



Minutes

REVISED

The 507th MEETING of the COUNCIL of PROFESSIONAL ENGINEERS ONTARIO (PEO) was held at PEO Offices, 40 Sheppard Avenue West, Toronto, Ontario on Friday, June 24, 2016 at 9:00 a.m.

Present: G. Comrie, P.Eng., President and Chair
T. Chong, P.Eng., Past President
D. Brown, P.Eng., Vice-President (Appointed)
I. Bhatia, P.Eng.
G. Boone, P.Eng.
D. Chui, P.Eng.
R. A. Fraser, P.Eng., via teleconference [minutes 11659-11644, 11677- 11684 only]
S. K. Gupta, P.Eng.
R. Hilton, P.Eng.
G. Houghton, P.Eng.
R. Jones, P.Eng.
T. Kirkby, P.Eng.
B. Kossta
E. Kuczera, P.Eng., via teleconference
D. Preley, P.Eng.
C. Sadr, P.Eng.
M. Spink, P.Eng.
N. Takessian, P.Eng.
W. Turnbull, P.Eng.
M. Wesa, P.Eng.

Regrets: C. Bellini, P.Eng.
B.Dony, P.Eng., President-elect
P. J. Quinn, P.Eng., Vice President (Elected)
M. Long-Irwin
R.K. Shreewastav, P.Eng.

Staff: G. McDonald, P.Eng., Registrar
S.W. Clark, LL.B.
C. Mucklestone
L. Latham, P.Eng.
C. Mehta
M. Price, P.Eng.
Z. Sarmiento
J. Zuccon, P.Eng. [minutes 11659 to 11681 only]
R. Martin
D. Power

Guests: A. Bergeron, PEO Director, Engineers Canada [minutes 11659 -11684, except minute 11679]
H. Brown, Brown & Cohen [minutes 11659 -11684, except minute 11679]
M. Monette, President and Chair, OSPE [minutes 11659 – 11678]
S. Perruzza, CEO, OSPE [minutes 11659 – 11678]
B. Steinberg, CEO, Consulting Engineers Canada

On Thursday evening, Council held a plenary session to discuss the Repeal Project Update and the Member Satisfaction Survey.

Council convened at 9:00 a.m. Friday, June 23, 2016.

CALL TO ORDER

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

**11659
APPROVAL OF AGENDA**

Moved by Councillor Sadr, seconded by Councillor Takessian:

That:

- a. the agenda, as presented to the meeting at C-507-1.1, Appendix A be approved, and**
- b. the Chair be authorized to suspend the regular order of business.**

CARRIED

**11660
PRESIDENT/REGISTRAR'S REPORT**

President Comrie provided an update on his most recent activities.

Registrar McDonald advised that his most recent Registrar's Update had been sent to Council.

**11661
2017 BUDGET ASSUMPTIONS**

As per Council approved business planning cycle, Council is required to approve the budget assumptions for the next financial year in June.

The Finance Committee met on May 27, 2016 and recommended that the budget assumptions, as set out in Appendix A, be approved by Council.

Moved by Councillor Jones, seconded by Past President Chong:

That the 2017 Budget Assumptions, as presented in C-507-2.1, Appendix A and as recommended by the Finance Committee, be approved.

That the Registrar be directed to initiate the budgeting process, per PEO's Budgeting Cycle, and provide the 2017 operating budget and capital budget at the September 2016 Council meeting based on the approved assumptions.

CARRIED

Moved by Councillor Wesa, seconded by Councillor Sadr:

That Council authorizes staff to determine the additional costs of extending the stay in Thunder Bay for the 2017 Annual General Meeting for Saturday night.

CARRIED

**11662
LICENSING COMMITTEE – PRACTICE OF
PROFESSIONAL ENGINEERING**

At its February 2016 Meeting, PEO Council passed a motion to delete *define the criteria for “practising” and “non-practising” classes of licence* from the Terms of Reference of the Continuing Professional Competence Program (CP)² Task Force and refer it to the Licensing Committee (LIC) with a Report back to Council, date to align with the deadline of the (CP)² Task Force.

PEO Staff conducted an environmental scan of the definition of the practice of professional engineering of all provincial engineering regulators in Canada and of the definition of the practice of the profession for health and non-health regulators in Ontario. The scan indicated that professions define practicing consistent with the definitions of the practice in the professions’ foundational statute.

The LIC reviewed the environmental scan and determined that the practice of professional engineering should be defined as per the Ontario Professional Engineers Act and that members should complete a declaration if they want to declare themselves as non-practicing for the purposes of PEO’s proposed Continuing Professional Development Program.

The Task Force also reviewed PEO By-Law No. 1 Section 39 regarding fee remissions and determined that the remission of all or any part of the annual fee is subject to Section 39 of By-Law No.1 and that the current policy and procedures previously approved by Council to interpret fee remission eligibility should continue to apply. President Comrie stated that fee remission is an issue that relates to practicing vs. non-practicing adding that this is completely separate from CPD.

It was proposed that Council approves the non-practising Declaration Form and affirms the criteria for fee remission.

Moved by Councillor Sadr, seconded by Councillor Gupta:

That Council approves the Non-Practicing Declaration Form for Members and affirms the criteria for fee remission.

CARRIED
Recorded Vote

<u>For</u>	<u>Against</u>
G. Boone	I. Bhatia
D. Brown	T. Chong
D. Chui	R. Fraser
S. Gupta	R. Hilton
G. Houghton	B. Kossta
R. Jones	E. Kuczera
T. Kirkby	D. Preley
C. Sadr	N. Takesian
M. Spink	M. Wesa
W. Turnbull	

CARRIED

**11663
DISCIPLINE COMMITTEE PANEL
COMPOSITION – MEMBERS OF COUNCIL**

In the current version of Section 27.1(5) of the Act, Discipline hearing panels are to be selected from at least one each of:

- an elected member of Council;
- a member who is a Lieutenant Governor’s appointee to Council or is appointed by the Attorney General (and not a Councillor);
- a non-member who is a Lieutenant Governor’s appointee to Council or is appointed by the Attorney General (and not a Councillor);
- a member who has at least 10 years’ experience in the practice of professional engineering.

On September 23, 2011, Council approved the recommendations in the final report of the Complaints and Discipline Task Force (with the exception of Recommendation 24), including a recommendation to modify the *Professional Engineers Act* to eliminate the requirement for Discipline panels to be partially composed of Council members, or changing the Act so that former Council members can fulfill this role. The rationale for the change provided in that report was “...The present requirement for members of Council to be panel members places an unreasonable burden on some councillors and may make it difficult to appoint panels in a timely manner.”

This recommendation (Recommendation 14) has yet to be implemented. The recommendation also does not specify if removing or changing the Act’s requirement that Discipline panels be partially composed of Council members should affect the Act’s requirement that the Discipline Committee be partially composed of Council members. The rationale provided focused on panel composition rather than membership on the Discipline Committee per se.

The Legislation Committee requires clarification of these issues to be able to continue its work to fully prepare the item for Council’s roster of future Act changes.

It is therefore recommended that:

- Council clarify its previous motion to amend the Act by deciding whether elected members be exempted from the requirement to sit on Discipline Committee hearing panels (i.e. Discipline panel) while still being members of the Discipline Committee.
- And that Council clarifies its intent is not to pursue the alternative proposal in Recommendation 14 to permit former members of Council to fill the role of a Councillor on a Discipline panel, but to simply remove completely the need for a Councillor, current or former, to sit on a Discipline panel.

[Secretariat Note: Rescinding of the following motion required a two-thirds majority of votes cast to carry.]

Moved by Councillor Fraser, seconded by Councillor Kossta:

That Council amends its Recommendation 14 of the Final Report of the Complaints and Discipline Task Force, adopted by Council on September 23, 2011, to read as follows:

14. That the Professional Engineers Act be amended to eliminate the requirement for elected members of Council to sit on Discipline Committee hearing panels.

CARRIED

**11664
NEW GUIDELINE – STRUCTURAL
ENGINEERING DESIGN SERVICES FOR
BUILDINGS**

The Professional Standards Committee was instructed by Council at its meeting on April 16, 2010 to proceed with the development of the Structural Engineering Design Services for Buildings guideline. The purpose of the guideline is to provide engineers who are performing structural engineering design services in buildings with the best practices conducting their work, with special emphasis on their duties to their employers, clients and the public.

Moved by Councillor Jones, seconded by Vice-President Brown:

That Council:

- 1. Approve the practice guideline for Structural Engineering Design Services for Buildings as presented to the meeting at C-507-2.3, Appendix A;**
- 2. Direct the Registrar to publish the guideline and notify members and the public of its publication through usual PEO communications; and**

3. **Stand down the PSC subcommittee which prepared the Guideline for Structural Engineering Design Services for Buildings.**

Vice-President Brown indicated that he had several questions about the guideline that he wished to clarify with staff relating to the use of the term "Building Code" rather than "Ontario Building Code" and the terminology of "primary structural engineer."

Moved by Councillor Bhatia, seconded by Councillor Boone:

That Council defer discussion and the vote of the new guideline for structural engineering design services for buildings until after the lunch recess.

CARRIED

Following consultation with PEO staff, Vice-President Brown was advised that staff at the Ministry of Municipal Affairs and Housing (MMAH), the ministry responsible for the Building Code, requested the change from "Ontario Building Code" to "Building Code" in the text. The purpose of the guideline was to resolve long standing issues regarding the division of work and responsibilities between consulting engineers who design the primary structure of the building and engineers employed by constructors and fabricators. The terminology of "primary structural engineer" was used since "primary structure" is a common term used by organizations such as APEGBC and the Council of American Structural Engineers.

Council then voted on the main motion.

That Council:

1. **Approve the practice guideline for Structural Engineering Design Services for Buildings as presented to the meeting at C-507-2.3, Appendix A;**
2. **Direct the Registrar to publish the guideline and notify members and the public of its publication through usual PEO communications; and**
3. **Stand down the PSC subcommittee which prepared the Guideline for Structural Engineering Design Services for Buildings.**

CARRIED

**11665
TASK FORCE TO REVIEW PEO COUNCIL**

A task force is recommended to determine an optimal Council size and composition.

COMPOSITION

Moved by Councillor Jones, seconded by Vice-President Brown:

That Council:

- 1. Approve the striking of a Council Composition Task Force to examine Council size and composition.**
- 2. That Council direct the Registrar to develop a draft terms of reference and proposed list of members for a task force to examine this issue for approval by Council at its September 2016 meeting.**

CARRIED
Recorded Vote

<u>For</u>	<u>Against</u>
G. Boone	I. Bhatia
D. Brown	S. Gupta
T. Chong	R. Hilton
D. Chui	N. Takessian
G. Houghton	
R. Jones	
T. Kirkby	
B. Kossta	
E. Kuczera	
D. Preley	
C. Sadr	
M. Spink	
W. Turnbull	
M. Wesa	

**11666
ELECTION MATTERS – ISSUES REPORT,
PROCEDURES AND APPOINTMENT OF
REGIONAL ELECTION AND SEARCH
COMMITTEES**

Annette Bergeron, Chair of the Central Election and Search Committee (CESC) provided a report which included recommendations for future elections. Changes in the Voting and Election procedures reflect the recommendations made in the CESC Issues Report. A. Bergeron advised that during her term as CESC Chair, the Regional Election and Search Committee Chairs were invited to the CESC meetings which proved to be very helpful. The committee also met on a more frequent basis. She noted that there were no women candidates in the recent election and that actively approaching female license holders should be implemented as a nominating procedure going forward.

A request was made to provide Council with viewership statistics of the candidate webcast.

It was suggested that the Central Elections and Search Committee (CESC) look at standardizing candidate stats/data to include, for example, such information as practicing or non-practicing, member of OSPE, Chapter Leadership Development, Council meeting attendance if on Council, etc. A. Bergeron advised that the next Central Elections and Search

Committee could take this under advisement.

Moved by Past President Chong, seconded by Councillor Takessian:

That Council, with respect to the 2017 Council election:

- a) approve the recommendations contained in the 2016 Central Election and Search Committee Issues Report as presented to the meeting at C-507-2.6, Appendix A;
- b) approve the 2017 Voting Procedures, as presented to the meeting at C-507-2.6, Appendix B;
- c) approve the 2017 Election Publicity Procedures, as presented to the meeting at C-507-2.6, Appendix C;
- d) approve the 2017 Nomination Petition Form as presented to the meeting at C-507-2.6, Appendix D;
- e) approve the 2017 Nomination Acceptance Forms for President-Elect, Vice-President, Councillor-at-Large and Regional Councillor as presented to the meeting at C-507-2.6, Appendix E;
- f) appoint the Regional Election and Search Committees (RESC) for each Region;
- g) appoint the Junior Regional Councillor in each Region (Michael Wesa, P. Eng., Guy Boone, P.Eng., Noubar Takessian, P.Eng., Gary O. Houghton, P.Eng., Danny Chui, P.Eng.) as Chair of the RESC for their Region.

CARRIED

**11667
COUNCIL TERM LIMITS TASK FORCE –
REQUEST FOR ADDITIONAL FUNDS**

Since Councillor Wesa is a sitting member of the Council Term Limits Task Force he declared a conflict of interest.

The CTLTF has held four meetings, two face to face and two by teleconference, with the following results:

1. Establishing a detailed work plan, and assigning specific responsibilities to Task Force members during its research phase,
2. Reviewing and analyzing material received from staff and TF members regarding PEO Council historical data and the practices at other regulators,
3. Participating in sessions on term limits and succession planning at PEO AGM Volunteer Leadership Conference,
4. Discussing current and best practices for term limits and succession planning with two governance experts, and reviewing their written submissions,
5. Receiving input from PEO Policy Manager Jordan Max on the administrative requirements for implementation of term limits and succession planning, and
6. After its meeting of May 13, 2016, the Task Force had spent \$5769 of its \$7500 budget.

At its meeting of May 13, 2016, the Task Force was told that implementation of term limits will require a change to Regulations, and, in accordance with new government requirements, a Preliminary Regulatory Impact Assessment must be prepared before the ministry will allow regulation changes to proceed to cabinet for approval. This process is exhaustive and requires a detailed analysis of the rationale for any changes associated with term limits. The task force concluded that it must make recommendations to support this assessment, which is an extra step in fulfilling its mandate. Jordan Max has offered to facilitate this process and has recommended that the additional meeting to develop the required rationale should be a face to face meeting at PEO.

Since the Task Force has members from all PEO's regions, face to face meetings cost a minimum of \$2000 for travel and accommodation based on financially prudent travel arrangements. Given that it has another seven meetings scheduled, at least two of which will be face to face, the Task Force requires an increase of \$7500 in its budget to complete its mandate.

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

That Council approve an increase in the budget for the Council Term Limits Task Force from \$7,500 to \$15,000.

CARRIED

M. Wesa abstained

**11668
CONSENT AGENDA**

Moved by Councillor Turnbull, seconded by Councillor Jones:

That the Consent Agenda be approved.

CARRIED

Included on the consent agenda:

- 3.1 Minutes – 243rd EXE Committee meeting – January 19, 2016
- 3.2 Minutes – 505th Council meeting – March 11, 2016
- 3.3 Minutes – 506th Council meeting – April 30, 2016
- 3.4 Approval of CEDC Applications
- 3.5 Changes to Committees/Task Forces Roster
- 3.6 Finance Committee Revised Terms of Reference
- 3.7 Investment Sub Committee Revised Terms of Reference

[Note: minutes 11669 to 11675 reflect the motions provided in the briefing notes presented to the meeting.]

**11669
MINUTES – 243RD EXECUTIVE COMMITTEE
MEETING – JANUARY 19, 2016**

That the minutes of the open session of the 243rd meeting of the Executive Committee, held on January 19, 2016 as presented to the meeting at C-507-3.1, Appendix A be ratified.

CARRIED

**11670
MINUTES – 505th COUNCIL MEETING –
MARCH 11, 2016**

That the minutes of the open session of the 505th meeting of Council, held on March 11, 2016 as presented to the meeting at C-507-3.2, Appendix A accurately reflect the business transacted at that meeting.

CARRIED

**11671
MINUTES – 506th COUNCIL MEETING –
APRIL 30, 2016**

That the minutes of the open session of the 506th meeting of Council, held on April 30, 2016 as presented to the meeting at C-507-3.3, Appendix A accurately reflect the business transacted at that meeting.

CARRIED

**11672
APPROVAL OF CEDC APPLICATIONS**

1. That Council approve the exemption from examinations and the applications for designation as Consulting Engineer as presented to the meeting at C-507-3.4, Appendix A, Section 1.

2. That Council approve the applications for re-designation as Consulting Engineer as presented to the meeting at C-507-3.4, 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-507-3.4, Appendix A, Section 3.

CARRIED

**11673
CHANGES TO COMMITTEES/TASK FORCES
ROSTER**

That Council approve changes to the 2016 PEO Committees and Task Forces Membership Roster as presented at C-507-3.5, Appendix A.

CARRIED

**11674
FINANCE COMMITTEE REVISED TERMS OF
REFERENCE**

That Council approve the revised Finance Committee Terms of Reference as presented to the meeting at C-507-3.6, Appendix A.

CARRIED

**11675
INVESTMENT SUB COMMITTEE REVISED
TERMS OF REFERENCE**

That Council approve the revised Investment Sub-committee Terms of Reference as presented to the meeting at C-507-3.7, Appendix A.

CARRIED

**11676
LEGISLATION COMMITTEE UPDATE**

Councillor Kuczera advised that at some point in the future a work plan for the committee will come forward to Council for approval.

**11677
ENGINEERS CANADA UPDATE**

A. Bergeron provided a summary of the Engineers Canada May Board meeting and annual meeting. She encouraged members to view the refreshed website at www.engineerscanada.ca as well as the new

EngScape tool and that feedback is welcome.

A. Bergeron was elected to the 2016-2017 Engineers Canada Executive Committee. She congratulated Vice-President Brown on his appointment to the Accreditation Board.

Six individuals have received the new certification of Infrastructure Resilience Professional (IRP). Certification requires the completion of four training workshops on topics related to engineering and climate change. Councillor Bhatia asked whether this certification posed any conflict with any of the provincial regulating bodies. Additionally, concern was expressed regarding lack of consultation with the provincial regulators on this matter. A. Bergeron replied that she would pass on this feedback.

**11678
REGIONAL CONGRESS UPDATE**

Councillor Sadr advised that a special teleconference meeting was held on May 19, 2016 to appoint Councillor Takessian, replacing N. Colucci, as the RCC representative of the Volunteer Leaders Conference Planning Committee. The other item of business was to appoint Councillor Turnbull as RCC representative on the Government Liaison Committee.

**11679
IN-CAMERA SESSION**

Upon returning from lunch adjournment Council moved in camera by consensus.

While in-camera, Council:

- a) received recommendations from the Awards Committee and made decisions regarding the 2016 Ontario Professional Engineers Nominees;
- b) ratified the in-camera minutes from the 243rd Executive Committee meeting – January 19, 2016;
- c) verified the in-camera minutes from the 505TH meeting of Council held March 11, 2016 as presented;
- d) verified the in-camera minutes from the 506TH meeting of Council held April 30, 2016 as presented;
- e) received and made decisions regarding the final report of the Repeal of the Industrial Exception Data Gathering and Analysis;
- f) approved the appointment of the Chief Elections Officer;
- g) received decisions and reasons of the Discipline Committee;
- h) received a legal update on legal actions in which PEO is involved;
- i) there were no issues reported regarding PEO's Anti-Workplace Violence and Harassment Policy.

**11680
APPOINTMENT OF CHIEF ELECTIONS
OFFICER**

The following in-camera resolution from the June 2016 Council meeting was moved into open session:

That Council approve the appointment of Allison Elliot as Chief Elections Officer.

**11681
(CP)² UPDATE**

Councillor Turnbull advised that it was agreed at the Council Retreat that the CPD requirements should be based on the risk to the public on how the practitioner practices engineering. The work plan included the development of a Beta website to be operational by June 2016. This will be slightly delayed. The results of the Beta test and any modifications required will be made available to Chapter Boards before going to the general membership for feedback. In January 2017 the website will be available for use by all members. The answering of the questionnaire will be mandatory and will provide some recommended CPD hours. Council provided feedback regarding the questionnaire at the June Council Retreat which was discussed during a special meeting of the (CP)² Task Force held recently, resulting in some changes to the questionnaire.

Councillor Chui requested that in future a written report be provided to Council.

**11682
STATISTICS - COMPLAINTS, DISCIPLINE,
LICENSING AND REGISTRATION**

In response to a query regarding outstanding discipline cases, Councillor Bhatia advised that this would be discussed at the June 27, 2016 Discipline Committee meeting.

**11683
EQUITY AND DIVERSITY COMMITTEE
UPDATE**

A written update was provided. There were no questions or comments.

**11684
COUNCILLOR ITEMS**

GLP Review

Past President Chong noted that Don Dixon, an external consultant, would be contacting all Councillors for their feedback on the Government Liaison Program. Registrar McDonald added that Mr. Dixon will use this feedback to prepare a report for Council with possible recommendations for the program.

Industrial Exception

Councillor Boone advised that he, along with Councillor Bhatia, met with MPP Jim McDonell, who is one of two professional engineers in the legislature, to discuss the latest Industrial Exception.

There being no further business, the meeting concluded.

These minutes consist of twelve pages and minutes 11659 to 11684 inclusive.

G. Comrie, P.Eng., CMC, Chair

G. McDonald, P.Eng., Registrar