



Minutes

LEGISLATION COMMITTEE MEETING

Friday, January 12, 2018 - 10:00 a.m.
PEO Offices - Room 1B

Members:

Christian Bellini, P. Eng. (Chair)
George Comrie, P. Eng.
Lola Hidalgo, P. Eng.
Gary Houghton, P. Eng. *[via teleconference]*

Staff:

Jordan Max, Policy Manager
Andrew Tapp, Policy Analyst
Johnny Zuccon, P. Eng., Deputy Registrar, Tribunals and Regulatory Affairs

Regrets:

David Brown, P. Eng. (President-Elect, Ex-Officio Member)
Bob Dony, P. Eng. (President, Ex-Officio Member)
Qadira Jackson Kouakou (Vice-Chair)

1. PROCEDURAL

1.1 Opening Remarks

The Chair called the meeting to order at 10:03 a.m., and welcomed and thanked everyone for attending.

1.2 Approval of Agenda

The members were asked if there were any additions or changes to the agenda. No additions or changes were provided.

A motion was made to approve the agenda as written.

Moved by: L. Hidalgo

Seconded by: G. Comrie

CARRIED

1.3 Approval of Minutes of December 8, 2017 Meeting

The members were asked if there were any additions or changes to the Minutes. G. Comrie noted that the Minutes had mistakenly identified him as an “Ex-Officio Member”. J. Max advised that the Minutes had been corrected.

A motion was made to approve the Minutes of the December 8, 2017 meeting as amended.

Moved by: G. Comrie

Seconded by: L. Hidalgo

CARRIED

1.4 Action Items Update from December 8, 2017 Meeting

The members were referred to the Actions Items Update document included in the agenda package.

J. Max briefly reviewed the action items presented, as follows:

Council Term Limits - Draft Regulation

Send the draft 6-TP version of the Council Term Limits Regulation changes to the Ministry of the Attorney General to finalize for PEO Council’s approval. [Completed]

Staff reported this item to the Legislation Committee as completed.

Regulation - Fees

Work with the Ministry of the Attorney General to produce a final version of the fees Regulation. [Completed]

Staff reported this item to the Legislation Committee as completed.

Forward the policy issue on fee remission to the Licensing Committee. [Completed]

Staff reported this item to the Legislation Committee as completed. G. Comrie noted that there had been no response, and J. Max agreed to continue to seek input from the Licensing Committee.

PRIA - Fees

Send the Fees PRIA to the Ministry of the Attorney General to accompany the Regulation when it is reviewed by Cabinet. [Completed]

Staff reported this item to the Legislation Committee as completed.

By-Law - Fee Remission

Send the draft By-Law to Richard Steineke for review, and have the new draft ready for the January 12, 2018. [Completed]

Staff reported this item to the Legislation Committee as completed.

By-Law - Council Secretary (follow-up from November 2017 Council meeting)

Seek advice from Richard Steinecke on the proper wording of a motion to meet Section 8(2) requirements in the Act for the forthcoming fees By-Law, and that the motion wording be standardized in the By-Law protocol. [Completed]

Staff reported this item to the Legislation Committee as completed.

2. FOR DECISION

2.1 Fees to By-Law Changes

(a) Draft Fees By-Law

J. Max took the Committee through Richard Steinecke's comments on the draft By-Law (version 13) to address concerns about whether amending sections 39(1) through (6) could be subject to a by-law confirmation vote. Mr. Steinecke had provided three options for addressing this:

1. Remove from the By-Law the provision that members must vote on fee changes. This would be a policy change, and one that has not been endorsed by Council. This is PEO's *least* preferred option.
2. Rely on the likely, but not absolutely certain arguments that Section 59 does not apply to these amendments as there is no substantive change to the annual fees, and as Section 8(3) of the Act overrides the now inconsistent wording of Section 59.

3. Insert a provision at the end of these amendments to Section 39 that reads as follows: “No Change to Annual Fees for Licence Holders.”

After deliberating on the issue, the Committee decided on option 2 above and recommend that Council approve the By-Law changes without the need for a confirmation vote. The Committee agreed that it would present the By-Law, noting it as implementing Council’s intent from 2010, and that there were no substantive changes to fee amounts or other payment requirements in the By-Law. J. Max also noted other wording and grammar changes suggested by Mr. Steinecke.

Action: Staff to make the noted changes to the Fees By-Law amendments, and circulate them to the Committee members for review prior to presenting them to Council for approval in February 2018.

- (b) Draft Fees Briefing Note

J. Max reviewed the Briefing Note. G. Comrie noted that Appendix C was not listed. The Briefing Note was amended to add “Appendix C - Extract of *Open for Business Act* Proposals (C461-3.1 Appendix B)” to the list.

Action: Staff to make the noted changes to the Fees Briefing Note, and present it to Council in February 2018, along with the suggested By-Law amendments.

2.2 Council Term Limits

- (a) Council Term Limits Regulation

J. Max reviewed the current draft of the Council Term Limits Regulation, noting that the Regulation now contained the Committee’s requested changes and responses from the previous meeting.

During this presentation, J. Max advised that the Ministry of the Attorney General’s staff, to meet PEO’s desire to have separate regulations, wanted to have PEO Council pass unsealed Regulation changes “in principle” and then authorize the Registrar and President to sign the Regulations once they had been drafted. The Committee decided to instruct the Ministry of the Attorney General to send the sealed versions of the Regulation separately.

Action: Staff to send the final version of the Council Term Limits draft Regulation to the Committee members for review before sending it to Council for approval in February 2018.

Staff to request the Ministry of the Attorney General to send PEO the sealed versions of the Regulations separately.

(b) Council Term Limits Briefing Note

J. Max reviewed the most recent version of the Council Term Limits Briefing Note, highlighting the addition of new sections in the revised Briefing Note template that tied this Regulation change to PEO's Strategic Plan, and identified any financial impacts. J. Zuccon pointed out that the financial impact section of the Briefing Note should try to capture any additional operating or capital costs associated with the implementation. This section was changed to read: "No additional either operating nor capital costs for passing this Regulation."

The Briefing Note was also changed to remove any references to "in principle" approval.

Action: Staff to make the noted changes to the Council Term Limits Briefing Note, and present it to Council in February 2018, along with the suggested Regulation amendments.

2.3 Fees Removal and Minor Housekeeping

(a) Fees Removal and Minor Housekeeping Regulation

J. Max reviewed the latest draft of the Regulation changes, noting that the Ministry of the Attorney General wanted PEO to clarify the meaning of the phrase "professional engineer relationship" in Section 72(1) of the Regulation, to be able to translate it into French. This had been forwarded to the Regulatory Compliance Department to provide a response, which was sent to the Ministry. There were no other changes to the draft Fees Removal Regulation. The Committee expressed its desire to see the sealed Regulation before it was sent to Council.

Action: Staff to send the final version of the draft Fees Removal Regulation to the Committee members for review before sending to Council for approval in February 2018.

(b) Fees Removal and Minor Housekeeping Briefing Note

As with the Council Term Limits Briefing Note, the Fees Removal Briefing Note motion was changed to remove any references to “in principle” approval.

Action: Staff to make the noted changes to the Fees Removal Briefing Note, and present it to Council in February 2018, along with the suggested Regulation amendments.

2.4 French Language Version of Regulation 941

J. Max reported that the Ministry of the Attorney General wants PEO Council to approve a complementary French version of Regulation 941, incorporating PEO’s two Regulation amendment packages. The Committee discussed the best approach to the issue the French version of the Regulation and it was reiterated that, at this juncture, the Committee desired the French version of the Regulation to be approved separately from the English one.

Action: Staff to direct the Ministry of the Attorney General to send PEO the French version of Regulation 941 separately, and after Council considers the two proposed Regulation amendment packages.

3. FOR DISCUSSION

3.1 By-Law Amendment Protocol

J. Max reported that the Legislation Committee was looking to now proceed to finalize for Council approval a protocol for developing future By-Law changes. This was a work-in-progress initiated in June 2016, but held in abeyance until the Committee had the opportunity to finish the fee change project, which was useful to help identify what steps and who does what in any By-Law change proposal that may go to Council in the near future. The Committee discussed the revised protocol document and accompanying flow chart, and determined that:

- The Legislation Committee is to examine any By-Law change proposals before they go to Council, but to confine its analysis to determining the legislative authority of the proposed change, and not the advisability of the change itself.

- It is up to Council to decide what By-Law changes require member confirmation.
- When drafting the Council Briefing Note for any By-Law changes, the Legislation Committee needs to include a section on the operational impacts and activities required to implement the By-Law change.

The Committee decided that it would bring the By-Law Amendment Protocol to Council, but that it would take time to review the protocol and update it based on the Committee's recent experiences with By-Law changes. The Committee agreed to further discuss the protocol in February 2018, with the view to presenting it to Council in March 2018.

Action: Staff to bring the revised By-Law Protocol back to the Legislation Committee at its next meeting.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:32 p.m.

The next meeting is scheduled for Friday, February 9, 2018 from 10:00 a.m. to 1:00 p.m.