear property information for the purpose of preparing property assessments;

Therefore this Memorandum of Understanding (MOU) sets out the guiding principles, processes, and procedures as they are understood by the Minister and FNTC.

### **General Linear Assessment Process**

The Minister annually receives well and pipeline information from the Alberta Energy Regulator (AER). Information is also collected directly from companies and or their representatives for electric power and telecommunication systems using a Request for Information (RFI) process. The information is compiled, processed and used to calculate annual linear property assessments, and if necessary amended linear property assessments. The calculated assessment is published on linear property assessment notices and distributed to the taxing jurisdiction and the respective linear property owners. The Minister also provides information about the characteristics and specifications of the assessed properties and the details of the calculation process.

## **Minister Support for Linear Property Assessment on First Nation Reserves**

1. The Minister will provide administrative support to a First Nation to assist the First Nation to prepare linear property assessments for on-reserve linear property as described below if the First Nation:
  - a) Provides a Letter of Authorization to the Designated Linear Assessor regarding the use of any information provided; and
  - b) Pays for the services provided by the Designated Linear Assessor on the same fee schedule as other taxing jurisdictions.
2. First Nations are solely responsible for the collection of information regarding on-reserve linear property. The Minister has no legislative authority to compel a company to provide information about properties located on First Nation reserves and will not pursue or take any action against companies that do not report information regarding linear properties located on First Nation reserves to the Minister.
3. First Nations may provide information regarding on-reserve linear property to the Minister. If such information is provided, it will be consolidated with other information gathered by the Minister and included in the assessment information report.
4. The Minister will provide the First Nation with information obtained from AER, through the RFI process or directly from a First Nation and information consolidated by the Minister, relevant to preparing the assessment information report, to assist the First Nation with the preparation of the annual and amended assessments for linear property (as defined by the *Municipal Government Act (MGA)*) located on that First Nation's reserve(s).
5. The Minister will consolidate and provide the information specified in paragraph 4 in accordance with the legislation that governs off-reserve linear property assessments in Alberta for the current assessment year. It will be provided in a format determined by the Minister.
6. This memorandum of understanding is not intended to limit or constrain the ability of the Minister to provide support or information to any First Nation, at the Minister's discretion.
7. Regardless of any information or support provided by the Minister, First Nations are solely responsible for the assessment of linear property on reserves and for any appeal process following the assessment.

## **Sharing Information with FNTC**

8. First Nations may identify FNTC as an approved party to receive information from the Minister relevant to the information regarding linear property on that First

Nation's reserve(s) (as described in sections 5 and 6) by signing a Letter of Authorization.

The Parties have therefore acknowledged their understanding by their duly authorized representative(s) on the respective dates shown below.

**First Nations Tax Commission**

  
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Date: June 25, 2015

Her Majesty the Queen in Right of the  
Province of Alberta as represented by the  
**Minister of Municipal Affairs**

  
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Date: June 25/2015

Approved pursuant to the *Government  
Organization Act*

  
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Alberta International and Intergovernmental  
Relations

Date: 2015.07.09