



COUNCIL MEETING

June 24, 2020

Remote Meeting via Teams

8:30 am – 5:00 pm

MINUTES

PRESENT

Council Executive:

John Van der Put, P.Eng., FEC, FGC (Hon.) – President

Brian Pearce, P.Eng. – President Elect

Lisa Doig, P.Eng. – Vice-President

George Eynon, P.Geo., FGC, FEC (Hon.) – Past-President

Councillors:

Margaret Allan, P.Eng., P.Geo.

Jennifer Enns, P.Eng.

Darren Hardy, P.Eng.

Tim Hohm, P. Eng.

Wally Kozak, P.Eng.

RaeAnne Leach, P.Eng., PMP, FEC, FGC (Hon.)

Manon Plante, P.Eng., MDS

Melanie Popp, P.Eng.

Jason Vanderzwaag, MASC, P.Eng., LEED AP, PMP

Theresa Watson, P.Eng., MBA, JD

Public Members:

Mary Phillips-Rickey, FCA

Georgeann Wilkin RN, LI.B

Engineers Canada Directors:

Tim Joseph, P.Eng., PhD, FCIM

David Lynch, FCAE, FEIC, FCIC, FEC, FGC (Hon.), PhD, P.Eng.

Jane Tink, P.Eng., FEC, FGC (Hon.)

Geoscientists Canada Directors

Colin Yeo, P.Geo., FGC, FEC (Hon.) – Geoscientists Canada Director

Staff:

Jay Nagendran, P.Eng., FCAE, ICD.D, FEC, FGC (Hon.), Registrar & CEO (RCEO)
Jill Arbuthnott, Executive Assistant to Council
Nancy Biamonte, ABC, Director of Communications
John Corriveau, P.Eng., Director, Regulatory Affairs
Sloan d'Entremont, P.Eng., CPCC, Senior Advisor & Director, Council Relations
Colette Fernandes, Council Relations Coordinator
Sharilee Fossum, MBA, CPA, CMA, ICD.D, Chief Financial & Corporate Officer (CFCO)
Dianne Johnstone, CPP, Director of Legislative Review & Government Relations
Matthew Oliver, CD, P.Eng., Deputy Registrar & Chief Regulatory Officer (CRO)
Zac Parsons, B.Comm, Senior Advisor, Business Planning
Mark Tokarik, P.Eng., LL.B., FEC, Senior Advisor, Legislation & Regulatory Affairs

Regrets:

Victor Benz, P.Eng., FEC
David Johnson, P.Geo.,
Claudia Villeneuve, P.Eng., M.Eng., PMP, ACG

1.0 CALL TO ORDER

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

The Chair welcomed all the attendees and provided direction for the day.

2.0 COUNCIL MEETING CONDUCT

2.1 Council Code of Conduct

2.2 Code of Ethics

2.3 Declaration of Conflict of Interest

No conflicts of interest were declared.

3.0 CONSENT AGENDA

The following Consent Agenda items were approved as presented in the June 24, 2020, Council package.

3.1 Statutory Board Appointments

3.2 Conditional Reinstatement Recommendations

3.3 Council Minutes Review Committee

4.0 ADOPTION OF MEETING AGENDA

MOTION 20-14

MOVED by Jennifer Enns and seconded by Darren Hardy, THAT the June 24, 2020, Council agenda be adopted as presented.

Number of votes in favour: 15/15

Necessary for adoption: 8/15

Motion unanimously adopted.

5.0 COUNCIL MINUTES APPROVAL – March 19, 2020

MOTION 20-15

MOVED by Melanie Popp and seconded by Jason Vanderzwaag, THAT the minutes of the March 19, 2020, Council meeting be approved, by Council.

Number of votes in favour: 14/15

Necessary for adoption: 8/15

Motion unanimously adopted.

Note: One (1) new Councillor abstained from voting.

6.0 REGISTRAR & CEO'S ORAL UPDATE

The RCEO provided Council with an update on the following topics:

- APEGA staff have been coping admirably since being asked to work from home on March 19, 2020, due to the COVID-19 pandemic. Thanks to the IT Team, APEGA was well prepared to move to the work from home situation. Continuous updates have been provided by the RCEO to staff to provide them with current information.
- All regulatory functions are in full throttle. As the work from home scenario initially began, the processes had slowed work down. Certain hearings are still going to be difficult without some in-person activities, but they will be handled on a case-by-case basis. Staff members who had extra time because their work is related to in-office work were redeployed to help with some of the backlogged files.
- Because of the pandemic, APEGA has made several concessions to the membership, which include:
 - An additional year of dues reduction for unemployed members;
 - The lowering of CPD requirements for the year;
 - Allowing Permit Holders to defer 75% of their dues for 2020;
 - Putting a hold on cancellations for licenses and permits for April 1 to October 1, 2020; and
 - Offering extensions to Members-In-Training (MIT), who are unable to gain four (4) years of experience in their first eight (8) years as MIT's.

7.0 REPORTS

The following reports were presented for information purposes.

- 7.1 Registrar & CEO's Report
- 7.2 President's Report
- 7.3 Engineers Canada Report
- 7.4 Geoscientists Canada Report
- 7.5 Consulting Engineers of Alberta
- 7.6 Council & Committee 3-Year Schedule
- 7.7 Council Attendance

The Consulting Engineers of Alberta Report was pulled and moved to "Items from Consent Agenda and Reports That Require Discussion" (item #15.0).

8.0 ROUTINE BUSINESS OF COUNCIL

8.1 Executive Committee Report

The Chair of the Executive Committee provided an overview of the report provided to Council in the meeting package. There was no discussion.

8.2 Governance Committee Report

The Chair of the Governance Committee (GC) provided an overview of the report provided to Council in the meeting package. There was no discussion.

The Annual Council & Committee Assessment report was included with the GC report. Ms. Popp and Mr. Kozak have formed a subcommittee to review the results in more detail. Council was encouraged to provide any additional feedback to the subcommittee; the results will be provided to the GC at a future meeting.

8.2.1 Current Membership Categories in Bylaws: Life, Honourary, and Honourary Life

Council discussed the validity of the Life, Honorary Life, and Honorary Member categories. At the December 2019 Council meeting, Council passed the motion to have a more inclusive category – Retired Member. Work on drafting the associated bylaw and policy that outlines the rights and privileges of the retired member category have begun.

8.3 Nominating Committee Report

The Chair of the Nominating Committee provided an overview of the report provided to Council in the meeting package. It was noted that a subcommittee was created for the selection of the executive candidates.

8.4 Audit Committee Report

The Chair of the Audit Committee provided an overview of the report, the financial statements and variance analysis (item #8.4.1), and the operating results (item #8.4.2) that were provided to Council in the meeting package.

8.4.1 March 31, 2020 –Management Financial Statements and Variance Analysis

8.4.2 2020 Q1 Forecast of Year-End Operating Results

8.4.3 Appointment of Auditors

Due to the Annual General Meeting for 2020 being cancelled because of the public health emergency in Alberta, the appointment of the auditor was not finalized. the Audit Committee Chair presented the following motion for approval:

MOTION 20-16

MOVED by Manon Plante and seconded by Theresa Watson, THAT Given the public health emergency in Alberta, and the cancellation of APEGA's 2020 AGM, the Audit Committee recommends Council appoint PriceWaterhouseCoopers as auditors for 2020/21 to satisfy Bylaw 23(2).

Number of votes in favour: 15/15

Necessary for adoption: 8/15

Motion unanimously adopted.

8.5 Policy Standards Task Force Report

The Chair of the Policy Standards Task Force (PSTF) provided an overview of the report provided to Council in the meeting package. The following motions were presented:

MOTION 20-17

MOVED by RaeAnne Leach and seconded by Jason Vanderzwaag, THAT Council approve the reinstatement applications of the persons on the List of Process No. 1 applicants, the List of Process No. 2 applicants and Process No. 3 applicants Zeyad Al-Ssalmani, Rod Wolchyn, Olga Safro, Vladimir Kireev, Muhammad Farid, Steven Scherchel and Ronald Nutting, as recommended by the Practice Review Board and endorsed by the Policy and Standards Task Force.

Number of votes in favour: 15/15

Necessary for adoption: 8/15

Motion unanimously adopted.

MOTION 20-18

MOVED by Melanie Popp and seconded by Manon Plante, THAT Council approve the reinstatement application of Process No. 3 applicant Earl Hickok as recommended by the Practice Review Board and endorsed by the Policy and Standards Task Force.

Number of votes in favour: 0/15

Necessary for adoption: 8/15

Motion defeated.

The reinstatement application of Mr. Hickok will be returned to the Practice Review Board, through the PSTF, for further review and action.

Registrar's Complaint Policy:

Under the existing *Engineering and Geoscience Professions Act (EGP Act)*, the Registrar has the implied authority to initiate a complaint in the absence of a formal written complaint if there are reasonable grounds to believe the alleged conduct constitutes unskilled practice or unprofessional conduct. The policy and criteria are intended to guide the Registrar, or designate, in deciding when and whether to initiate a complaint in the absence of a formal written complaint.

MOTION 20-19

MOVED by Darren Hardy and seconded by Melanie Popp, THAT Council approve the "Registrar's Complaint Policy (Existing Legislation)," as presented on June 24, 2020.

Number of votes in favour: 15/15
Necessary for adoption: 8/15
Motion unanimously adopted.

Annual Declaration Policy:

This policy addresses the mandatory annual Character Declaration that forms part of the annual registration renewal process. The policy requires all Licensed Professionals to annually complete a Character Declaration, under which they must either confirm that they have not been convicted of any criminal convictions or findings of unprofessional conduct or unskilled practice; or alternatively must disclose to APEGA any criminal convictions or findings of unprofessional conduct or unskilled practice, if not previously disclosed. Failure to complete the mandatory Character Declaration will form grounds for cancellation of the Licensed Professional's registration with APEGA.

MOTION 20-20

MOVED by Georgeann Wilkin and seconded by RaeAnne Leach, THAT Council approve the "Annual Declaration Policy" as presented on June 24, 2020.

Number of votes in favour: 15/15
Necessary for adoption: 8/15
Motion unanimously adopted.

9.0 LEGISLATIVE REVIEW

9.1 General Regulation Expiry – September 2021

The existing *General Regulation* under the *Engineering and Geoscience Professions Act (EGP Act)*, the *Professional Technologists Regulation (PTech Regulation)*, and the *ASET Regulation* all expire on September 30, 2021.

On May 25, 2020, the Executive Committee of Council considered these issues. It passed motions recommending that APEGA Council pass the proposed motions below to extend the expiry dates of the *General Regulation* and *PTech Regulation* by five-years to September 30, 2026. With the passing of motion two, it will be forwarded to the Joint Professional Technologists Regulations Committee for their consideration in developing a proposed amendment to the expiry date of the *PTech Regulation*.

MOTION 20-21

MOVED by Manon Plante and seconded by Theresa Watson, THAT *Engineering and Geoscience Professions General Regulation* section 79.1 be amended to read: "For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2026."

Number of votes in favour: 15/15
Necessary for adoption: 8/15
Motion unanimously adopted.

MOTION 20-22

MOVED by Jennifer Enns and seconded by Manon Plante, APEGA Council agrees in principle that *Engineering and Geoscience Professions Professional Technologists Regulation* section 37 be amended to read: "For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2026."

Number of votes in favour: 15/15
Necessary for adoption: 8/15
Motion unanimously adopted.

10.0 SPECIAL COMMITTEE OF COUNCIL ON NOMINATIONS PROCESS

The Special Committee of Council on Nominations Process (SCCNP) was formally established at the June 2019 Council meeting after a motion was raised and passed at the 2019 AGM. The purpose of the SCCNP was to review the current processes and provisions for the nomination of candidates for election to Council and to report the findings and recommendations to Council.

At the March 2020 Council meeting, the SCCNP provided an executive summary of their high-level key findings and key recommendations. The SCCNP has since completed their work, the results of which were included in the June 2020 Council meeting package. Some of the recommendations will require Council to make new or revise current Bylaws. Consultation with the membership will need to occur before a vote on the new or revised Bylaws.

11.0 STAT. BOARD UPDATE – DISCIPLINE COMMITTEE

The Chair of the Discipline Committee ("DC") provided Council with an overview of the DC and its role. The DC was established as per the EGP Act – Part 5 – Section 45(1) and as per the EFP Act – Part 5 – Section 44(1). The Discipline Committee receives cases that are referred from the Investigative Committee.

APEGA's role as a regulator is to hold accountable registrants and permit-holding companies who are found guilty of unskilled practice or unprofessional conduct. Those under investigation with charges brought forward can proceed with either a Recommended Discipline Order (RDO) or a hearing. An RDO is an agreed-to order between APEGA and the registrant or company under investigation. RDO's take about 30-45 days to complete. If an investigated registrant or company agrees to the findings and disciplinary actions in the RDO, a formal hearing is unnecessary.

12.0 GOVERNANCE FRAMEWORK REVIEW TASK FORCE UPDATE

The Governance Committee is responsible to review the Governance Manual every three (3) years. The current Governance Manual is in good shape, but needed a framework that represented APEGA governance, and the key relationships between Council, Statutory Boards, and Committees. The Governance Framework Review Task Force (GFRTF) was created to fulfil this mandate.

The purpose of the GFRTF is to conduct a self-assessment of the APEGA governance system against "benchmark criteria" developed through external research suggesting robust governance practices. The scope includes Council's intersecting relationships with Statutory Boards and Operations/Management but not regulatory compliance itself.

The Chair of the Governance Framework Review Task Force (GFRTF) provided a status update on the project and spoke to the briefing note, which was provided in the Council package. The key areas covered were:

- Provide an update on the scope, and timeline;
- Share Pillar 1: Governance Leadership – Self-assessment Findings (preliminary highlights); and
- Prepare Council for next steps in the process

13.0 C2020 UPDATE

The Chief Membership Services Officer (CMSO) provide Council with an update on the activities that have occurred and plans for the rest of APEGA's Centennial year. These activities include:

- Centennial landing page on apega.ca – discoverAPEGA.ca
- Video series: A Century of Accomplishments
- City of Calgary Letter of Recognition (received in March)
- Lighting up of the Calgary Tower (April 23)
- Lighting up of the High Level Bridge in Edmonton (April 24)
- City of Edmonton Proclamation Day (June 29)
- Webinar of Internationally Trained Applicants (September 28)
- A community event with a charitable organization – United Way (October)

14.0 NATIONAL ENTRY TO PRACTICE EXAM

The Deputy Registrar & Chief Regulatory Officer (CRO) provided Council with a presentation on the National Entry-to-Practice Examination for Non-CEAB (Canadian Engineering Accreditation Board) Applicants for Licensure. The CEAB is a board that is managed through Engineers Canada. Canadian universities administer accredited engineering programs that are approved by the CEAB. Non-CEAB applicants are individuals who have studied engineering at non-accredited schools (worldwide).

The CRO provided Council with information that described the environment into which a national entry to practice exam should be considered. Since 2005, APEGA, as an organization, has handled over 100,000 applications. Of those, 36,000 of them were from internationally trained applicants. Organizationally, APEGA supports a psychometrically-rigorous National Professional Practice Examination used by twelve other regulators. APEGA has been deeply immersed in the question of international applicants and exams as knowledge tests. The Government of Alberta is prepared to take strong action if accreditation

processes do not improve amongst the province's regulators. APEGA is working towards offering evidence-based best practices to demonstrate we have arrived at the destination before the government mandates us there.

15.0 ITEMS FROM CONSENT AGENDA AND REPORTS THAT REQUIRE DISCUSSION

The Consulting Engineers of Alberta (CEA) report was pulled for discussion.

16.0 EXECUTIVE SESSION – Council + RCEO + CRO Only

There was an executive (in-camera) session held; a summary was not provided.

17.0 EXECUTIVE SESSION – Council Only

There was an executive (in-camera) session held; a summary was not provided.

18.0 EXECUTIVE SESSION – Council + RCEO Only

19.0 ADJOURNMENT

The meeting adjourned at 5:00 pm