



**COUNCIL MEETING**  
**January 25, 2017**  
**Edmonton (APEGA Office)**  
**Lindberg Conference Centre (15<sup>th</sup> floor)**  
**8:30 a.m. – 4:30 p.m.**

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## **MINUTES**

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### **PRESENT**

**President:** Steve Hrudey, P.Eng., PhD, DSc(Eng), FEC, FCAE, FSRA  
**President-Elect:** Jane Tink, P.Eng., FEC, FGC (Hon.)  
**Vice-President:** John Rhind, P.Geol.  
**Past-President:** Connie Parenteau, P.Eng., FEC, FGC (Hon.)  
**Councillors:** Natasha Avila, P.Eng.  
Jeff DiBattista, P.Eng., PhD, MBA  
Lisa Doig, P. Eng., MBA, FEC, FGC (Hon.)  
Jennifer Enns, P.Eng. (called in for item #8.1)  
George Eynon, P.Geo., FGC, FEC (Hon.)  
Darren Hardy, P.Eng.  
Brad Hayes, P.Geol., PhD, FGC, FEC (Hon.)  
Tim Joseph, P.Eng., PhD, FCIM  
Art Washuta, P.Eng.  
Terry Waters, P.Eng.

**Public Members:** Ross Harris, B.Com., FCA, ICD.D  
Mary Phillips-Rickey, FCA

**Engineers**  
**Canada Director:** David Lynch, FCAE, FEIC, FCIC, FEC, FGC (Hon.), PhD, P.Eng.

**Geoscientists**  
**Canada Director:** George Eynon, P.Geo., FGC, FEC (Hon.)

**Staff:** Heidi Yang, P.Eng., FEC, FGC (Hon.), Interim Chief Executive Officer  
Carol Moen, P.Eng., Registrar  
John Corriveau, P.Eng., Director of Regulatory Operations  
Mohamed El Daly, MSc., Interim Director of Member Services  
Richard Hughes, CA, ICD.D, Finance Consultant  
Miriam Itzeck, Public Relations Coordinator (for items 1.0 to 5.5 only)  
Dianne Johnstone, CPP, Director of Legislative Review

George Lee, FEC (Hon.), FGC (Hon.), Member & Internal Communications Manager (for items 1.0 to 5.5 only)  
Pat Lobregt, FEC (Hon.), FGC (Hon.), Director, Executive and Government Relations  
Pal Mann, P.Eng., Director of Professional Practice  
Philip Mulder, APR, FEC (Hon.), FGC (Hon.), Director Communications  
Krista Nelson-Marciano, Director of Operations  
Mark Tokarik, P.Eng., LL.B., FEC, Deputy Registrar  
Jill Arbuthnott, Executive Assistant to Council  
Colette Fernandes, Executive Assistant to the Director, Executive and Government Relations

**REGRETS:** Mahsoo Naderi-Dasoar, P.Eng., MSc, PMP  
Manon Plante, P.Eng., MDS  
Larry Staples, P.Eng., FEC, FGC (Hon.)

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## 1.0 CALL TO ORDER

The Chair called the meeting to order at 8:30 a.m.

## 2.0 DECLARATION OF CONFLICT OF INTEREST

Mr. Harris and Ms. Phillips-Rickey advised that they would recuse themselves from item #6.3.1, Public Member Appointments to Council.

2.1 Council Code of Conduct

2.2 Code of Ethics

## 3.0 ADOPTION OF MEETING AGENDA

### MOTION 17-01

***MOVED by George Eynon, and seconded***, THAT the January 25, 2017 Council agenda be adopted as presented.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-01** – Unanimously adopted.

#### 4.0 CONSENT AGENDA

- 4.1 Council Attendance
- 4.2 Council Self-Assessment Survey
- 4.3 Council Minutes – November 30, 2016
- 4.4 Policy & Standards Task Force Reinstatement Recommendations

##### MOTION 17-02

***MOVED by Tim Joseph, and seconded,*** THAT the Consent Agenda in the January 25, 2017 Council Agenda be adopted as presented.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 14  
Opposed: 0  
Abstained: 0

MOTION 17-02 – Unanimously adopted.

#### 5.0 LEGISLATIVE REVIEW

A high-level review was provided on the legislative review process that has been in progress since September 2015. It was noted that at the Round 4 Consultations that the majority of members and permit holders in attendance agreed to all 20 recommendations.

##### 5.1 Round 4 Endorsement of Proposed Recommendations

There was a presentation on the proposed recommendations from the Round 4 Consultations. There was an in-camera session for a portion of the presentation.

##### MOTION 17-03 (Updating Authentication Practices)

***MOVED by Jeff DiBattista, and seconded,*** THAT Council endorse the proposed recommendation that the following definitions as amended be added to the legislation:

- **stamp:** an instrument issued by APEGA to a Professional Member or Permit Holder in any form or medium, as set out by the Registrar.
- **authentication:** the application of a Professional Member's stamp, signature, and date together with a Permit Holder's stamp to a professional document.
- **professional document:** an engineering or geoscience file in accordance to requirements established by council:
  - contains technical information resulting from the practice of engineering or geoscience
  - is complete for an intended purpose and
  - will be relied upon by others.

Council was concerned that the definition of a professional document as stated in the recommendations would not allow Council to modify the definition later through a

Standard if the definition of a professional document was left in the act. APEGA staff was asked to modify the wording to allow this to occur.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 13  
Opposed: 1  
Abstained: 0

**MOTION 17-03** – Adopted.

Note: APEGA administration is seeking legal advice and will provide follow up at the March 23, 2017, Council meeting.

**MOTION 17-04 (Updating Authentication Practices)**

***MOVED by Natasha Avila, and seconded***, THAT Council endorse the proposed recommendations that the legislation be amended to:

- remove references to embossing seals as part of the authentication process
- explicitly clarify that all professional documents must be authenticated by licensed Members and Permit Holders regardless of whether the engineering or geoscience services related to those documents were performed inside or outside of Alberta
- make it an offence for any person to knowingly employ or retain an unlicensed individual or other entity to provide engineering or geoscience services unless the person hiring the unlicensed individual or other entity reviews, authenticates, and takes responsibility for that work
  - indicate that the court may order fines payable for such violations up to \$100,000 maximum for individuals and \$500,000 maximum for other entities (these dollar amounts are consistent with other proposed fines).

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 14  
Opposed: 0  
Abstained: 0

**MOTION 17-04** – Unanimously adopted.

**MOTION 17-05 (Outlining the Responsibilities of a Permit to Practice)**

***MOVED by Tim Joseph, and seconded***, THAT Council endorse the proposed amended recommendations that the legislation be amended to:

- add a definition for Responsible Member to indicate that the Responsible Member must be a Professional Member and has a sufficient relationship with the permit holder appropriate to undertake the responsibilities associated with acting as a responsible member
- clarify that, in addition to the existing requirements for Responsible Members, their responsibilities are expanded to explicitly include:
  - being professionally responsible for the Professional Practice Management Plan (PPMP) and for ensuring it is being followed

- stamping, signing, and dating the PPMP document within their area of responsibility
- clarify that a deficiency in a PPMP (or evidence that a PPMP is not being followed) may result in a practice review order or a finding of unskilled practice or unprofessional conduct against the Responsible Member, collectively or individually, and against the Permit Holder.
- change the requirement from needing only one Responsible Member to needing one or more Responsible Members, as appropriate to the practice
- move the requirement for a Responsible Member to attend a seminar every five years from the General Regulation to part of the mandatory Continuing Professional Development (CPD) program requirements for Responsible Members. The details will be described in the CPD program.
- require Permit Holders and Responsible Members to advise APEGA if an existing Responsible Member ceases to be the person accepting responsibility for the practice of the Permit Holder or can no longer provide the necessary certification regarding the PPMP
- require a sole practitioner to obtain a Permit to Practice

Number of votes cast: 14

Necessary for adoption: 8

In favour: 13

Opposed: 1

Abstained: 0

**MOTION 17-05** – Adopted.

**MOTION 17-06 (Initiating Primary Professional Liability Insurance)**

***MOVED by Brad Hayes, and seconded***, THAT Council endorse the legislation be amended:

To authorize Council to make policy respecting the requirements for Members and Permit Holders to carry professional liability insurance.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-06** – Unanimously adopted.

Note: Proposed recommendations were presented to the membership for consultation. Based on feedback received from member consultations, the originally proposed recommendations were amended and a new recommendation was proposed as reflected in the approved motion above.

**MOTION 17-07 (Updating Tools for Statutory Entities)**

***MOVED by Connie Parenteau, and seconded,*** THAT Council endorse the proposed amended recommendations that the legislation be amended to explicitly authorize all statutory entities to:

- determine whether their proceedings will proceed by way of written or oral submissions, or both. Each statutory entity will manage the use of this authority through policy guidelines developed by the respective statutory entity.
- create panels with decision-making authority, including investigative, discipline, appeal, registration, and practice review panels.
  - Panels may be made of one or more members chosen from the rosters of the relevant statutory entity. Discipline and appeal panels of three or more members should include public members, selected from a roster. Each statutory entity will manage the use of this authority through policy guidelines developed by the respective entity.
  - Although it would not be the usual practice, panels may hold proceedings and make decisions in the absence of a complainant, appellant, applicant, Member under review, or investigated person after appropriate notice of the proceeding being given to the individual.
- state that any person who has a right to appeal a statutory entity's decision to an appeal panel may commence the appeal by filing a written notice of appeal that must state the grounds for the appeal, including what is being appealed, why the appeal is being made, and what results are being sought from the appeal. The criteria for which the grounds of the appeal must meet will be established in the regulation and further developed through policy.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 14  
Opposed: 0  
Abstained: 0

**MOTION 17-07** – Unanimously adopted.

**MOTION 17-08 (Introducing Creative Sanctions)**

***MOVED by Tim Joseph, and seconded,*** THAT Council endorse the proposed recommendations that the legislation be amended to expand the sanctions that can be imposed:

- in discipline matters to include creative sanction provisions
- by the court against unlicensed title and practice violators to include creative sanction provisions
- These amendments should adopt provisions similar to what is contained in section 234 of the Environmental Protection and Enhancement Act and section 41.1 of the Occupational Health and Safety Act.
- Non-compliance with a creative sanction order may result in the suspension of a licence or permit until the order is fulfilled.

Number of votes cast: 14  
Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-08** – Unanimously adopted.

**MOTION 17-09 (Allowing for a Custodian of Practice)**

***MOVED by Lisa Doig, and seconded***, THAT Council endorse the proposed recommendation that the legislation be amended to allow APEGA to apply to the Court of Queen's Bench for an order appointing a person as a custodian of a Professional Member's practice in the event of a Member's incapacity, illness, death, or suspension of registration, so that it may be temporarily managed or, if necessary, dissolved. The custodian of a practice will be a qualified Professional Member.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-09** – Unanimously adopted.

**MOTION 17-10 (Refining the Continuing Professional Development Program)**

***MOVED by Tim Joseph, and seconded***, THAT Council endorse the proposed recommendations that the legislation be amended to clarify that:

- as previously addressed in the winter 2016 consultations, the Practice Review Committee (PRC) will have the responsibility to develop, and Council will have the authority to approve, the requirements for the CPD program and supporting practice standards
- the obligation for keeping CPD records and how Members meet the requirements of the program will be described in CPD policies
- the Registrar will be able to strike a Member from the register for non-compliance with the CPD program
- the assessment of whether a Member meets the CPD requirements will be conducted by the PRC through practice reviewers and practice review panels as described in the winter 2016 consultations related to the PRC
- Council may impose an administrative assessment fee if a Member does not comply with the CPD program within specified timelines
- the requirement for Responsible Members to attend a Permit to Practice seminar every five years will be moved out of the Engineering and Geoscience Professions Act General Regulation and into the requirements of the CPD program and supporting practice standard

Number of votes cast: 14

Necessary for adoption: 8

In favour: 13

Opposed: 1

Abstained: 0

**MOTION 17-10** – Adopted.

**MOTION 17-11 (Membership Category – Provisional Licensee)**

***MOVED by George Eynon, and seconded***, THAT Council endorse the proposed recommendation that the legislation be amended to remove the Provisional Licensee category and all references to Provisional Licensees from the legislation.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 14  
Opposed: 0  
Abstained: 0

**MOTION 17-11** – Unanimously adopted.

**MOTION 17-12 (Geoscience: Definition)**

***MOVED by John Rhind, and seconded***, THAT Council endorse the proposed recommendations that the Engineers and Geoscience Professions Act be amended to update the definition of the practice of geoscience to read:

“practice of geoscience” means:

(i) acquiring, investigating, analyzing, processing, interpreting, evaluating, consulting, applying, modelling, assessing, managing, or reporting related to any activity:

(A) that relates to the Earth sciences or the environment, and

(B) that is aimed at the understanding of Earth materials, geobodies, natural resources, energy fields, geohazard risks, or processes, and

(C) that requires in that acquiring investigating, analyzing, processing, interpreting, evaluating, consulting, applying, managing, or reporting the professional application of the principles of geology, geophysics, physics, chemistry, mathematics, or biology,

or

(ii) teaching geoscience at a university.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 14  
Opposed: 0  
Abstained: 0

**MOTION 17-12** – Unanimously adopted.

**MOTION 17-13 (Geoscience: Work Products)**

**MOVED by George Eynon, and seconded,** THAT Council endorse the proposed recommendations that the Engineers and Geoscience Professions Act be amended to update the description of the types of geoscience documents and work products that need to be authenticated to read:

“...professional documents...”

It is also recommended this change be supplemented by updated practice standards that will provide greater detail and will clarify that geoscience “professional documents” include:

“...maps, geoscientific cross-sections, specifications, reports, or other geoscientific work products in any form or medium, or reproductions of any of them...”

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-13** – Unanimously adopted.

**MOTION 17-14 (Geoscience: Changes to Exemptions)**

**MOVED by George Eynon, and seconded,** THAT Council endorse the proposed recommendations that the Engineers and Geoscience Professions Act be amended regarding the exemptions of the practice of geoscience to read:

- remove the exemption relating to prospecting
- amend the existing exemption related to geoscientific survey and reports to read:  
“a person conducting routine geoscientific surveys or preparing routine geoscience reports where the specifications and standards and any subsequent changes to the field parameters for the survey or report have been prepared or approved by a professional geoscientist or licensee
- amend the existing exemption related to data reduction and plotting to include routine data management to read:  
“a person engaged in routine data management, reduction, or plotting of geoscientific data under the supervision and control of a professional geoscientist”

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-14** – Unanimously adopted.

**MOTION 17-15 (Investigator Authority)**

**MOVED by Connie Parenteau, and seconded**, THAT Council endorse the proposed recommendations that the legislation be amended to:

- consolidate the sections describing the authority of investigators in conducting investigations
- explicitly enable APEGA to apply to the court, on reasonable grounds, for an order authorizing investigators, accompanied by police as necessary, to enter and search buildings, dwellings, or places for documents, media, or other records as part of an investigation
- require APEGA's statutory entities to report suspected criminal activity if found in the course of an investigation or review. Statutory entities would advise the Registrar, who would inform the Minister of Justice and Solicitor General or police of the concern. Statutory entities would not be required to complete their investigation before reporting an activity, if it were in the public interest to do so.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-15** – Unanimously adopted.

**MOTION 17-16 (Authority of Practice Reviewers)**

**MOVED by Tim Joseph, and seconded**, THAT Council endorse the proposed recommendation that the legislation be amended to explicitly give APEGA practice reviewers the authority to conduct practice reviews similar to the authority contained in the ASET Regulation the Professional Technologists Regulation or the Chartered Professional Accountants Act, Alberta.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-16** – Unanimously adopted.

**MOTION 17-17 (Enforcement Review Committee)**

**MOVED by Natasha Avila, and seconded**, THAT Council endorse the proposed recommendation that the legislation be amended to remove the establishment of the Enforcement Review Committee from the General Regulation.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-17** – Unanimously adopted.

**MOTION 17-18 (Mediated Settlements)**

***MOVED by Tim Joseph, and seconded***, THAT Council endorse the proposed recommendation that the Engineering and Geoscience Professions Act be amended to authorize the Registrar to proceed to an investigation, even if the complaint is settled or is withdrawn, if it is deemed necessary to do so in the public interest.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-18** – Unanimously adopted.

**MOTION 17-19 (Consent Orders)**

***MOVED by Connie Parenteau, and seconded***, THAT Council endorse the proposed recommendations that the legislation be amended as follows:

- the term consent order will replace the current recommended order terminology
  - the term consent order more accurately reflects that it is a negotiated agreement between the investigative panel and the Member or Permit Holder under investigation that has admitted to unskilled practice or unprofessional conduct.

Council amends a previously endorsed proposed recommendation in Motion #16-01-sub# 2.14 which stated to make the Registrar the case manager for all recommended discipline orders.

The Motion to be amended as follows:

- a consent order will be approved by a discipline panel, rather than the Registrar
  - negotiated agreements may involve disciplinary sanctions and should be approved by the appropriate disciplinary arm that has the authority to impose sanctions.
  - the criteria for approving consent orders will be set by the Discipline Committee, in policy, to ensure consistency.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-19** – Unanimously adopted.

**MOTION 17-20 (Obligation to Comply and Cooperate)**

***MOVED by Tim Joseph, and seconded***, THAT Council endorse the proposed recommendations that the legislation be amended to explicitly state that:

- Members and Permit Holders must:
  - comply with the Engineering and Geoscience Professions Act, General Regulation, Bylaws, Code of Ethics, practice standards, practice bulletins, and policies established by Council
  - cooperate with requests to provide all documents or other information made by APEGA as part of exercising its regulatory mandate under the legislation
  
- There are consequences for failing to comply or cooperate, which could include suspending, cancelling, imposing restrictions, or not issuing or renewing a licence or Permit to Practice.
  - Members and Permit Holders will have the right to appeal such decisions to the Appeal Board.
  - APEGA will have the ability to apply for a court order enjoining a person from violating any part of the Act, General Regulation, or Bylaws, or directing a person to take some action to comply or to rectify any contravention.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-20** – Unanimously adopted.

**MOTION 17-21 (Establishing Time Frames and Notices)**

***MOVED by Natasha Avila, and seconded***, THAT Council endorse the proposed recommendations that the legislation be amended to specify certain time frames:

**Time Frame to Send Notice of Preliminary Investigation**

The Registrar must, within 30 days of receiving a complaint, send a notice to an investigated person (Member or Permit Holder) that a preliminary investigation will be conducted and provide details of the complaint.

**Time Frame to Respond**

An investigated person must, within 30 days of receiving notice of a preliminary investigation or longer if agreed to by the Registrar and the investigated person, provide a written response to the Registrar.

**Time Frame to Review Complaint**

An investigative panel must, within 90 days after the conclusion of a preliminary investigation, render a decision on whether to dismiss the complaint, refer the

complaint to a discipline hearing, or begin discussions with the investigated person for a consent order.

**Time Frame to Reach Consent Order**

The time frame to reach a consent order between an investigated person and an investigative panel is 90 days from the date negotiations began or longer if agreed to by both parties.

**Time Frame to Schedule a Discipline Hearing**

If a matter is referred to a discipline panel for a hearing, the Registrar must, within 90 days after receiving the referral, set a date for the hearing and give all parties notice of the date, time, and place of the hearing.

**Time Frame to Respond to Notice of Discipline Hearing**

If a date is set for a hearing by a discipline panel, the investigated person and investigative panel must, within 30 days of receiving notice of the hearing date, respond to the Registrar confirming their availability on that date or propose alternative dates.

If the parties and Registrar are not able to agree to a hearing date within an additional 30 days, the Registrar may set a date for the hearing and the hearing shall commence on that date.

**Time Frame to Render a Decision Following a Discipline Hearing**

A discipline panel must, within 120 days after the conclusion of a hearing, render a written decision.

**Time Frame to Schedule an Appeal Hearing**

If a discipline decision is appealed, the Registrar must, within 90 days after receiving the notice of appeal, set a date for the appeal hearing and give all parties notice of the date, time, and place of the hearing.

**Time Frame to Respond to Notice of Appeal Hearing**

If a date is set for a hearing by an appeal panel, the investigated person and investigative panel must, within 30 days of receiving notice of the hearing date, respond to the Registrar confirming their availability on that date or propose alternative dates.

If the parties and Registrar are not able to agree to a hearing date within an additional 30 days, the Registrar may set a date for the hearing and the hearing shall commence on that date.

**Time Frame to Render a Decision Following an Appeal Hearing**

An appeal panel must, within 120 days after the conclusion of a hearing, render a written decision.

**Time Frame Extensions**

If an investigative, discipline, or appeal panel has not rendered a written decision within the required time frame, it must at the end of that period inform the parties, in writing, that the decision has not been completed and continue to report to them on the progress of the decision every 30 days.

As is currently the case under the existing Act, the Registrar shall, immediately upon receiving a decision, serve the decision. The time frame in which a person may appeal a decision will remain 30 days from receipt of notice.

Discussion addressed the concerns of some Councillors that some of the time frames, most notably those of 120 days, were long and these might not be acceptable to the Government of Alberta.

Council also endorses the proposed recommendation that the legislation be amended to consolidate related information on time frames for discipline matters into one division.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-21** – Unanimously adopted.

**MOTION 17-22 (Membership Category – Restricted Practitioners)**

***MOVED by Lisa Doig, and seconded***, THAT Council endorse the proposed recommendation that the legislation be amended to remove the restricted practitioner category from the legislation.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-22** – Unanimously adopted.

**MOTION 17-23 (Membership Category – University Students)**

***MOVED by Brad Hayes, and seconded***, THAT Council endorse the proposed recommendation that the legislation be amended to remove the university student category from the legislation.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-23** – Unanimously adopted.

## 5.2 New Policy Section

There was discussion on amending Section 19 and 20 of the EGP Act and to adding a new section to the act regarding policies that will provide Council with the authority to make appropriate regulations, bylaws and policies.

**MOTION 17-24**

***MOVED by Lisa Doig, and seconded,*** THAT Council endorses in principle that Section 19 and 20 of the *EGP Act* be amended as needed and that a new “Policies” section be added to the *EGP Act* to provide Council with the authority to make appropriate regulations, bylaws and policies.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 14  
Opposed: 0  
Abstained: 0

**MOTION 17-24** – Unanimously adopted.

5.3 Review of Round 5

There was a brief review of the Round 5 Consultations, what they will entail and the timelines involved.

5.4 Preliminary Review Engineers Canada Code of Ethics for APEGA

APEGA staff and Council were asked to compare the APEGA Code of Ethics to the Engineers Canada Code of Ethics and identify any areas requiring further discussion. Feedback from Council is to be included in the March Council agenda.

5.5 Bylaw 37(3) Report

A review of Bylaw 37(3) and motion #16-45 from the September 2016 Council meeting was discussed. It was suggested the following motion be the subject of consultation in February, 2017.

**MOTION 17-25**

***MOVED by Tim Joseph, and seconded,*** THAT Council recommend a vote by mail shall be declared valid if at least 400 professional members respond and the matter shall be declared carried or defeated on the basis of a simple majority of the votes returned.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 13  
Opposed: 1  
Abstained: 0

**MOTION 17-25** – Adopted.

Post meeting it was identified that there was a previous motion made by Council at the September 29, 2016 Council meeting which is different than motion #17-25 on the

same topic. Therefore, Councillors were advised an electronic vote would be required to rescind motion #16-45.

**MOTION 17-33**

**IT IS MOVED AND SECONDED THAT Council rescind Motion #16-45 adopted at the September 30, 2016 Council meeting which reads “MOVED by Tim Joseph, and seconded, THAT Council approves that APEGA Bylaw 37(3) be amended to read “A vote by mail on a matter shall be declared carried or defeated on the basis of a simple majority of the votes returned”.**

Number of votes cast: 17  
Necessary for adoption: 9  
In favour: 15  
Opposed: 0  
Abstained: 2

**MOTION 17-33** – Adopted.

**6.0 ROUTINE BUSINESS OF COUNCIL**

**6.1 CEO & Registrar Search Task Force Update**

There was an in-camera session for the CEO & Registrar Search Task Force update.

**6.2 Audit Committee Update**

The Audit Committee Chair provided a brief update on the Special Audit Committee meeting held on January 23, 2017. A Request for Proposal (RFP), to select a new auditor, was recommended by the Audit Committee. Council agreed that an RFP should be conducted.

**6.2.1 Minimum Cash Balance Ratio of APEGA Investments**

The Audit Committee met with QV Investors Inc. who manage APEGA's investments. QV Investors Inc. had previously recommended that APEGA change one of the terms in APEGA's investments related to the minimum cash balance ratio.

**MOTION 17-26**

***MOVED by John Rhind, and seconded,*** THAT Council approve the change of the minimum cash balance requirement in the APEGA investment portfolio managed by QV Investment Inc. from 5-15% to 0-15% in order to preserve the asset mix recommended by our investment manager, and that Audit Committee will subsequently review the investment policy and refer back to Council.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 14  
Opposed: 0  
Abstained: 0  
**MOTION 17-26** – Unanimously adopted.

#### 6.2.2 Restricted Net Assets

The Audit Committee Chair asked to move \$615K to restricted net assets, to fund the legislative review process.

#### **MOTION 17-27**

***MOVED by Brad Hayes, and seconded,*** THAT Council move \$615K to restricted net assets in 2016 in order to provide \$1.1M in restricted net assets to fund the remainder of Legislative Review to 2019.

Number of votes cast: 14  
Necessary for adoption: 8  
In favour: 14  
Opposed: 0  
Abstained: 0  
**MOTION 17-27** – Unanimously adopted.

#### 6.3 Public Member Appointments

Mr. Harris and Ms. Phillips-Rickey recused themselves from item #6.3.1 – Council.

A brief background was provided on the Alberta Government's process for appointing public members on committees and boards within APEGA.

##### 6.3.1 Council

#### **MOTION 17-28**

***MOVED by Connie Parenteau, and seconded,*** THAT the Council approve the nomination of the following public member reappointments to the Minister of Labour:

1. Ross Harris for a three-year term from May 2017 to April 2020;
2. Mary Philips-Rickey for a three-year term from May 2017 to April 2020;

And that Council further recommend to the Minister of Labour the appointment of one of the following three individuals to fill the current Public Member vacancy created by the resignation of Mr. Robert Lloyd:

- Ms. Maria David-Evans, B.Sc., MBA, RSW

- **Ms. Susan McRory, BA, LLB**
- Ms. Georgeann Wilkin, MSA, LLB

Number of votes cast: 12

Necessary for adoption: 7

In favour: 12

Opposed: 0

Abstained: 0

**MOTION 17-28** – Unanimously adopted.

### 6.3.2 Practice Review Board

#### **MOTION 17-29**

**MOVED by Lisa Doig, and seconded**, THAT the Council approve the nomination of one of the following individuals for appointment as a Public Member on the Practice Review Board by the Minister of Labour:

1. Margaret Bateman
- 2. Maria David-Evans**
3. Ian McConnan

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-29** – Unanimously adopted.

### 6.3.3 Discipline Committee

#### **MOTION 17-30**

**MOVED by George Eynon, and seconded**, THAT Council recommends the reappointment of **Muriel Dunnigan** as a Public Member on the Discipline Committee by the Minister of Labour, and that if the Minister does not wish to approve her reappointment, she consider the appointment of either Ian McConnan or Susan McRory.

Number of votes cast: 14

Necessary for adoption: 8

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-30** – Unanimously adopted.

## 7.0 GOVERNANCE MANUAL

The Governance Committee Chair provided a brief overview of the recommended revised Governance Manual, stressing that it is a living document moving forward.

### MOTION 17-31

***MOVED by Tim Joseph, and seconded***, THAT Council approve the Governance Manual dated January 11, 2017, and approved by the Governance Committee on January 17, 2017, as a living document to replace the June 2012 version.

Number of votes cast: 14

Necessary for adoption: 7

In favour: 14

Opposed: 0

Abstained: 0

MOTION 17-31 – Unanimously adopted.

## 8.0 APEGA/ASET JOINT COUNCILS MEETING UPDATE

There was an in-camera session for the APEGA/ASET Joint Councils Meeting Update and to discuss item 8.1, Defined Activities of Technology and Registration.

### 8.1 Defined Activities of Technology and Registration

Council then moved out of in-camera to discuss the following:

### 8.2 Review Professional Limited Licensee

There was discussion on the pathways to becoming a Professional Limited Licensee (P.L.L.). Following the spring 2015 consultations, APEGA Council on October 6, 2015 endorsed proposed recommendations to change the current Professional Licensee (P.L.) designation.

One implication of the proposed 2015 change was to eliminate a pathway for highly qualified and experienced technologists to become a P.L.L. ASET requested that APEGA revisit this and that APEGA continue to provide a pathway for highly qualified and experienced technologists to become registered as P.L.L.s and obtain limited scopes of practice involving complex problem solving using complex methodologies.

A revised model was presented to Council that provided two pathways to the new P.L.L. designation: one for individuals with degrees in engineering or geoscience (as previously endorsed on October 6, 2015); and one for individuals with 2 year engineering or geoscience diplomas or 3 year science degrees who must first apply to ASET and become registered as a P.Tech.

The revised model also provided that an individual must be a P.Tech first in order to apply for the P.L.L.; and that the experience requirement for P.L.L. applicants is 8

years of experience including at least 2 years within the P.L.L. limited scope and is consistent with the other jurisdictions that have limited licenses.

Council was also advised that the APEGA-ASET Joint Board of Examiners has recommended that the legislation be amended to increase the existing experience requirement for P.Techs to 10 years from the current 6 years and to 4 years within the proposed P.Tech. scope of practice from the current 2 years. ASET has indicated they are supportive of this change as has APEGA.

(Note: Two diagrams were included as part of the Council materials. One illustrated the current state; the second illustrated the proposed future state.)

**MOTION 17-32**

***MOVED by Natasha Avila, and seconded***, THAT Council rescinds a previously endorsed proposed recommendation in Motion #15-20 as presented in the October 6, 2015 Council agenda package to eliminate the existing Professional Licensee designation.

Council endorses changing the designation Professional Licensee to Professional Limited Licensee and endorses the guiding principles of the criteria for the revised pathway to Professional Limited Licensee as presented in the January 25, 2017 Council agenda package.

Number of votes cast: 14

Necessary for adoption: 7

In favour: 14

Opposed: 0

Abstained: 0

**MOTION 17-32** – Unanimously adopted.

**9.0 IN-CAMERA DISCUSSION (Council Only)**

**10.0 IN-CAMERA (Council + Interim CEO and Registrar Only)**

**11.0 IN-CAMERA SUMMARY**

**12.0 ADJOURNMENT**

Meeting adjourned at 4:30 p.m.