



APPROVED

COUNCIL MEETING
Thursday, June 16, 2011
APEGGA Conference Centre
Edmonton, Alberta

MINUTES

PRESENT

President	Jim Smith, P.Eng., FEC
Past-President	Kim Farwell, P.Eng., FEC
President-Elect	Leah Lawrence, P.Eng.
Vice-President	Colin Yeo, P.Geol.
Councillors	Allin Folinsbee, P.Geoph., PhD, FEC (Hon.) Hartley Harris, P.Eng. Karen Henry, P.Eng., FEC George Jergeas, P.Eng., PhD Chris Ketchum, P.Eng. Suzanne Kresta, P.Eng., PhD Craig McFarland, P.Eng. Ken Porteous, P.Eng., PhD, FEC Heidi Yang, P.Eng., FEC
Councillor & Geoscientists Canada Director	John Hogg, P.Geol.
Public Member	Gary Campbell, QC Mary Phillips-Rickey, CA Fred Stewart, QC
Engineers Canada Director	Jim Beckett, P.Eng., FEC
Branch Observers	Phyllis Obst, P.Eng., Central Alberta Wayne Kosick, P.Eng., Fort McMurray Craig Maunder, E.I.T., Medicine Hat Kris McMenammon, P.Eng., Peace Region Justin McCrea, E.I.T., Vermilion River

Staff

Sharon Graham, Executive Assistant
Ray Chopiuk, P.Eng., Director Professional Practice
James Hunting, P.Eng., Compliance Officer
George Lee, Manager Editorial Services
Shelley Magnusson, B.Ed., MA, Manager Member Affairs
Sarah Manning, Administrative Assistant
Philip Mulder, APR, Manager Communications
Michael Neth, P.Eng., Director Compliance
Gerry O'Donnell, CGA, Director Finance & Administration
Ross Plecash, P.Eng., FEC, Director Corporate Affairs & Investigations
Al Schuld, P.Eng., FEC, Interim Chief Executive Officer & Registrar
Len Shrimpton, P.Eng., FEC, Chief Operating Officer
Tom Sneddon, P.Geol., Manager Geoscience Affairs
Mark Tokarik, P.Eng., LLB, FEC

REGRETS

Councillor

Ginger Rogers, P.Geol.
Chan Wirasinghe, P.Eng., PhD, FEC, FCAE

**Engineers Canada
Directors**

Mike Smyth, P.Eng., FEC
Larry Staples, P.Eng., FEC

Branch Observers

Manfred Czerwinski, P.Eng., Calgary
Brad Smid, P.Eng., Edmonton
Mitch Cardno, E.I.T., Lakeland
Terry Hood, P.Eng., Lethbridge

Staff

Neil Windsor, P.Eng., FEC, FCAE, Chief Executive Officer

1. CALL TO ORDER AND APPROVAL OF THE MEETING AGENDA

The meeting was called to order at 8:37 a.m. The President chaired the meeting, and the Executive Assistant recorded the minutes. Agenda item 7.1 was moved to Item 3a.

MOVED BY SUZANNE KRESTA AND SECONDED BY MARY PHILLIPS-RICKEY *11-29*
THAT the Meeting Agenda be approved as modified
CARRIED

2. CONSENT AGENDA

Item 2.1.3 was lifted to become item 3.1. Item 2.2.5 was lifted to become item 3.2.

MOVED BY KEN PORTEOUS AND SECONDED BY GARY CAMPBELL *11-30*
THAT the Consent Agenda be accepted as modified
CARRIED

3. BUSINESS LIFTED FROM THE CONSENT AGENDA

3.1 Minutes of the May 12, 2011 Executive Committee meeting, Section 4.3:
Synergy Task Force on Financial Sustainability Amendment.

The work of the Task Force is on-going and Council will be kept apprised of its progress.

3.2 Investigative Committee: What would prompt a Registrar's complaint?

There was discussion regarding the evaluation process used to decide when a Registrar's complaint should be put forward. It was also explained what criteria is used, in situations such as CNRL and the Fort McMurray condominiums, to determine whether they merit the initiation of a complaint. One of the key factors mentioned was whether or not APEGGA had authority over any of the parties involved.

Discussion Points:

- In response to the suggestion that APEGGA could take issue with the fact that there were no erection drawings stamped by a Professional Engineer as required, it was noted that this requirement is stipulated only in the Occupational Health & Safety act - not in the Engineering, Geological and Geophysical Professions Act - so APEGGA cannot enforce this.
- In response to the question of how CNRL could be fulfilling their permit to practice if they have unlicensed engineers producing erection drawings, the point was made that there exists a possibility for a complaint into the conduct of CNRL which can be initiated at any time. One of the things that would make this investigation relatively straight forward would be a conviction under the OH&S code. In the past, the Investigative Committee waited for the outcome of legal action in order not to taint a criminal or civil trial.
- The Investigative Committee determined that with CNRL being investigated by Occupational Health and Safety, a concurrent investigation was not necessary as the work was being properly addressed by another body, and the sanctions available to OH&S would likely be far more effective than the sanctions available to APEGGA.

- The concern that the public may have a negative perception of APEGGA (due to a perceived lack of action) when the organization waits to investigate an important matter, was met by the explanation that while APEGGA can launch an investigation, no comment can be made on any on-going investigation so the public would still not know that it was being done.
- Concern about another incident arising was expressed: the position that APEGGA would be in, if at that point, action had still not been initiated. It is not the concern of Occupational Health and Safety whether the person was a licensed engineer or not because they are not regulating the practice of engineering - but APEGGA is.
- It was pointed out that to date there has been no complaint against APEGGA in the civil suits. If APEGGA were to become involved now, there could be perceived liability and the organization could become a co-defendant in litigation and ultimately have to participate in that settlement. While APEGGA's mandate of protecting the public interest is still of paramount importance, the timing in this situation is of great concern. The situation should be monitored closely, and as soon as something can be resolved, APEGGA can then act accordingly after that.
- If the concern is public perception of APEGGA's action or inaction, we should examine how Press Releases regarding these situations should be handled.

It was suggested that a Task Force be struck to look into what conditions and criteria might prompt Council to request that the Registrar ask the Investigative Committee to look into a matter.

Moved by Leah Lawrence and seconded by Karen Henry

That Council strike a Task Force to look at the conditions when, in serving APEGGA's duty to the public, Council might undertake to launch a complaint with the Investigative Committee.

Defeated

Some members of Council expressed the desire for a more transparent process, and to have a better understanding of the current investigative process; others were looking for direction on when, or if, Council should direct the Registrar on any matter to file a complaint, and there were those who did not see it as the job of Council to decide when a complaint should be launched. Since the original discussion came from the Public Issues Committee, it was suggested that the matter be referred back to them.

ACTION ITEM

Questions referred to the Public Issues Committee:

1. When and if Council should launch a Registrar's complaint
2. Policy on proactive management of public announcements of APEGGA's actions with respect to matters of engineering and geoscience practice or malpractice
3. Legal implications of various actions for report to December Council meeting

3a. ENGINEERS CANADA REPORT (formerly Item 7)

Engineers Canada Director, Jim Beckett, recapped the written report.

4. EXECUTIVE COMMITTEE REPORT

4.1 June 15, 2011 Executive Committee Meeting

Interim Chief Executive Officer, Al Schuld, gave a verbal report from the Executive Committee Meeting which included the following highlights:

- There was discussion regarding the CEO succession
- Regarding the APEGGA/ASET Joint Registration Board, 19 candidates have met all the requirements to become professional technologists but who have yet to pass an ASET Professional Practice examination (results will be available early to mid-July), and those who pass will be announced as Professional Technologists
- A response has been received regarding a letter written to the three Provincial Governments with respect to procurement policies under the New West Partnership Trade Agreement.
- There was discussion on the Registrar's complaint regarding the Penhorwood condominium project in Fort McMurray and a referral to the Practice Review Board of some of the issues related to that industry.
- A review of the Council Agenda resulted in some items being lifted from the Consent Agenda for discussion
- Discussion on the Social media initiative
- Development of improved discussion with our Engineers Canada Directors to give better clarity of Council's expectations of them in their work with Engineers Canada
- Discussion on the contents of the Governance Manual

MOVED BY GARY CAMPBELL AND SECONDED BY HEIDI YANG **11-31**
That Executive Committee create a CEO hiring working group including approval of the Terms of Reference.
CARRIED with Allin Folinsbee and John Hogg opposed

5. COUNCIL COMMITTEE REPORTS

5.1 Council Committee Assignments

President, Jim Smith, outlined the Council Committee assignments.

MOVED BY LEAH LAWRENCE AND SECONDED BY SUZANNE KRESTA **11-32**
THAT Council approves the appointment, for a one-year term of the Chair and Members of:

- *The Audit Committee*
- *The Compensation Committee*
- *The Finance Committee*
- *The Geoscience Committee*
- *The Governance Committee*
- *The Pension Committee*
- *The Public Issues Committee, and*
- *The Strategic Planning Committee*

As listed in the attached roster (5.1.1)
CARRIED

5.2 Finance Committee

The Chair of the Finance Committee, Karen Henry, gave a review of the report.

5.3 Governance Committee

The Chair of the Governance Committee, Kim Farwell, summarized the submitted report. Members of Council were asked to sign a sheet indicating support of the Governance Manual. Councillors were asked to email Kim with any concerns regarding content of the Governance Manual

5.4 Enforcement Review Committee

The Director Compliance, Michael Neth, gave the details of this report.

MOVED BY COLIN YEO AND SECONDED BY KEN PORTEOUS **11-33**
THAT Council approves the newly revised terms of reference for the Enforcement Review Committee.
CARRIED

MOVED BY KIM FARWELL AND SECONDED BY SUZANNE KRESTA **11-34**
THAT Council delegates to the Enforcement Review Committee matters respecting the enforcement of compliance with Part 1 of the EGGP Act and related sections of the Regulation, subject to its approved terms of reference and other directions which may be given by Council from time to time.
CARRIED

It was noted that the book, Policies & Procedures of the Enforcement Review Committee, should be updated to reflect new policies that have been brought in, and should be re-validated by Council at some point.

ACTION: The Governance Manual should include the Enforcement Review Committee with other statutory committees that require approval by Council.

5.5 Practice Standards Committee

Director Professional Practice, Ray Chopiuk, gave a summary of this report.

MOVED BY KEN PORTEOUS AND SECONDED BY GARY CAMPBELL **11-35**
THAT Council approve the Practice Standard for Authenticating Professional Documents v3.0 for publication subject to editorial changes.
CARRIED

It was pointed out that the underlying issues concerning the internal stamping of documents, and the definition of what a “final” document really is still remain.

The suggestion was made that when publishing the document online, a codicil be added regarding the fact that Council is reviewing the possibility of discontinuing the need for the stamping of internal documents – so that members will know their concerns have been heard and are being considered.

5.6 Strategic Planning Committee

The Chair of the Strategic Planning Committee, Jim Smith, summarized this report.

MOVED BY KAREN HENRY AND SECONDED BY HEIDI YANG **11-36**
THAT Council approve the Strategic Plan 2012-2021 pending potential revision in September after the financial impact on the 2012 budget is known.
CARRIED

- A request was made to remove the numbers from the non-compliant Geoscientists mentioned in the Keep in View section.
- It was noted that the Strategic Plan contains both the name APEGGA and APEGA
- The suggestion was made to separate listings for women and aboriginals.
- The challenge is not enrolment of women in universities - it is retaining them in the workforce. People also need to be educated as to what is possible for career paths for women.
- There was discussion about the percentages of women in the professions and updating information to make the Strategic Plan more accurate.

MOVED BY CHRIS KETCHUM AND SECONDED BY COLIN YEO **11-37**
THAT Council reconsider the recommendations of 2008 by PRB and PSC to change the Act to enable firms to stamp only documents that leave their firms, by asking staff to prepare a report for the September 2011 Council meeting including the two earlier reports.
CARRIED

- A suggestion was made to post a sidebar with the guideline to the effect that “on the issue of internal vs. external documents, Council is taking that issue under review”
- Responses could be sent to those who have given us feedback to advise them of the situation as well
- It was suggested that the “Forward” of the guide be changed to reflect the fact that the guide reflects only the current situation with obligations under the current legislation

6. CHIEF EXECUTIVE OFFICER’S REPORTS

6.1* 2011 Business Plan Priorities Update

Chief Operating Officer, Len Shrimpton, gave highlights of this report.

It was suggested that it be shown on the update which items have been closed off and complete as progress is made through the year to put metrics on the issues and measure what has been achieved to date.

6.2 Social Media Report

Director Communications, Philip Mulder, summarized this report.

In response to the question of how PDA friendly APEGGA’s website is to those who use tablets, smart phones, etc., the Manager Editorial Services replied that the process of reviewing the website for total functionality is underway, and mobile friendliness is one of the issues being looked at. A report will be coming to the September Council meeting.

7. REPORT FROM ENGINEERS CANADA (moved to item 3a)

7.2* Canadian Framework for Licensure: Al Schuld

Interim CEO, Al Schuld, gave an overview of the written elements of this report. The three elements of the framework put before Council included Continuing Professional Development, International Agreements, and Licencing of Corporations. Council was encouraged to review the guiding principles being suggested for each element.

Discussion:

- APEGGA needs to be prepared to make some changes in order to harmonize with the majority view of constituent associations
- Although not a forward looking document, given where the various constituent associations are at individually, the document was called “as good as it gets”
- There was comprehensive research done concerning other professions and ways to measure competency
- It is the underlying principles that constituent associations are being asked to come to agreement on; details to be fleshed out later
- It was noted that PEO and OIQ have approximately 60% of the registered professional engineers in the country, and have opted out of past international agreements. The impact of a national framework being developed is that it could cause those constituent associations not involved to rethink past decisions.
- When you look at the goal of harmonization, this is a stronger process than those attempted in the past, and the CEO group is now taking responsibility as well.
- Regarding Corporate Registration, constituent associations are all over the map, and some do nothing about corporate licensure
- The Labour mobility co-ordinating group in Canada now wants to take a look at corporate licensure for engineering and geoscience in each province and determine whether there are barriers to trade under the current system. There is the potential of forced uniformity of approaches from a legislative amendment point of view.
- APEGGA has a comprehensive approach to managing corporate licensure, and do things that are not yet contained in the guiding principles of the national framework.
- When it was suggested that Engineers Canada should talk to Geoscientists Canada about broadening the scope of licensure to include engineering and geoscience and develop one national strategy for both, the Interim CEO offered to carry the message to the CEO Group.
- There are discrepancies amongst the associations regarding impact and approach of international mutual recognition agreements
- The concern is that the CFL does not become a vehicle through which the associations evolve to the lowest common denominator but rather that there is opportunity for improvement, innovation, better approaches, etc.
- Regarding the Guiding Principles for International Agreements, it was suggested that if the Alberta Government were to buy in to these principles, they would want another bullet added after Item 4 that reads, “Mutual Recognition Agreements serve to facilitate the mobility of foreign trained people into Canada”. All agreements are meant to be two way streets.

- Council was asked, in regards to the question of priorities for other elements and what might be contained in the CFL, *what does APEGGA need out of this process to better inform the future direction that we might be going with legislative amendments* – as APEGGA has a pending legislative review coming up in the next year or so.
- There are a dozen definitions of best practices in engineering across Canada. Is there an opportunity here to create a more uniform definition of best practices in defining the practice of engineering?
- Concern was mentioned that the principles being discussed were more peripheral issues. In answer to the question of when key items, such as assessing elements for licensure, would be available for discussion the Interim CEO said that there would be more CFL elements to come.
- It was mentioned that finding areas of agreement between the constituent members can be challenging, and the benefit in these principles being discussed is for the relationships being built on an association level to create a stronger front for when more major discussions - such as definition of engineering – take place.
- Engineers Canada needs to convince the government that, in the same way the Federal Government has no jurisdiction over education, that the responsibility for regulation of the professions should rest provincially, and that if the Federal Government is going to cut agreements that basically prevent the provincial associations from doing their job then there are serious consequences.
- In answer to a question of the CFL process, according to the document that describes the process, this is the “consult mode” part of it. This is Council’s opportunity to let the Interim CEO know what principles are important to them so that the information can be brought to the CEO meeting. After that the CEO Group will present what they believe the guiding principles should be, having received information from the CA’s from the consultation round. The next round will be approval of those guiding principles.
- In answer to the question of how many elements in the CFL proposal are yet to come and if a list were available, the President replied that there are at least eight elements and APEGGA has requested from Engineers Canada a list of the elements, the timelines, and a description of the process going forward.
- It was clarified that more detail and specifics on each of the elements would be forthcoming as feedback is received from Constituent Associations and guidelines from CEAB and CEQB are incorporated

8. REPORT FROM GEOSCIENTISTS CANADA

Geoscientists Canada Director, John Hogg, gave an overview of his report.

There was discussion regarding incidental practice regarding various elements that could be incorporated.

9. BRANCH CHAIRS’ REPORT

Craig Maunder of the Medicine Hat Branch, provided highlights of the June 15, 2011 Branch Chairs’ Meeting that included:

- Webcast – looking for more efficient ways for those in rural areas to join meetings, etc. in order to incorporate more Branch members. Over the next year Cisco WebEx will be used in a trial run to determine if it works for the individual branches
- Videoconferencing – looking to incorporate rural branches with professional development sessions planned for Calgary and Edmonton. Some branches have tried this already and been relatively successful.
- Helping Council with Strategic Priorities – focussed on outreach in the communities beginning with identification of universities and colleges where branches can participate. Also looking at ways the Branches can assist with objectives for increasing numbers of aboriginals and women in the professions.

10. COMPLETION OF SELF-ASSESSMENT FORM

Everyone was asked to fill out the Self-Assessment forms, and hand them in to Past President, Kim Farwell.

11. NEXT MEETING

The next meeting of Council will be Thursday, September 15 in Calgary.

12. STRATEGY SESSION

There was discussion regarding the Strategic Retreat and Strategic Planning Process.

13. ADJOURNMENT

MOVED BY SUZANNE KRESTA AND SECONDED BY COLIN YEO
That the meeting be adjourned at 2:07 p.m.
CARRIED

11-38

Signed by President, Jim Smith, P.Eng., FEC



Signed by Interim Chief Executive Officer, Al Schuld, P.Eng., MBA, FEC

