



Minutes

C-516-3.2
Appendix A

The 515th MEETING of the COUNCIL of PROFESSIONAL ENGINEERS ONTARIO (PEO) was held at PEO Offices, 40 Sheppard Avenue West, Toronto, Ontario on Friday, November 17, 2017 at 9:00 a.m.

- Present:
- B. Dony, P.Eng., President and Council Chair
 - G. Comrie, P.Eng., Past President
 - D. Brown, P.Eng., President-Elect
 - N. Hill, P.Eng., Vice President (Elected)
 - M. Spink, P.Eng., Vice President (Appointed)
 - C. Bellini, P.Eng., Councillor at Large
 - I. Bhatia, P.Eng., Eastern Regional Councillor
 - G. Boone, P.Eng., Eastern Regional Councillor
 - M. Chan, P.Eng., Lieutenant Governor-In-Council Appointee
 - T. Chong, P.Eng., East Central Regional Councillor
 - D. Chui, P.Eng., West Central Regional Councillor
 - L. Cutler, P.Eng., Lieutenant Governor-In-Council Appointee
 - R.A. Fraser, P.Eng., Councillor at Large
 - L. Hidalgo, P.Eng., Western Regional Councillor
 - G. Houghton, P.Eng., Western Regional Councillor
 - Q. C. Jackson, Barrister & Solicitor, Lieutenant Governor-In-Council Appointee
 - L. Lederman, Q.C., Lieutenant Governor-In-Council Appointee
 - T. Olukiyesi, P.Eng., Lieutenant Governor-In-Council Appointee
 - D. Preley, P.Eng., Northern Regional Councillor
 - K. Reid, P.Eng., Councillor at Large
 - N. Takessian, P.Eng., East Central Regional Councillor
 - W. Turnbull, P.Eng., Western Regional Councillor
 - M. Wesa, P.Eng., Northern Regional Councillor
- Regrets:
- T. Kirkby, P.Eng., Lieutenant Governor-In-Council Appointee
 - N. Rush, C.E.T., Lieutenant Governor-In-Council Appointee
- Staff:
- G. McDonald, P.Eng., Registrar
 - S. Clark, LL.B., Chief Administrative Officer and Corporate Secretary
 - L. Latham, P.Eng., Deputy Registrar, Regulatory Compliance
 - C. Mehta, Director, Finance
 - M. Price, P.Eng., Deputy Registrar, Licensing and Registration
 - D. Smith, Director, Communications
 - M. Wehrle, Director, Information Technology
 - J. Zuccon, P.Eng., Deputy Registrar, Tribunals and Regulatory Affairs
 - R. Martin, Manager, Secretariat
 - D. Power, Secretariat Administrator
 - N. Axworthy, Editor, Engineering Dimensions
 - J. Chau, Manager, Government Liaison
 - A. Heerah, PEAK Program Coordinator

J. Max, Manager, Policy
M. Ng., Manager, Chapters
B. St. Jean, Executive Assistant

Guests: A. Bergeron, PEO Director, Engineers Canada [minutes 11873 to 11901 only]
H. Brown, Brown & Cohen [minutes 11873 to 11901 only]
D. Campbell, Chair, Government Liaison Committee [minutes 11838 to 11869 only]
R. Kinghorn, President, Engineers Canada [minutes 11873 to 11901]
L. MacCumber, PEO Member [minutes 11838 to 11849 only]
S. Perruzza, Chief Executive Officer, OSPE [minutes 11838 to 11849]
S. Price, Interim CEO, Engineers Canada [minutes 11838 to 11869 only]
C. Roney, President, Engineers Canada [minutes 11873 to 11901 only]
R. Shreewastav, PEO Director, Engineers Canada [minutes 11873 to 11901 only]

On Thursday evening, Council held a plenary session to receive presentations from Engineers Canada, the Complaints Committee (COC) and the Fairness Commission – Registration Practices Assessment Report.

Council convened at 9:00 a.m. Friday, November 17, 2017.

CALL TO ORDER

Notice having been given and a quorum being present, the Chair called the meeting to order.

11873 APPROVAL OF AGENDA

Moved by Councillor Takessian, seconded by Past President Comrie:

That:

- a. the agenda, as presented to the meeting at C-515-1.1, Appendix A be approved as amended; and**
- b. the Chair be authorized to suspend the regular order of business.**

CARRIED

11874 PRESIDENT/REGISTRAR'S REPORT

Registrar McDonald provided an update regarding the licensing backlog. He reported that 280 licences were issued in November which is the highest amount since March 2015. 138 licences were issued in September and 233 licences were issued in October. The initial experience assessments outstanding as of month end for August were 1,085, 1,035 in September, 960 in October and 858 as of November 13, 2017 which is ahead of the targeted figure of 1,005 for the end of October. Registrar McDonald further advised that staff have set weekly and monthly targets in order to process applications as quickly as possible.

In response to a query Registrar McDonald advised that Council would be provided with information regarding the number of applications for licenses being received.

11875

The Finance Committee completed its second review of the draft 2018

2018 OPERATING BUDGET

operating and capital budgets (“2018 budgets”) on October 18, 2017 and is presenting a deficit budget which meets the reserve requirements required by Council policy. As the next step in the business planning cycle, Council needs to either approve the draft 2018 operating budget as presented or provide direction on the cost saving initiatives to be implemented.

Despite best efforts by management to reduce and control costs wherever possible, the current version 2018 operating budget is projected to have a deficit of \$303k. This deficit will be funded from the operating reserve which is expected to be \$7.3m – this is \$2.8m above the minimum cash balance requirement of \$4.5m.

Some of the main reasons for the deficit in 2018 are:

a) There have been no membership fee increases since 2008 and revenues from the growth in the number of license holders, applications, examinations, etc. have not been adequate to keep pace with inflation which has increased cumulatively by 15.8% since 2009.

b) The increase in membership revenues has also been negatively impacted due to an increase in the backlog of applications in 2017 that await processing. This is largely due to staff absences resulting from accidents and long-term disability. Steps have been taken to hire additional resources to deal with this backlog which is expected to be cleared within the next few months.

c) Apart from inflation, there has also been an increase in the scope and breadth of PEO’s operations. Several programs have been added and become part of regular operations over the course of the past several years. A few examples are the PEAK program which was introduced in 2017 but has become part of regular operations in 2018, an increase in the contribution for the OPEA gala in 2017 which has become part of regular operations in 2018, etc.

To address this shortfall in 2018, areas for potential cost savings were identified by management after seeking inputs from the Finance Committee in September. These suggestions were presented to Council at its meeting on Sept 29, 2017. After the September Council meeting, additional feedback on cost-cutting initiatives was sent to the Chair of the Finance Committee by several Councillors.

At a recent meeting of the Regional Councillors Committee (RCC) bank balances were discussed. These bank balances should be 50% of the allotment, however, some Chapter bank balances exceed this. The RCC has agreed to decrease the Chapter allotment from \$624,000 to \$524,000 for a savings of \$100,000. Chapters are still expected to maintain the programs they agreed to and to fund these programs from the current bank balances.

It was suggested that cost savings could be realized by encouraging members to submit membership fees, etc., via PC banking instead of paying by credit cards. C. Mehta advised that this option is available but that more emphasis would be placed on this form of payment when communicating with the membership.

There was discussion regarding the need for long term planning, saving strategies, increasing revenue and including budgeting as part of the strategic planning discussion.

Moved by Councillor Turnbull, seconded by Councillor Chan:

That Council approve the draft 2018 operating budget as recommended by the Finance Committee and as presented to the meeting and amended at C-515-2.1 Appendix A.

CARRIED

Moved by Councillor Reid, seconded by Councillor Chui:

That a task force be created to look for value for money savings within the 2018 budget.

DEFEATED

Councillor Wesa advised that the Finance Committee, in conjunction with the Executive Committee, would look at cost savings.

**11876
2018 CAPITAL BUDGET**

The Finance Committee completed its review of the draft 2018 operating and capital budgets ("2018 budgets") on October 18, 2017. As the next step in Council's business planning cycle, Council is required to approve the draft 2018 capital budget.

The key highlights of the draft 2018 capital budget were summarized, comprised of the following parts:

- i. Capital improvements to 40 Sheppard - \$2.13m
- ii. Information Technology - \$342k; and
- iii. Facilities - \$45k

One of the major initiatives that will require additional capital funding will be the online licensing project. Registrar McDonald advised that Council would be provided with detailed information, including costs, regarding this once the Request for Proposal has been issued and tenders received.

Moved by Councillor Takessian, seconded by Councillor Bhatia:

That Council approve the draft 2018 capital budget as recommended by the Finance Committee and as presented to the meeting at C-515-

2.2 Appendix A.

CARRIED

11877 ELIMINATION OF THE 2018 PEO BUDGET DEFICIT

This item was withdrawn from the agenda as per the request of the submitter, President-elect Brown.

11878 HIRING OF LICENSURE STAFF

Reviewing licensure applications and the issuing of P.Eng. licences are essential PEO services that should be completed in a timely manner.

The reasons for the licensure backlog are:

- Lack of staff since they were directed to prioritize Aptify April 1, 2016 Go-Live software
- A 15% increase from 2,333 applications ready for Initial Experience Assessment in 2015 to 2,683 ready in 2016
- Staff resourcing issues September 2016 to April 2017

Currently approximately 1,100 files are awaiting Initial Experience Assessment, in January 2016 before the backlog, approximately 200 files were waiting review.

A contract Experience Assessment Officer was hired in May 2017 to replace the regular Experience Assessment Officer that went on Long Term Disability in April 2017. This brought the staff complement to normal levels.

The only additional staff hired after May was a one-year contract Experience Assessment Officer who started with PEO on September 20, 2017. A contract Experience Assessment Officer typically earns about \$70,000 to \$80,000 plus benefits per annum.

Implementing the on-line licencing software will utilize a large amount of licensure staff time. PEO should have enough licensure staff to prevent backlogs associated with unexpected increases in applications and staff resource issues.

The need for hiring additional full-time staff should be assessed.

Hiring more staff will fulfill PEO's 2018-2020 Strategic Plan by addressing the following three strategic objectives:

1. Augment the applicant and licence holder experience
 - PEO will address any perceived barriers and friction points between itself and its applicants and licence holders, and build "customer satisfaction" into all its regulatory processes and initiatives.
2. Create a seamless transition from student member to EIT to

licence holder

- PEO will establish coordinated and integrated systems and outreach programs to allow engineering students to seamlessly proceed through the licensure process.

3. Enhance corporate culture

- PEO will consistently evaluate and review the presence of its core values in the performance of staff and volunteer activities, as well as regulatory decisions.

Registrar McDonald advised that hiring one more contract staff person as proposed in addition to the one additional contract staff person already in place would not result in any appreciable gain given the training that would be required.

Moved by Councillor Preley, seconded by Councillor Hidalgo:

That Council authorize the immediate hiring of an additional contract licensure staff for a one-year period. This will require a \$100,000 budget increase during 2018.

Moved by Councillor Chui, seconded by Councillor Boone:

That Council authorize the immediate hiring of the appropriate additional contract staff on a temporary basis with the required budget to be determined.

AMENDMENT DEFEATED

Recorded Vote

For

G. Boone
D. Chui

Against

C. Bellini
I. Bhatia
D. Brown
M. Chan
T. Chong
G. Comrie
L. Cutler
R. Fraser
L. Hidalgo
N. Hill
G. Houghton
Q. Jackson
L. Lederman
T. Olukiyesi
D. Preley

K. Reid
M. Spink
N. Takessian
W. Turnbull
M. Wesa

Council then voted on the main motion.

That Council authorize the immediate hiring of an additional contract licensure staff for a one-year period. This will require a \$100,000 budget increase during 2018.

DEFEATED
Recorded Vote

<u>For</u>	<u>Against</u>
G. Boone	C. Bellini
L. Hidalgo	I. Bhatia
L. Lederman	D. Brown
T. Olukiyesi	M. Chan
D. Preley	T. Chong
K. Reid	D. Chui
N. Takessian	G. Comrie
	L. Cutler
	R. Fraser
	N. Hill
	G. Houghton
	Q. Jackson
	M. Spink
	W. Turnbull
	M. Wesa

It was the consensus of the discussion that the issue of resilience was raised as a significant concern. The Registrar was directed by Council to provide a Succession Planning and Staff Resiliency Plan proposal for all areas within PEO for Council consideration at the February 2018 Council meeting.

11879
BORROWING RESOLUTION

PEO's By-Law #1 – Section 47 states that "Council may from time to time borrow money upon the credit of the Association by obtaining loans or advances or by way of overdraft or otherwise".

PEO's Internal Control Banking Policy requires that "the borrowing resolution shall be reviewed and approved by Council on an annual basis".

To help manage the working capital and provide convenience to senior

volunteers and staff, Scotiabank provides PEO two credit facilities:

- a. an operating overdraft up to an amount not to exceed CAD \$250,000 at Prime rate; and
- b. use of corporate credit cards with an aggregate limit not to exceed CAD \$120,000.

These credit facilities expire on January 31, 2018, so this agenda item is being considered now. In order to renew the existing credit arrangement with the bank for another year, Council is asked to approve the borrowing resolution.

PEO has adequate cash flow to meet its business requirement on a regular basis. The overdraft facility is only for contingency purposes. Corporate credit cards provide convenience to senior volunteers and senior staff for PEO business expenditures. The credit card balances are paid off every month.

Moved by Councillor Takessian, seconded by Councillor Bhatia:

That Council:

a) approve the borrowing of money upon the credit of the association by way of:

- i. an operating overdraft up to an amount not to exceed CAD\$250,000; and
- ii. use of corporate credit cards with an aggregate limit not to exceed CAD\$120,000.

b) in compliance with PEO's Internal Control Banking Policy, hereby confirms that this Borrowing Resolution is to expire on January 31, 2019.

CARRIED

**11880
BY-LAW AMENDMENT AND
APPOINTMENT OF CORPORATE
SECRETARY**

Section 49(1) of the *Professional Engineers Act* imports certain provisions of the *Corporations Act*. Section 49(1) 14 is relevant to the signing of minutes which states,

49. (1) The Corporations Act does not apply in respect of the Association except for the following sections of that Act which shall apply with necessary modifications in respect of the Association:

14. Section 299 (which relates to minutes of meetings).

Section 299(1) and (2) of the *Corporations Act* state,

299 (1) A corporation shall cause minutes of all proceedings at meetings of the shareholders or members and of the directors and of any executive committee to be entered in books kept for that purpose.

(2) Any such minutes, if purporting to be signed by the chair of the meeting at which the proceedings were had or by the chair of the next succeeding meeting, are admissible in evidence as proof, in the absence of evidence to the contrary, of the proceedings.

By-law No. 1, section 24 also deals with the signing of minutes. It states,

24. In the absence of proof to the contrary, minutes of any meeting of the association or of the Council or of a committee purporting to be signed by the president, the president-elect or the past president and by the registrar or, in the case of a committee, by the committee chair shall be deemed to be a correct record of the proceedings of the meeting.

Further direction on the signing of meeting minutes is provided in Wainberg's Society Meetings, Rules of Order, Rule 27.3, which states,

Minutes, when written or typed, ought to be signed by the Chair and the secretary of the meeting. They may be signed at any time.

Consistent throughout these governing documents is the requirement for the meeting chair to sign the minutes. However, when the President is not elected as Chair of Council, an inconsistency arises related to the signing of minutes. In addition, unless the Registrar is appointed Corporate Secretary, there is a further contradiction between By-law No. 1 and Wainberg's.

In order to resolve this internal conflict between the various pieces of governing documents, Council was asked to amend By-law No. 1, section 24, by deleting the words, "*the president, the president-elect or the past president and by the registrar*" and replacing them with the words, "*the Chair of Council and by the Corporate Secretary*".

In September 2003, Council appointed Scott Clark as Secretary. Under Mr. Clark, the Secretariat has served as a valuable resource not only to the Chair of Council, but also to Council collectively and to Councillors individually. Council is being asked to reaffirm the appointment of Scott Clark as Corporate Secretary as it is important that this role receive the full confidence of Council in order that the Secretariat remain unfettered as a resource to Council.

Moved by Councillor Lederman, seconded by Councillor Takessian:

Motion required a 2/3 majority of votes cast to carry.

1. That Council amend By-law No. 1 by revoking section 24 and replacing it with the following:

24. In the absence of proof to the contrary, minutes of any meeting of the Association or of the Council or of a committee purporting to be signed by the chair of council and by the corporate secretary or, in the case of a committee, by the committee chair shall be deemed to be a correct record of the proceedings of the meeting.

CARRIED

Moved by Councillor Lederman, seconded by Councillor Turnbull:

Motion required a simple majority of votes cast to carry.

2. That Council reaffirms the appointment of Scott Clark as Corporate Secretary.

CARRIED

**11881
2018-2020 STRATEGIC PLAN**

President Dony passed the gavel to President-elect Brown.

A Strategic Plan is a fundamental tool and resource used to orient and align the work of an entity. It also provides senior management an essential means of leading and managing the organization. In June 2016, Council set out to create a new strategic plan to focus PEO's activities for the next three years, from 2018 through 2020.

Council authorized work to begin on a new PEO Strategic Plan at its June 2016 Workshop. Over the subsequent 17 months, senior management, staff, volunteers and Council members deliberated on PEO's strengths and weaknesses and the perceived opportunities and threats it would face over the plan period. Vision and mission statements as well as PEO's core values were reconfirmed and strategic objectives were articulated. A final draft of the Strategic Plan was reviewed by PEO Council at its September 2017 meeting.

Once finalized, the focus areas and strategic objectives set by this Plan will determine the priorities for PEO programs and initiatives, and provide guidance for Council, committees, task forces and staff. Council will monitor the plan's ongoing progress. The strategies to realize the plan's strategic objectives will be reviewed annually as part of PEO's budget planning cycle.

Councillor Fraser noted the absence of designing a budget in terms of core principles and resiliency planning in the Strategic Plan.

Moved by President Dony, seconded by Councillor Chong:

That Council:

- a) **approve the Strategic Plan as presented to the meeting at C-515-2.6, Appendix A;**
- b) **authorise the Registrar to publicly release the Strategic Plan in accordance with the Communication Plan as presented to the meeting at C-515-2.6, Appendix B;**
- c) **instruct the Human Resources Committee to consider how to incorporate achievement of the Strategic Plan's objectives into the Registrar's performance objectives over the next three years;**
- d) **task appropriate committees with incorporating and prioritizing relevant strategic plan elements into their workplans.**
- e) **approve an amendment to the decision briefing note template to include a section indicating how policy or program proposals will contribute to the Strategic Plan Objectives;**
- f) **instruct the Registrar to provide updates on the progress of realizing the approved Strategic Objectives at the March, June and September Council meetings for the duration of the Plan period; and,**
- g) **review, update and revise the strategies on an annual basis, as circumstances warrant, as part of the budget planning cycle.**

CARRIED

Moved by Councillor Fraser, seconded by Councillor Reid:

That Council task the Executive Committee to bring to the next Council meeting a plan to address the budget issues raised at the November 17, 2017 Council meeting.

CARRIED

Council members were encouraged to submit budget issues to the President by November 30, 2017 for inclusion in the January 16, 2018 Executive Committee package.

President-elect Brown returned the gavel to President Dony.

**11882
2017 AGM SUBMISSION – PEO ENGAGE
AN EXTERNAL GOVERNANCE EXPERT**

A Member Submission was passed (62% Yes – 38% No) at the 2017 PEO Annual General Meeting with the following motion;

THEREFORE, IT BE SUBMITTED THAT: PEO engage an external governance expert to advise Council independently on how to modernize the governance of the organization in order to ensure self-regulatory status and that the principles of the new governance model be presented to Council for approval before the next AGM.

PEO is 95 years young; however, does PEO's governance structure meet the needs for the Profession and the Public for the next 100 years? Council was asked to approve a Phase 1 Governance Working Group to ensure that PEO remains relevant as a Self-Regulator of the Profession for the next century.

Current efforts by the Council Term Limits Task Force (CTLTF), the Council Composition Task Force (CCTF) and the Succession Planning Task Force (SPTF) will be leveraged by this working group including applicable past efforts related to governance.

Council established the CTLTF at the February 2016 meeting. The CTLTF was directed to examine issues of term limits for all Council positions and issues related to succession planning. Council approved recommendations from the CTLTF at the June 2017 meeting.

Council established the CCTF at the September 2016 meeting. The CCTF was directed to examine the issue of Council size and composition. Council approved a \$7,500 budget for the task force. The CCTF is currently developing recommendations that will be presented to Council in 2018. The task force requested an additional \$15,000 in funds at the September 2017 Council meeting in order to complete their work, which was approved by Council at the meeting.

Council established the Succession Planning Task Force at the June 2017 meeting. The SPTF is tasked to develop a comprehensive implementation plan with schedule, future operating expenses of search and training modules, candidate targets, media program to educate members etc. Council approved a \$60,000 annual budget for the SPTF. The following recommendation was also approved at the June 2017 Council meeting, *"Upon completion of its work, the SPTF will be replaced by the Succession Planning Committee (SPC) to maintain the program and manage its evolution in future years."*

Moved by Councillor Fraser, seconded by Vice President Hill:

- 1. That Council directs the Registrar to immediately issue a call for volunteers for appointment to a 7-member Phase 1 Governance Working Group (GWGP1) for Council approval at a future date, comprised of the following:**
 - **4 current Councillors with at least one lay LGA, plus 3 additional members at large**
 - **Preference is for members at large who have formalized Governance Education**
- 2. That Council directs the Council Chair to develop terms of reference for the Phase 1 - GWGP1 incorporation elements outlined in Section 3 of this briefing note.**

3. That Council directs the GWGP1 to provide a progress report to Council prior to the 2018 AGM, or shortly thereafter, which will include timing for delivery of their final report to Council.
4. That Council approves a budget of \$40,000 for the GWGP1 to complete their work and deliver a report to Council before the 2019 AGM, if not earlier.

CARRIED

President Dony advised that he would work closely with the proponents of the above motion regarding the GWGP1 Terms of Reference.

**11883
WITHHOLDING INFORMATION FROM
DISCLOSURE ON PEO'S PUBLIC
DIRECTORIES POLICY**

Currently, requests to withhold information from PEO's public directories are made through the submission of a Request to Withhold Information from the Public Form. The grounds for granting such a request are:

- *The public disclosure of the information could place my safety in jeopardy.*
- *The information relates to choosing me as a practitioner (e.g. degree, institution granting the degree) and there is no reasonable likelihood that the information will be needed by the public (e.g. you are permanently retired).*
- *The information can reasonably be misused and there is no reasonable likelihood that the information will be needed by the public (e.g. I am employed in industry providing services primarily to my employer).*
- *The information is home contact information. I have a privacy concern about this and an alternative, reliable set of contact information for me (e.g. at work) is publicly available from PEO to clients, former employers, colleagues and others.*

There are 202 individual PEO directory profiles withheld at the present time. When a request to withhold information from the public directories is granted, only the name, licence number, licence type, licence status and date of licensure is made public. The chapter, employment and academic profiles are withheld and not available to the public.

The Form appears to have been introduced following the approval of the PEO Privacy Policy in 2004. However, its development and criteria used to grant a request to withhold information from PEO's public directories is unclear. As a result, the Registrar requested a review of the current practice and development of a supporting policy.

To support development of the policy, an environmental scan was conducted of Ontario regulators regarding a request to withhold

information from a public directory. Responses were received from the College of Physicians and Surgeons (CPSO), College of Physiotherapists of Ontario (CPO) and Law Society of Upper Canada (LSUC). None of these regulators use a form to request the withholding of information that is publicly available on their website as is the current PEO practice. Rather, removal of information is done through a formal request to a party within the organization on a case-by-case basis. The criteria applied to grant the request is whether on reasonable grounds there is a belief that disclosure may jeopardize the safety of an individual. In addition to a formal request to withhold information, the party making the request must provide supporting documentation.

Moved by Past President Comrie, seconded by Councillor Fraser:

- 1. That Council approve the Withholding Information from Disclosure on PEO's Public Directories Policy as presented to the meeting at C-515-2.8, Appendix A.**
- 2. That Council direct the Registrar to contact all parties whose information has been withheld to inform them of the Withholding Information from Disclosure on PEO's Public Directories Policy and allow them 90 days to provide supporting documentation acceptable to the Registrar that there is reasonable grounds to believe that disclosure of the information may jeopardize the safety of the individual and should they fail to provide such documentation within the 90 day period, the Registrar is authorized to cease withholding the information from PEO's public directories.**

CARRIED

**11884
RESCINDING MOTIONS REGARDING THE
REMOVAL OF A COUNCILLOR**

Under the Professional Engineers Act, section 7(1)3, Council is given the authority to make regulations, "prescribing the conditions disqualifying members of Council from sitting...". In February 2010, Council passed motions to revise Regulation 941 to provide for the basis to remove a Councillor from Council. Further, in April 2012, Council expanded the basis to remove a Councillor from Council.

In March 2014, the Legislation Committee (LEC) conducted a review of outstanding draft regulations and stated in a briefing note to Council that, "The Committee has determined that many of the originating Council motions cannot be drafted in Regulation because their policy intent was not clear enough to support drafting and to meet the government's new Regulatory Impact Assessment criteria, and did not pass the PEO's Peer Review requirements." Council directed the LEC to work with the proponent committees to clarify their policy intents, implications and suitability for invoking Council's regulation-making powers with respect to the motions.

The LEC engaged the Human Resources Committee (HRC) in order to clarify the policy intents of those motions.

The HRC met on March 23, 2017 and concluded that it would inform the LEC that regulations regarding the removal of a Councillor were unnecessary. The LEC asked if the HRC was prepared to recommend the rescinding of the motions and on August 15, 2017, the HRC met and determined that it would recommend the rescinding of the motions. Council was therefore asked to rescind the motions.

Moved by Past President Comrie, seconded by Councillor Fraser:

Motion required a 2/3 majority of votes cast to carry.

That Council rescind the following motions:

a) That:

1. the regulations be revised to include a provision that would permit Council to remove an elected councillor from office by a two-thirds vote for any of the following reasons:

- a) by reason of incapacity, unable to act as a member of the Council;**
- b) has been found guilty of professional misconduct or incompetence;**
- c) fails to attend three consecutive regular meetings of the Council without cause;**
- d) ceases to be eligible for election to the Council; or**
- e) ceases to be a member in good standing in the Association, where applicable;**

2. a member who is disqualified from sitting on the Council is deemed to be removed from the Council;

3. the reasons for removal must be stated in the motion removing the Council.

[Minute No. 10735]

b) That:

1. the President, on behalf of Council, shall provide the reasons and request the Attorney General to remove a Lieutenant Governor Appointee (LGA) when requested to do so by a two-thirds vote of the Council, for the following reasons;

- a) by reason of incapacity, unable to act as a member of the Council;**
- b) has been found guilty of professional misconduct or incompetence, where applicable;**
- c) fails to attend three consecutive regular meetings of the Council without cause; or**
- d) ceases to be a member in good standing in the Association, where applicable.**

2. a member who is disqualified from sitting on the Council is deemed to be removed from the Council.

3. the reasons for removal must be stated in the motion removing the Councillor.

[Minute No. 10735]

c) That the Regulation 941 amendment regarding the disqualification of members of Council be revised to include as a reason "a material breach of Council Policy."

[Minute No. 11091]

CARRIED

11885

FRENCH VERSION OF REGULATION 941

In the course of drafting recent Regulation changes at PEO's direction, the Ministry of the Attorney General staff indicated that they are able and willing to draft a French language translation of Regulation 941 if PEO agrees. The Office of Legislative Counsel (OLC) has informed the Attorney General's policy staff that over 50 per cent of Ontario's regulations are now bilingual and the Attorney General has committed to making laws available in French whenever possible. By preparing the French version, the OLC is assisting the Attorney General in achieving this commitment. Increasingly, the expectation is for regulations to be bilingual.

The Professional Engineers Act currently published on the government's E-laws website has both an English and French version. The English version includes definitions of terms in French. With regard to interpretation, the law is clear that both the English and French versions of any statute are equally authoritative, and both can be looked at when questions of interpretation arise. However, Regulations 941 and 260/08 are currently available in English only. An environmental scan of the use of French regulation reveals that most non-health regulators (10 of the 12 reviewed) have a least some regulations translated into French.

Unless PEO is required by the French Language Services Act or the Professional Engineers Act to provide services in French, it does not have to do so. Translating a regulation into French makes no difference in this regard.

If PEO so requests, the Attorney General staff will draft the French language version of Regulation 941, at no cost to PEO, in time for the next set of amendments to Regulation 941 and 260/08 and from that point onward.

Moved by Councillor Bellini, seconded by Past President Comrie:

Motion required a 2/3 majority of votes cast to carry

That Council authorize the Ministry of the Attorney General to draft a

French language version of Regulation 941, subject to PEO Council approval.

CARRIED

**11886
PROVIDING FINANCIAL IMPACT
INFORMATION ON BRIEFING NOTES**

Some decisions made by Council may have financial impacts on current and future PEO budgets. In order that Council is aware of those potential financial impacts prior to approving projects, creating a task force or programs, Council is being asked to approve an amendment to the decision briefing note template to provide the financial impacts on current and future PEO budgets for a five-year period.

Moved by Councillor Wesa, seconded by Councillor Takessian:

That Council approve an amendment to the decision briefing note to provide the financial impacts on current and future PEO budgets for a five-year period.

CARRIED

**11887
CHANGES TO THE 2017 PEO COMMITTEES
AND TASK FORCES MEMBERSHIP ROSTER**

Moved by Councillor Bellini, seconded by Councillor Bhatia:

That Council approve changes to the 2017 PEO Committees and Task Forces Membership Roster as presented to the meeting at C-515-2.12, Appendix A.

Moved by Councillor Boone, seconded by Councillor Chong:

That the changes to the 2017 PEO Committee and Task Forces Membership Roster be tabled to the “in camera” portion of the meeting.

CARRIED

[Secretariat Note: The following in-camera resolution from the November 2017 Council meeting was returned to open session:]

Moved by Councillor Bellini, seconded by Councillor Bhatia:

That Council approve changes to the 2017 PEO Committees and Task Forces Membership Roster as presented to the meeting and amended at C-515-2.12, Appendix A.

CARRIED

**11888
COMMITTEES AND TASK FORCES HUMAN
RESOURCES AND WORK PLANS**

Under the Committees and Task Forces Policy (Committees/Task Forces Operations, Item 3), each committee/ task force is to prepare an annual work plan and human resources plan for the following year by September 30 each year.

One of the roles of Council, as identified in the Committees and Task Forces Policy is to approve committee/task force mandates, Terms of

Reference, annual work plans, and annual human resources plans. Council reviewed the Human Resources and Work Plans submitted by the committees.

The Education Committee was requested to align its work plan with the 2018 – 2020 Strategic Plan so that it is in sync with PEO’s regulatory mandate. There are a number of overlaps with the Education Committee and the Public Awareness Campaign. The Education Committee work plan will come back to Council for approval at the February 2018 Council meeting.

It was also suggested that the committees and task forces align their Human Resources and Work Plans to the 2018 – 2020 Strategic Plan as quickly as possible. Registrar McDonald replied that the new Strategic Plan will be forwarded to the committees and task forces with a request that they identify strategies to meet the strategic directives laid out by Council.

Moved by Councillor Bellini, seconded by Councillor Wesa:

That Council approve the committee/task force work plans and human resources plans as presented to the meeting at C-515-2.14, Appendices A to O, excluding H(ii).

CARRIED

**11889
ONLINE LICENSING PORTAL TASK FORCE**

At the July 29, 2017 RCC meeting, Councillors reviewed the chapter open issues and noticed an unusual number of open issues (either newly opened or existing) that pertain to the PEO licensing process.

Licensing professional engineers is one of the regulatory functions that PEO must do well. RCC is very concerned with the number of open issues raised by the different chapters from different regions as a result.

While the RCC understands this is outside of the scope of the RCC terms of reference, the issues were nevertheless raised by the chapters during regional congresses. Thus, RCC needs to provide response to the chapters.

The online licensing portal project can likely address most of the issues raised. However, RCC still felt that the perceived poor customer service aspect of PEO’s licensing process still requires improvement or it could undermine the potential for success for the online licensing portal project.

To ensure the online licensing portal project has the best chance of success, and that RCC’s concerns are addressed, RCC felt that it was necessary to create a task force to oversee the Online Licensing Portal

Project.

The RCC agreed on the following:

- This task force is NOT to interfere with the execution of the online licensing portal project.
- The role of this task force is to work in parallel with the Online Licensing Portal project team to make sure that we improve customer service in all steps of the portal so that the online application for licensure is conducive to a fair, timely, professional and customer centric process.

As such, the RCC asked for the creation of this task force.

Moved by Councillor Preley, seconded by Councillor Takessian:

That Council approves:

- a) **The creation of a licensing task force to operate in parallel to the online licence portal project execution to address and improve upon specific customer service licensing issues.**
- b) **The Registrar to initiate the formation of this task force including but not limited to drafting the terms of reference and proposed work plan.**
- c) **A budget of \$20,000 for the task force to complete their work and deliver a report to Council before the 2019 AGM, if not earlier.**

Moved by Councillor Boone, seconded by Councillor Chui:

That the motion to approve an Online Licensing Portal Task Force be tabled to the March 2018 Council meeting

CARRIED

**11890
CONSENT AGENDA**

Moved by Councillor Takessian, seconded by Councillor Turnbull:

That the Consent Agenda be approved as presented.

CARRIED

Included on the consent agenda:

- 3.1 Minutes – 249th Executive Committee meeting – August 15, 2017
- 3.2 Minutes – 514th Council meeting – September 29, 2017
- 3.3 Approval of CEDC Applications

[Note: minutes 11891 to 11893 reflect the motions provided in the briefing notes presented to the meeting.]

**11891
MINUTES – 249TH EXECUTIVE COMMITTEE
MEETING**

That the minutes of the 249th meeting of the Executive Committee, held on August 15, 2017, as presented to the meeting at C-515-3.1, Appendix A, be ratified.

CARRIED

**11892
MINUTES – 514TH COUNCIL MEETING**

That the minutes of the 514th meeting of Council, held September 29, 2017, as presented to the meeting at C-515-3.2, Appendix A, accurately reflect the business transacted at that meeting.

CARRIED

**11893
APPROVAL OF CEDC APPLICATIONS**

Under Section 61(2) of Regulation 941 under the Professional Engineers Act, the Consulting Engineer Designation Committee (CEDC) may make recommendations to Council in respect of all matters relating to application for designation as a consulting engineer. The CEDC recommended that Council approve the following motions:

1. That Council approve the exemption from examinations and the applications for designation as Consulting Engineer as presented to the meeting at C-514-3.3, Appendix A, Section 1.

2. That Council approve the applications for re-designation as Consulting Engineer as presented to the meeting at C-514-3.3, Appendix A, Section 2.

3. That Council grant permission to use the title “Consulting Engineers” (or variations thereof) to the firms as presented to the meeting at C-514-3.3, Appendix A, Section 3.

CARRIED

**11894
PUBLIC INFORMATION CAMPAIGN (PIC)
TASK FORCE UPDATE**

This item was not discussed due to time constraints.

**11895
LEGISLATION COMMITTEE UPDATE**

This item was not discussed due to time constraints.

**11896
REGIONAL COUNCILLORS COMMITTEE
UPDATE**

This item was not discussed due to time constraints.

**11897
OSPE-PEO JOINT RELATIONS COMMITTEE
(JRC) UPDATE**

This item was not discussed due to time constraints.

**11898
ENGINEERS CANADA UPDATE**

Russ Kinghorn, President, Engineers Canada provided an update regarding governance and the strategic plan which will be going forward to the Engineers Canada Board of Directors for approval in May.

Rakesh Shreewastav provided an update on activities to raise the profile and relevance of engineering which include the upcoming Parliament Hill Day in February 2018. A meeting was held with Energy and Natural Resources Canada to bring a national engineering perspective to the

Senate Committee.

Annette Bergeron provided highlights from the most recent annual report called “Engineers of Tomorrow” which is on the Engineers Canada website. This report provides statistics regarding undergraduate and graduate enrollments. She noted that Ontario is the fastest growing province across Canada in terms of enrollment. Enrollment for women at the undergraduate level is 19.3% across Canada. Ontario is in third place with 21% of women enrolled in undergraduate engineering.

Councillor Chui advised that a meeting of the Engineers Canada Directors will be scheduled shortly to discuss the appointment of the new Engineers Canada CEO and the affinity program.

**11899
GOVERNMENT LIAISON COMMITTEE
UPDATE**

This item was not discussed due to time constraints.

**11900
PROFESSIONAL STANDARDS COMMITTEE
UPDATE**

This item was not discussed due to time constraints.

**11901
REGISTRATION COMMITTEE UPDATE**

This item was not discussed due to time constraints.

**11902
STATISTICS – COMPLAINTS, DISCIPLINE,
LICENSING AND REGISTRATION UPDATE**

This item was not discussed due to time constraints.

**11903
RISK REGISTRAR**

This item was not discussed due to time constraints.

**11904
COUNCILLOR ITEMS**

There were no items brought forward.

Moved by Councillor Bhatia, seconded by Councillor Takesian:

That Council move in-camera.

CARRIED

**11905
IN-CAMERA SESSION**

While in-camera, Council:

- a) ratified the in-camera minutes from the 249th Executive Committee meeting held August 15, 2017 as presented;
- b) verified the in-camera minutes from the 514TH meeting of Council held September 29, 2017 as presented;
- c) approved the moving of two in-camera motions to open session regarding the Engineers Canada Directors Survey
- d) approved the issuing of a request for proposal for government relations services

- e) approved the list of inductees into the Professional Engineers Ontario 2018 Order of Honour
- f) approved the 2018 Gordon M. Sterling Award recipient
- g) received the HRC Update
- h) received decisions and reasons of the Discipline Committee;
- i) received a legal update on legal actions in which PEO is involved;
- j) noted there were no issues reported regarding PEO's Anti-Workplace Violence and Harassment Policy
- k) approved the changes to the 2017 PEO Committees and Task Forces Membership roster as amended
- l) approved the changes to the 2018 PEO Committees and Task Forces Membership Roster as amended.

**11906
GOVERNMENT RELATIONS SERVICES**

The following item was moved from the in-camera agenda into open session:

Moved by President-elect Brown, seconded by Councillor Turnbull:

That Council approves the issuing of a request for proposal for government relations services as presented to the meeting at C-515-4.5, Appendix A.

CARRIED

**11907
APPROVAL OF THE 2018 PEO
COMMITTEES AND TASK FORCES
MEMBERSHIP ROSTER**

The following item was moved from the in-camera agenda into open session after December 1, 2017:

Moved by President-elect Brown, seconded by Councillor Turnbull:

That the approval of the 2018 PEO Committees and Task Forces Membership Roster as presented to the meeting and amended at C-515-2.13, Appendix A, be moved into open session on December 1, 2017.

CARRIED

There being no further business, the meeting concluded.

These minutes consist of twenty-two pages and minutes 11873 to 11907 inclusive.

B. Dony, P.Eng., Chair

S. Clark, LL.B., Chief Administrative Officer and
Corporate Secretary